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AFRICA

NORTH AFRICA

Libya

Libya: UN Establishes Fact Finding Body; A Step Toward Accountability (Human Rights Watch)
June 22, 2020

The United Nations Human Rights Council on June 22, 2020 took a positive step toward accountability by establishing a fact-finding body to investigate violations by all sides in Libya, Human Rights Watch said today.

The African Group at the Human Rights Council put forward a resolution during the council’s 43rd session asking Michelle Bachelet, the UN High Commissioner for Human Rights, to immediately dispatch a fact-finding mission to investigate violations of international human rights law and international humanitarian law by all parties to the Libya conflict since the beginning of 2016. The request also included preserving evidence with a view to ensuring that those responsible for abuses are held accountable. The resolution passed by consensus.

“The establishment of a fact finding mission into abuses in Libya is a wake-up call to warlords and armed groups that they could be held accountable for serious crimes committed by their rank and file,” said Eric Goldstein, acting Middle East and North Africa director at Human Rights Watch. “What’s important now is for countries at the Human Rights Council to ensure that this new body gets the necessary support and needed renewals after its initial one-year term to fulfill its mandate.”

Governance in Libya remains divided between the two entities engaged in an armed conflict since April 2019: the internationally recognized and Tripoli-based Government of National Accord (GNA) and the rival Interim Government based in eastern Libya and affiliated with the armed group known as the Libyan Arab Armed Forces (LAAF). The rival government has received military support from the United Arab Emirates, Jordan, Egypt, and Russia, and political support from France. It includes fighters from Sudan, Chad, Syria, and from a Kremlin-linked private military company. Turkey is the main military backer of the GNA, with fighters from Chad, Sudan, and Syria.

While armed confrontations in Tripoli, the Libyan capital, and surroundings ended on June 5, 2020 with the withdrawal of the LAAF and affiliates, the conflict remains ongoing in Sirte, 450 kilometers east of the capital, and other parts of the country. An arms embargo ordered by the UN Security Council in 2011 remains in force, but no parties have been sanctioned for violating it.

Human Rights Watch has documented violations of the laws of war by LAAF and its foreign affiliates that include disproportionate and indiscriminate artillery, air strikes and drone strikes that killed and wounded hundreds of civilians and destroyed civilian infrastructure. Affiliated forces have also used internationally banned cluster munitions and landmines and boobytraps in Tripoli’s southern suburbs.

Human Rights Watch also documented torture, summary executions, and desecration of fighters’ corpses by these fighters. There are recent reports of the discovery of at least eight mass graves in Tarhouna, a town southeast of Tripoli, and other locations in the Tripoli outskirts with an unknown number of bodies. The GNA has confirmed reports of the discovery of at least 106 bodies in the general hospital of Tarhouna, some of whom could be victims of a war crime. Tarhouna was under the control of Al-Kani militia, the LAAF’s main western ally, until their withdrawal on June 5.

Groups aligned with the GNA also fall short of their obligations under international humanitarian law to protect civilians. They are responsible for indiscriminate shelling and strikes, and often have failed to ensure that there are no civilians near targeted military facilities. Since the GNA takeover of Tarhouna as the LAAF and its affiliates withdrew in early June, there have been reports of looting and destruction of private property by GNA affiliated armed groups and ill treatment of detainees.

Human Rights Watch has documented the plight of several thousand detained migrants and asylum seekers held in inhumane conditions in detention facilities run by the GNA’s Interior Ministry and by smugglers and traffickers, where they are subjected to forced labor, beatings, and sexual assault.

Over the past years, Human Rights Watch has documented systematic and gross human rights and humanitarian law violations by armed groups on all sides, including torture and ill-treatment, rape and other acts of sexual violence, arbitrary arrests and detention, forced displacement, unlawful killings and enforced disappearances. Some of these crimes may amount to crimes against humanity.

Insufficient domestic and international efforts to ensure a measure of accountability for past and ongoing serious crimes in Libya have emboldened those engaged in the armed conflict to commit violations and abuses with impunity, Human Rights Watch said.

The UN Human Rights Council shut down an earlier Commission of Inquiry on Libya in 2012. The high commissioner for human rights at the time established another investigation on Libya in March 2015. That investigation concluded its work in January 2016.

The International Criminal Court (ICC), which has a mandate to investigate war crimes, crimes against humanity, and genocide in Libya since 2011, issued a warrant in 2017 and another one in 2018 for the arrest of Mahmoud El-Werfalli, an LAAF commander who remains at large. He should be immediately surrendered to the ICC. There have been no other public warrants for crimes committed after 2011. The newly established fact-finding mission should cooperate with the ICC on its ongoing investigations.

“The new investigation is a significant step toward addressing the total impunity for violations and abuses in Libya,” Goldstein said. “While it has a tall order to fill, it should strive to identify those responsible for violations, including external actors, preserve evidence where possible for future criminal proceedings, and publicly report on the human rights situation in Libya.”

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CENTRAL AFRICA

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Sudan & South Sudan

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

Trial of Alleged Sudan War Criminal Sends Strong Signal, Prosecutor says (Voice of America) By
Salem Solomon
June 19, 2020

After more than a decade on the run, alleged Sudanese war criminal Ali Kushayb sat in a courtroom in the Netherlands this week, accused of commanding Janjaweed fighters who raped, tortured and killed civilians in Darfur.

Fatou Bensouda, the chief prosecutor for the International Criminal Court (ICC), said Kushayb's surrender earlier this month in the Central African Republic and his transfer to face charges in the Hague are signals to war criminals around the world that they cannot hide forever.

"I believe that his transfer is a very clear and unequivocal message that no matter how long it takes, we will not stop, my office will not stop our work, until these alleged perpetrators of the Rome Statute crimes have been brought to justice," Bensouda told VOA via Skype.

Between 2003 and 2004, Kushayb, whose given name is Ali Muhammad Ali Abd-Al-Rahman, allegedly led thousands of Janjaweed militia members. These fighters conducted what has been called a campaign of ethnic cleansing against the people of the Darfur region. They burned villages, killed thousands and played a role in displacing more than a million people, often with the backing of aerial bombardment by Sudanese government forces.

"They were called the devils on horseback. He led those troops into destroying villages in close coordination with military bombers. This went on for many years," said Cameron Hudson, a senior fellow at the Atlantic Council's Africa Center. "And he is just one of the most notorious, grievous representations of that very, very sad period of time."

In 2007, the ICC indicted Kushayb on 22 counts of crimes against humanity and 28 war crimes. But for years, he received protection from former Sudanese President Omar al-Bashir. That ended last year when Bashir was ousted during a popular uprising. In February 2020, Sudan's transitional government announced it would cooperate with the ICC.

"They said no one was above the law," Bensouda said. "The news that impunity would no longer be tolerated was met, as you saw, with widespread support by the Sudanese people, and I believe that accountability for crimes committed in Darfur is now a widely supported proposition in Sudan, that justice and accountability for atrocity crimes is an essential element in building lasting stability."

Kushayb is the first person to see the inside of an ICC courtroom in connection to crimes committed in Darfur. It is unclear what will happen to Bashir, who is in custody in Khartoum and faces domestic charges relating to the killing of demonstrators

during the protests. The former Sudanese president is also wanted by the ICC for war crimes, crimes against humanity and genocide. He was the first head of state to face such charges.

"The pending arrest warrants, including for Mr. al-Bashir, remain in effect and they have yet to be executed," Bensouda said. "I have urged the national authorities to honor their commitments to deliver justice for the victims in Darfur and to do so, as I said earlier on, without delay."

'Cycle of violence'

Hudson said the arrest and trial of Kushayb and other alleged war criminals mark an important milestone for the ICC and could have real impacts in Sudan, even among those who are not on trial.

"I think it's a really important opportunity for the ICC to demonstrate not just its efficacy in trying Ali Kushayb, but also one of the things that it touts as a benefit of international justice, which is the healing effect and the deterrent effect of international justice," Hudson said.

"So the idea [is] that trying Kushayb and bringing to light his crimes and delivering justice for his crimes will both help the Darfuris heal and feel some sense of justice being served, but also act as a very powerful potential deterrent to those who hold office in Sudan now specifically in the military and in the rapid support forces, many of whom participated in some of the crimes of Darfur," he said.

As Sudan prepares for elections in 2022, some have feared that the ICC proceedings could reopen old wounds and have a destabilizing effect. Bensouda believes, when victims see justice in a court of law and perpetrators are held accountable, it decreases the likelihood for further violence.

"I believe that peace and justice in Sudan are not incompatible," she said. "The victims in Darfur have waited long enough for accountability and our objective is to play our role within our mandates and means to combat impunity in Sudan. Investigating and prosecuting these crimes can help to deter the commission of future crimes, and in doing so, it can help to break the cycle of violence."

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Democratic Republic of the Congo

Official Website of the International Criminal Court

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

Twenty civilians killed in attacks on northeastern Congo villages (Reuters)

June 22, 2020

At least 20 civilians were killed in attacks on two villages in northeastern Democratic Republic of Congo over the weekend, the army said on Monday, the latest in a surge of ethnic violence that has forced more than 200,000 people from their homes.

Fighters from the Allied Democratic Forces (ADF), who claim a loose affiliation with the Islamic State militant group, attacked the village of Vukaka in Ituri province on Sunday, according to the Congolese army (FARDC).

"Fleeing an FARDC strike force, they appeared in this isolated village and killed our people. Unfortunately 10 people were found dead," said the army's spokesman in Ituri, Jules Ngongo.

Ten people were also killed in an earlier attack on the village of Biangolo in neighbouring North Kivu on Saturday, said the army's spokesman in that province, Antony Mwalushayi. He did not give further details.

Late last year the army launched a large-scale operation to uproot a host of militias operating in the east of the country, sparking a violent backlash. The insecurity has complicated Congo's response to the COVID-19 pandemic and an Ebola epidemic that has killed more than 2,200 people since 2018.

UN condemns killing of Indonesian peacekeeper in DR Congo (UN News)

June 23, 2020

The attack by the so-called Allied Democratic Forces (ADF) in eastern DRC, took place on Monday, near the town of Beni, when a MONUSCO patrol came under fire. The injured peacekeeper is reportedly in a stable condition.

They 'risk their lives daily': Zerrougui The head of MONUSCO and UN Special Representative, Leila Zerrougui, condemned the suspected ADF attack in a series of tweets, noting that the soldier who succumbed to his injuries had been taking part in a project to build a bridge in the Hululu area.

She stressed the "sacrifice of male and female 'blue helmets' who risk their lives daily away from home, to protect civilians and restore stability to DRC."

The ADF originated in neighbouring Uganda in the 1990s, in opposition to long-term Ugandan President, Yoweri Museveni, moving its base of operations across the border into the DRC.

The group killed 15 UN troops at their base near the Ugandan border in December 2017, 14 from Tanzania, and seven in an ambush in December the following year.

Guterres affirms UN support The UN Secretary-General António Guterres expressed his deepest condolences to the family of the deceased peacekeeper, as well as to the Indonesian Government, and wished a swift recovery to the injured blue helmet.

The Secretary-General recalled that attacks against UN peacekeepers may constitute a war crime, calling on the Congolese authorities to investigate, and "swiftly bring those responsible to justice".

The UN chief affirmed that the UN would continue "to support the Congolese Government and people in their efforts to bring about peace and stability in the east of the country."

Security Council calls for swift investigation The members of the UN Security Council strongly condemned the attack, in a statement on Tuesday morning, expressing their deepest condolences to the family of the victim, the Indonesian authorities and the United Nations. They wished a speedy recovery to the injured.

Members condemn "in the strongest terms all attacks and provocations against MONUSCO. They underlined that deliberate attacks targeting peacekeepers may constitute war crimes under international law", said the statement, calling on the Congolese authorities "to swiftly investigate this attack and bring the perpetrators to justice."

UNHCR appalled at rising violence against displaced in eastern DRC (Relief Web)

June 30, 2020

UNHCR, the UN Refugee Agency, is alarmed at the increasing number of violent attacks on displaced civilians by armed groups in the eastern Democratic Republic of the Congo (DRC).

We are calling on the authorities to strengthen the presence of police, military forces with support of the UN Organization Stabilization Mission in the DRC (MONUSCO) to improve the security situation and hold the perpetrators accountable.

DRC has one of the highest rates of internal displacement in the world. Over five million people have been uprooted by insecurity within the country's borders, while nearly a million Congolese have sought safety in neighbouring countries as refugees.

UNHCR is receiving accounts of the way armed groups are unleashing terror on people as they flee, in displacement sites and hosting areas, and when they attempt to return, including reports of killings and mutilation, sexual violence and looting.

The displaced population is also subject to reprisal attacks for their perceived support for the army by returning armed groups, once the army completes operations to clear areas and is no longer present.

In the last eight weeks, UNHCR and its partners have recorded multiple attacks by armed groups on displacement sites and villages, mainly in Djugu Territory in Ituri, in Fizi and Mwenga Territories in South Kivu province and Masisi and Rutshuru Territories, North Kivu province. Violence has displaced more than one million people in the last six months in these areas.

In an attack on June 17 -18 in the Djugu Territory, two children, two men and a woman were brutally murdered – beheaded with machetes, and over 150 houses were set on fire by an armed group in two different villages hosting displaced people.

Again, just in a day on 23 June, almost 5,000 people were forced to flee their homes in North Kivu province, due to ongoing

fighting between two armed groups in Mweso town. Attackers looted schools where people had fled to. Armed groups are presently occupying dozens of villages.

In South Kivu, a displacement site in Mikenge, Mwenga Territory, has been attacked twice by armed groups in May and June. The same site had been used by members of an armed group to hide, putting the civilian character of the site into jeopardy even though the residents had no way to stop the militia's actions.

The current attacks add up to an already complex displacement situation in eastern DRC and pose huge risks for the people who fled their homes. The new displacement also brings more pressure on the areas hosting internally displaced people. Hosting sites lack basic needs such as food, water and healthcare services.

Women and girls are among those most-at-risk, with the number of sexual and gender-based assaults and abuses on the rise against women and girls in recent months. Over the last month, more than 390 cases of sexual violence were recorded in Ituri, North Kivu and South Kivu provinces. Most assaults are attributed to armed groups – but many are also alleged to be carried out by the members of the Congolese security services.

The ongoing conflict is making it difficult for people to access help. Attacks on health centres and looting of post-exposure prophylaxis kits – antiretroviral medicines to treat people potentially exposed to HIV – in particular are hampering efforts to provide medical care to the survivors.

Despite the challenges to access some areas, UNHCR continues to work with local authorities and humanitarian actors in the three provinces to facilitate transport for survivors of sexual violence to the closest health centres to receive appropriate medical care within 72 hours.

UNHCR continues to provide assistance to the uprooted people – overwhelmingly women and children - by providing shelter, relief items and cash.

We are supporting members of the internally displaced community and their hosts who play a key role to respond to the protection needs of their communities. Their efforts do have an impact on quality of life, securing more freedoms from controlling militia groups, and in some cases making it possible to bring perpetrators of sexual violence to justice. Their continuous documentation is a main source of information for the humanitarian response.

The needs are huge and growing and UNHCR seeks further financial support for its underfunded operations. We have received just 21 per cent of the US\$168 million required for our DRC operation.

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Ivorian Ex-Minister Appeals to Return Home as ICC Hearing Looms (Bloomberg) By Leanne de Bassompierre
June 18, 2020

Exiled former Ivory Coast cabinet minister Charles Ble Goude appealed to the government to let him come home, as the International Criminal Court prepares to hear an appeal against his acquittal on war crimes charges.

Ble Goude's request comes four months before the world's top cocoa grower is scheduled to hold elections. In December, an Ivorian court convicted him in absentia on charges of murder, rape and torture related to conflict that followed a disputed 2010 vote, and sentenced him to 20 years in prison.

The 48-year-old former youth leader, who has presidential ambitions, said he wants to return to help reconcile the West

African nation. He's currently in The Hague in the Netherlands, where the ICC will begin its hearing on June 22.

"When you want peace and reconciliation, you can never do too much to bring together the sons and daughters of this country," Ble Goude told reporters Wednesday in an online briefing. "I want to come home. I am not Dutch."

The ICC cleared Ble Goude last year of crimes against humanity during the post-2010 election violence. The conflict, triggered by former President Laurent Gbagbo's refusal to concede defeat, left at least 3,000 people missing or dead.

Ble Goude isn't required to remain in the Netherlands while the appeal hearing is ongoing, and is free to travel to any country that's prepared to receive him.

Economic Disruption

Fitch Ratings, which has a stable outlook on Ivory Coast's B+ rating, said June 3 that legal cases against former officials could trigger "severe political tensions" in the country. Over the past quarter century, all elections barring one in 2015 have been fraught with community violence and disruptions to economic activity, it said in January.

The Ivorian authorities in April convicted former speaker of parliament Guillaume Soro on charges of money laundering and embezzlement. Soro, 48, announced his intention to run for president in October. Ble Goude has said he intends to run for president in the future, though he's ruled out being a candidate in the upcoming vote.

The October poll is expected to pit President Alassane Ouattara's hand-picked successor, Prime Minister Amadou Gon Coulibaly, against a yet-to-be-identified candidate from ex-President Henri Konan Bedie's party.

ICC prosecutors cite grave errors in Gbagbo acquittal at start of appeal (Reuters)

June 22, 2020

Prosecutors at the International Criminal Court (ICC) said "grave errors" were made in acquittal last year of former Ivory Coast president Laurent Gbagbo, as they began their bid to overturn the decision at an appeals hearing on Monday.

The ICC, the world's first permanent war crimes court, said in January last year that prosecutors had failed to prove any case against Gbagbo.

Prosecutors at the Hague-based court in the Netherlands have appealed the decision mainly on procedural grounds, arguing that there were legal faults with the way the decision was announced and the way evidence was assessed.

They have said they will seek a re-trial for Gbagbo on charges of crimes against humanity for his role in post-election violence in Ivory Coast in 2010-2011.

Monday's hearing was streamed online as the ICC is closed due to measures aimed at curbing the spread of the novel coronavirus.

The 75-year-old former president, who is living in Belgium on conditional release after spending more than seven years in custody in The Hague, joined Monday's hearing via video link.

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

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Mali

As UN Renews Peacekeeping in Mali, Civilian Protection Requires Ongoing Push for Air Assets (Just Security) By Seán Smith

June 24, 2020

The United Nations Security Council is in the final stages of renewing the mandate for the peacekeeping mission in Mali, MINUSMA. As the council takes action, it should ensure that the U.N. and member states sustain their efforts to give the mission the resources – particularly critical air assets – it desperately needs to protect civilians.

In previous years, MINUSMA's mandate remained overwhelmingly focused on supporting the implementation of the peace agreement in the country's north, even as attacks on civilians were mounting in the central region of Mopti. That changed in June 2019, when the Security Council added a second strategic priority to the mandate that requires MINUSMA to help the authorities in Bamako reduce intercommunal violence and protect civilians in central Mali.

The addition significantly raised the importance of protecting civilians in the mission's mandate, and over the past year, MINUSMA has taken numerous steps to carry out that responsibility. But it still faces a considerable constraint: while the mandate has expanded, the resources available to the mission have not.

Recognizing the glaring disparity between the expectations of the expanded mandate and the mission's limited capacity to protect civilians, MINUSMA produced an adaptation plan in January. The plan outlined the capabilities that the mission requires to have any chance of fulfilling its revised strategic priorities.

One of the most important elements of the plan is the need for additional military helicopters, which would allow MINUSMA to rapidly respond to security threats and thereby enhance the mission's ability to protect civilians. Air assets are crucial in Mali for several reasons: the enormous size of the territory, the frequent use of improvised explosive devices on key transport routes, the high propensity for flooding, and the scarcity of decent roads. All these factors mean that responding to imminent threats to civilians using land vehicles alone is typically slow, fraught with difficulty, and sometimes impossible.

Some Pledges, But Gaps Remain

The U.N. organized a Force Generation Conference in May to secure pledges from member States to fill these gaps. At the conference, Zambia pledged to deploy a military utility helicopter unit to the northeastern region of Kidal, something that MINUSMA has been requesting for more than five years. These military utility helicopters should greatly improve the mission's mobility and allow peacekeepers to engage communities in more remote parts of Kidal. The Zambians also agreed to provide unarmed drones, boosting MINUSMA's intelligence, surveillance, and reconnaissance (ISR) capabilities to monitor the movements of armed groups and identify potential threats to civilians before attacks occur.

Meanwhile, Pakistan has agreed to deploy an armed helicopter unit and unarmed drones to the Mopti region. This pledge will partially address one of the main imbalances caused by last year's mandate, namely that the Security Council was asking MINUSMA to do much more in central Mali, even though the mission had no military helicopters and no ISR aircraft permanently based in the region. Since last year, MINUSMA's operations in central Mali have been frequently compelled to borrow light attack helicopters from the mission's bases in northern Mali for rapid response to deter attacks in Mopti. ISR aircraft also were borrowed to monitor developments in the central region. The deployment of Pakistan's armed helicopter unit and the ISR aircraft should reduce the need for these suboptimal juggling acts that inevitably leave the mission exposed in vital areas.

However, there are still two critical gaps that remain unresolved.

First, no member State has yet pledged to supply military utility helicopters in Mopti, even though this is a capability gap that long predates the mission adaptation plan. Military utility helicopters, coupled with a sufficient supply of available ground troops, are essential for the protection of civilians for two reasons: they can deploy troops to 1) deter imminent attacks on villages, and 2) they can secure landing sites so that MINUSMA's civilian helicopters are able to land safely. This second function can be decisive in facilitating civilian-led activities such as human rights investigations, social cohesion projects, and political dialogues that otherwise would not take place.

The second problem is that the U.N. has not yet found a replacement for the Romanian military utility helicopters that are scheduled to leave the northeastern Malian region of Gao in about three months. In addition to transporting troops, supplies, and equipment, the detachment has one helicopter on permanent standby to evacuate casualties to hospitals that are equipped to provide adequate medical care.

Germany, Belgium, the U.K., and Sweden are all planning to have troops based in Gao by the end of 2020. European countries

attach huge importance to the provision of an effective casualty evacuation service, and as such, this gap urgently needs to be filled. The U.N. probably will have to contract civilian helicopters to act as a stopgap until a military replacement can be secured and deployed. This should enable long-range military patrols to continue without too much disruption. However, civilian helicopters cannot secure their own landing sites, so the mission will find it more difficult to deploy civilian staff to other parts of Gao to conduct activities designed to tackle the root causes of violence.

What is needed now?

Although the recent pledges represent a welcome boost for MINUSMA, it is unclear when these helicopter units will deploy. The time lag between making a pledge and deploying units to U.N. peacekeeping missions can be lengthy at the best of times, but the lingering concerns related to the coronavirus pandemic are likely to further complicate the process. Indeed, the rotation and deployment of U.N. peacekeepers in Mali, and at other missions, has been completely suspended for the past three months to mitigate the risk of transmission.

It is therefore imperative that MINUSMA's renewed mandate requires the Secretary-General to inform Security Council members in his quarterly reports outlining the situation in Mali of progress and any delays relating to the implementation of the adaptation plan. These reports should include information to help manage expectations of what the mission can realistically achieve, and outline how any obstacles to the plan's implementation are affecting MINUSMA's realization of its strategic objectives and priority tasks, especially those aimed at protecting civilians.

Additional air assets will increase MINUSMA's capacity to deter attacks targeting civilians and help the mission achieve its second strategic priority. But it is important to recognize that MINUSMA will never be able to prevent every attack while intercommunal conflicts are raging at their present levels.

As the second strategic priority makes clear, it is ultimately the job of Mali's government to put in place a political strategy to protect civilians and reduce intercommunal violence in central Mali. This requires the state to re-establish its authority in the region and show itself to be a credible and fair source of governance. It is for the Malian government to address the underlying grievances that are fueling the conflict between communities and deliver basic social services. MINUSMA cannot and should not replace the responsibility of the Malian state in this regard – it can only support such efforts.

For better or worse, MINUSMA's success or failure in protecting civilians will depend to a large extent on the Malian government's ability and willingness to provide security, education, healthcare, and justice for all of its people.

In central Mali, community fighting and impunity, 'overwhelming' efforts to protect civilians (UN News)

June 26, 2020

Michelle Bachelet, UN High Commissioner for Human Rights (OHCHR), said violent disputes between the Peulh and Dogon communities have risen in recent months, with community-based militias – initially formed to defend communities – becoming increasingly involved in attacks against others.

From 1 January to 21 June, 83 incidents of fighting across communal lines were documented in the restive central region of Mopti by the UN Stabilization Mission's (MINUSMA) Human Rights and Protection Division.

Community-based militias from the Peulh community, who are primarily herders, were responsible for at least 71 of these incidents, leading to the deaths of 210 people. Those from the Dogon community, who are mainly farmers and hunters, carried out 12 attacks, leaving at least 82 people dead. People were also abducted, forced to join community-based militias or displaced.

Armed groups expand to central regions These attacks across community lines have also been fuelled and instrumentalized by militant Islamist groups such as Al Qaeda in the Islamic Maghreb, so-called Islamic State in the Greater Sahara, and the Group to Support Islam and Muslims, who have bolstered their presence in Mali's central regions following push back in the north by national and international armed forces.

These groups are responsible for 105 human rights abuses that have occurred in Mopti, including 67 killings, since the start of 2020.

As well, members of the Malian Defence and Security Forces sent to the area to counter such violence, have themselves been involved in human rights violations, mostly targeting members of the Peulh community.

The Human Rights and Protection Division documented 230 extrajudicial, summary or arbitrary executions attributed to members of Mali's security forces in the central regions of Mopti and Ségou. Forty-seven of these killings - which occurred

in five incidents in March 2020 - are attributed to these forces presumably acting under the command of the Joint Force of the Group of Five for the Sahel (G5 Sahel).

Instances of enforced disappearances, torture and other cruel, inhuman or degrading treatment have also been documented.

‘Overwhelming impunity’ “All these violations and abuses have been perpetrated in a context of overwhelming impunity,” said Bachelet. The lack of accountability is eroding confidence in State institutions.

“The vicious cycle of retaliatory attacks between Dogon and Peulh militias, coupled with the violations and abuses committed by Malian Defence and Security Forces and armed groups, has created a situation of chronic insecurity for the civilian population, who are not able to count on the protection of the Malian forces”, she asserted. “This needs to stop.”

Bachelet called on national forces to restore State authority across the country, and on Malian authorities to establish “prompt, thorough, impartial and independent” investigations into all alleged human rights violations, and to ensure proper accountability processes are established.

“People need justice, redress and reparations,” she said. “This is the only way to reverse this trend of continuing violence.”

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Liberia

Liberia: ‘General’ Bill Horace, Commander in Charles Taylor’s NPFL, Gunned Down in Canada (Front Page Africa) By Rodney Sieh

June 22, 2020

William Bill Horace, a former General, in Charles Taylor’s National Patriotic Front rebel movement is dead. Horace, was gunned down at a home in London, Ontario.

Horace was reportedly shot following an early morning home invasion in the Clarke Road and Gore Road area.

Police Yet to Name Victim

Police in London, Ontario have not named Horace as the victim; but friends and family members have confirmed to FrontPageAfrica that it was Horace. “At this point we’re unable to confirm the identity of the deceased or any other details of this investigation. The investigation is in the preliminary stages. When we have further information an updated release will be sent out”, Kimberly Flett, Relief Media Officer told FrontPageAfrica via email Sunday.

A CTV report Sunday reported an incident which occurred around 4:45 a.m. Sunday, when they were called about some suspicious individuals entering a home in the area of Pochard Lane and Woodfern Road.

The people fled the area shortly after police were called. Once on scene, police located a male who had suffered a gunshot wound and has since been pronounced dead.

The London Free Press quoted an eyewitness who identified the victim as Bill.

A neighbour, quoted by CTV News says he saw four males in hoodies in the area around 4:20 a.m and heard one shot and then a woman scream. He said the four males jumped into two vehicles and sped off.

Friends and family members are unsure what may have led to Horace’s execution-style killing.

Horace has for years been under investigation by Canada’s Crimes Against Humanity and War Crimes Program, a collaborative unit consisting of the RCMP, the Department of Justice, the Department of Citizenship and Immigration, and the Canada Border Services Agency.

He fought in the NPFL, a militia founded and led by Taylor, the former president of Liberia who in May 2012 was sentenced to 50 years in prison by a United Nations-backed war crimes court.

Horace was accused of involvement in the Décor operation, a rubber plantation on the outskirts of Pleebo, Maryland County which led to the killings of more than 60 people as well as the killing of Robert Hoff, aka 'Ray Hay' in Sinoe. Hoff was a logging magnate generally known amongst Southeasterners. He was an American, whose wife currently lives in England, UK. Other crimes he was accused of include rape and torture.

GJRP: Sympathies to Family, But...

Mr. Hassan Bility, Founder and Director of the Global Justice & Research Project, a non-governmental organization dedicated to the documentation of war crime atrocities in Liberia and to assisting victims in pursuit of justice for these crimes, told FrontPageAfrica Sunday that the killing is regrettable and hopes Canadian authorities find Horace's killers.

Said Bility: "The killing of Mr. Bill Horace is sad and regrettable. Even though Mr. Horace stood accused of committing war related crimes in Liberia, during Liberia's first civil war, this is really not what we wanted. He was never tried and found guilty. My sympathies to his family. I hope the Canadian authorities find his killers and bring them to justice. Having said that, I wish to call on the Liberian Government to wake up from its slumber and inaction to begin to hold the high Priests of war, who murdered hundreds of thousands of Liberians and non- Liberians in their quest for political power. These quack revolutionaries, filled with greed and consumed by disrespect for all laws of war and human rights, must not, and will not, be allowed to get away with blood on their hands. This is a responsibility the Liberian Government must take seriously. The time has now come for the liberian electorate to play their part- to reject warlords who want to hold elective positions in Liberia."

Horace was the subject of an extensive report in the Canada-based McClean Magazine in March 2010.

McClean reported that witnesses testified during the Truth and Reconciliation Commission implicated Horace and men under his command in horrendous atrocities.

Horace was born around 1971, and grew up in the Liberian port city of Buchanan, in Grand Bassa County. He and his family fled their hometown when the NPFL advanced on Buchanan in the spring of 1990. They sought shelter in the capital, Monrovia.

Soon Monrovia itself was under siege. Residents starved and were brutalized by the three main warring factions: the NPFL, a breakaway rebel group that called itself the Independent National Patriotic Front of Liberia (INPFL), and government armed forces still loyal to the country's president, Samuel Doe, a corrupt and undemocratic thug. A Nigerian-led military force, the Economic Community Monitoring Group, was deployed by a coalition of West African states to restore order, but failed.

Horace Acknowledged NPFL Ties in '09

Horace arrived in Canada about a decade ago. When first contacted by Maclean's in 2009, Horace admitted membership in the NPFL but rebuffed or ignored subsequent attempts to interview him. None of the allegations against him has been proven in court. "Yes, I was with NPFL. Of course I was NPFL," he said during a brief telephone conversation, referring to the National Patriotic Front of Liberia by its initials. Horace said he would speak about his time in the NPFL at a later date, but then ignored numerous messages left on his phone or with his former wife. Reached by phone this January, he refused to discuss his past and said his lawyer would call," the magazine reported.

One of Horace's alleged victims, a man named John Harmon, told Maclean's about a day in 1993 when Horace and men under his command confronted Harmon and other hungry civilians who were foraging for oil palm fruit at an abandoned plantation near the town of Pleebo, close to the border with Ivory Coast.

"They came and accused us of looting and therefore said we should be executed," said Harmon. "Twenty-one were executed in all fashions. They were shot. They were beheaded. Some were nailed to the cross, like my brother, Steve. He was nailed to the cross and then later shot."

Harmon told McClean that the victims took a long time to die. "We cried. We tried to talk to [Horace]. People came, some of our relatives came, and they were on the spot begging him while the executions were going on. It is a horrible thing to talk about."

Despite War Crimes Act, Canada Unlikely to Prosecute

Harmon said he was saved by the intervention of another NPFL commander named Turtle Bone.

According to McClean, Harmon's story was corroborated by two witnesses who gave statements to Liberia's Truth and Reconciliation Commission—though one of the two recalled that the alleged massacre occurred in 1992.

"Everyone around here used to go to the big palm nut farm to cut palm and make oil to eat and sell," one witness told the

commission. “Gen. Bill Horace and his men were passing. They entered the plantation and accused us of looting the place. He then ordered his men to arrest people. They started chasing us, and everybody was running all over the place. They then started firing at us. I first saw one woman fall.

The bullet hit her on the head. Her husband was crying. Then one of the other fighters shot him also.”

Under Canada’s Crimes Against Humanity and War Crimes Act, anyone who has committed gross human rights violations can be criminally charged, regardless of their legal status in Canada or where the alleged atrocities took place. An individual can be held accountable for crimes he personally committed, or for those carried out by subordinates.

FrontPageAfrica has learned that Horace was undergoing investigation for possible deportation to Liberia prior to his death.

In 2000, Canada put in place the Crimes Against Humanity and War Crimes Act, become the first country in the world to incorporate the obligations of the Rome Statute into its national laws. The country was then able to ratify the Rome Statute on July 9, 2000.

In January 2016, Cindor Reeves, brother-in-law of former President Taylor, widely credited with taking down and stopping the trade in blood diamonds, was deported to Liberia from Canada where criminal charges are exceedingly rare in war crimes cases.

In Canada, suspects are more likely to be deported than charged. The standard of proof is lower, as are the financial costs involved. Since the act was passed more than a decade ago, two people have been prosecuted and one convicted.

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EAST AFRICA

Uganda

**Official Website of the International Criminal Court
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Kenya

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ICC Public Documents - Situation in the Republic of Kenya**

Kenya: Wives’ Property Rights Unprotected (Human Rights Watch)

June 25, 2020

Many women in Kenya are left without protection to claim their matrimonial property despite relative progress in the laws on paper, Human Rights Watch and the Federation of Women Lawyers (FIDA-Kenya) said in a report released today. A recent appeal to the Supreme Court of a June 21, 2020 lower court ruling puts this question before the court. The ruling may provide clarity regarding any ambiguities in the law and guidance on interpreting how assets acquired during marriage should be divided. Kenya should do more to carry out extensive legal reforms that address equal property rights in marriage.

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The 64-page report, “Once You Get Out, You Lose Everything” documents how the 2013 Matrimonial Property Act, which recognized that married women have the same rights as married men, and other legal reforms are undermined in practice. Kenya’s constitution is consistent with international interpretations of equality and nondiscrimination but falls short of ensuring substantive change for lack of adequate enforcement.

Looking at the situation in two counties, Human Rights Watch found that ambiguous and antiquated laws that remain on the books and discriminatory social and traditional practices make it difficult for married, divorced, separated, and widowed women to claim property the law entitles them to.

“The current laws guaranteeing married women rights to matrimonial property are filled with significant gaps,” said Juliana Nnoko-Mewanu, researcher on women and land at Human Rights Watch. “The government needs to clarify by law what constitutes women’s contribution to shared property, how to value and measure it, and ultimately how that contribution is calculated as a share of property at the end of a marriage.”

Human Rights Watch and FIDA-Kenya interviewed more than 60 people, including women who are separated, divorced, or widowed, and analyzed data from 56 divorce and matrimonial property division cases with a final judgment between 2014–2019 from courts in Kakamega and Kilifi counties. Human Rights Watch and FIDA-Kenya also closely reviewed the complex legal framework for deciding such cases.

Both judicial and non-judicial procedures that determine division of matrimonial property at dissolution of marriage either through divorce or death discriminate against and deter women from claiming a share of matrimonial property, Human Rights Watch and FIDA-Kenya found.

Despite the “gender-responsive” legal framework in Kenya, women encounter multiple social, legal, and judicial barriers in claiming their share of property. Although the law is clear that monetary and non-monetary contributions should be considered in sharing property at the end of a marriage, neither the law nor the High Court or Judiciary clarify what proof of contribution is required, and how such contributions should influence how property is shared.

Women registering for a community dialogue meeting organized by the Federation of Women Lawyers in Kenya (FIDA-Kenya) with the Milimani Law Courts in Kibera, Nairobi. Judges are left to decide their own rules for proof and calculation of contributions. In some cases, judges have asked spouses to produce receipts from years of marriage, discriminating against some women whose principal contribution was non-monetary. Some judges do not recognize women’s unpaid care and domestic work, while others do.

Existing laws also are not consistent. Laws on succession and inheritance do not mirror the right guaranteed in the 2013 act to access property jointly acquired with spouses who have died. Under the Succession Act, the surviving spouse becomes the owner of the deceased’s personal and household items, but only retains a “life interest” in other property such as land and houses during their lifetime.

The surviving spouse cannot dispose of immovable property without court permission and a widow loses her right to use this property if she remarries. The act also exempts agricultural land, crops, and livestock in certain districts if there is no will. Succession in these cases is under customary laws, which largely discriminate against women and girls.

Even if laws are clear, women face difficulties in accessing justice through the courts. Obstacles include women’s minimal awareness of rights, inadequate access to relevant information, high costs of legal proceedings, long distances to courts, and difficulties in collecting required evidence.

“When you work on something [marriage] for 10 years and lose it all at the blink of an eye, it’s devastating,” said a 40-year-old woman whose husband forced her out of their home.

“I don’t have money. I’m not as rich as he [husband] is. Where do I start and how do I start?”

Some social and traditional practices on marriage and inheritance such as dowry, customs concerning children after divorce, and those that discriminate against women owning land and property make it exponentially more difficult for some women to access matrimonial property in Kenya.

Women’s rights to land and other productive resources, such as access to credit and agricultural inputs, are interrelated and

often dependent on their ownership of matrimonial property. Ensuring a fair division of matrimonial property is a key part of protecting women's rights. Clear and just rules on the fair division of matrimonial property also provides an important legal recognition of the value of women's economic contributions, including domestic and caregiving labor, and support broader changes to social norms around women's unpaid work.

International and regional human rights treaties the Kenyan government has ratified guarantee a fundamental right to equality and prohibit unjustified differential treatment based on sex. The government has human rights obligations to ensure women's equal rights in marriage and during divorce. It should take concrete steps to address barriers to implementation of the 2013 act, providing clarity and guidance to judicial officials on identifying and assessing matrimonial property and to harmonize all laws to guarantee equal rights.

"The Kenyan government needs to act on principles of equality, equity, and nondiscrimination to ensure that women's rights are protected," Nnoko Mewanu said. "The government needs to guarantee women their share of matrimonial property in law and in reality."

Selected accounts from the report

"I don't have my name on any of the property we acquired even when I took a loan from my chama [women's financial group] to pay for it. He [husband] never allowed me to have my name on the title. He would say 'I'm the man of the house, what I have you have. If I own it, you own it.' According to his custom [Kisii] women cannot own anything in their name. Who will support me to get my share? I'm on my own."

– Ruth K., a 40-year-old Taita mother of two in Mtwapa, Kilifi county. In 2016, her husband forced her out of their matrimonial home, and she left with nothing.

"He beat me and chased me out of the house at night. He took all of the money that was in my wallet as well as the money in my mobile money account. I lost a lot that night. I became homeless and lost access to income from the property I had developed. And I still must pay back a loan of KSh 1.5 million (\$US13,951) that I used to build the house he [ex-husband] now lives in with another woman. All I want is my house."

– Fatuma M., a 47-year-old Muslim woman and mother of five children in Kilifi, Kilifi county. Over the course of two decades of living together and then marriage, she and her husband amassed a considerable amount of property. In 2018, her husband kicked her out of her home with nothing. She now lives in a one-bedroom government-owned house provided by her employer.

"In succession [inheritance], the wife has nothing. Same in divorce. She takes her personal belongings – nothing else and leaves her children. The truth about culture, once you [woman] get out, you lose everything."

– Dickson Kanana, a village elder of Kirao, Malindi in Kilifi county

"I know there are courts where they are still clinging on the issue of contribution. And this is where women are suffering when they are homemakers. If you stick on direct contribution, it means they [women] lose everything."

– William Musyoka, High Court Judge, Kakamega county

"The law says I should give a score. What is the score for each parameter? Which parameter carries more weight? Based on arbitrary weights derived from an equation I use to divide [the property]. But that equation could be wrong. How do I ensure that the equation could be tested over time based on the basic principle of jurisprudence? Principles of equity, fairness, and proportion. At the end of the day that distribution is money for money, square meter for square meter. How do you get to where the equation makes sense in dollars and square meters?"

– Reuben Nyakundi, High Court Judge, Kilifi county

Three people shot dead by Kenyan police at protest (Aljazeera)

June 26, 2020

Kenyan police killed three people when they fired at a crowd of motorcycle taxi drivers protesting against the arrest of a colleague for flouting coronavirus restrictions.

Police shot at the crowd in the western city of Lesos after clashes on Thursday, a police statement said.

"I have ordered the arrest of the officers involved in the shooting and we regret the loss of these lives," the police inspector general, Hillary Mutyambai, said. "A thorough investigation will be carried out and action will be taken. They must face the

law."

According to a police statement, the first shots fired killed a 40-year-old man after motorcycle taxi drivers "attacked" one of the officers. Two more people were shot dead after the crowd followed the officers back to their police station, it said.

The case, which has been referred to the country's Independent Policing Oversight Authority (IPOA), comes as Kenyan police face increasing scrutiny over alleged excessive force and unlawful killings, especially in poor neighbourhoods.

Earlier this week, a Kenyan policeman was charged with the murder of a 13-year-old boy while enforcing the COVID-19 curfew order.

Officer Duncan Ndiema Ndiwa, who is accused of shooting Yassin Hussein Moyo on March 30 on a balcony at his parent's home, denied the charges on Tuesday.

Moyo's death has caused widespread protests in Kenya, and calls by the public for an end to police brutality.

In recent weeks, hundreds have turned out to protest in solidarity with those allegedly killed by police in Kenya, as well as the killing of George Floyd in the United States.

Rights activists claim that including Moyo, 19 people, all from low-income areas, have died from police enforcement of the coronavirus curfew.

In April, Human Rights Watch accused Kenyan police of imposing curfews "in a chaotic and violent manner, from the beginning", sometimes whipping, beating or using tear gas to force people off the streets.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Financier of 1994 Rwandan genocide Félicien Kabuga arrested in Paris (International Committee of the Fourth) By Jacques Valentin

June 20, 2020

Félicien Kabuga, aged 84, accused of being one of the main financiers of the 1994 Rwandan genocide, was arrested last month in Asnières-sur-Seine in the Paris suburbs. One of Rwanda's wealthiest businessmen at the time of the genocide of the Tutsis, he was often called the "genocide financier" for having financed and equipped the Interahamwe militias that carried out most of the massacres during the genocide. He also created Radio Mille Collines (Thousand Hills Radio), which broadcast Hutu-extremist ideology, including calls for murder during the genocide.

Victims' associations have provided information to French courts on around 30 individuals accused of complicity in genocide but have been stonewalled by the authorities. And so it is not surprising that Kabuga, though supposedly wanted since 1997, was able to peacefully live for decades in France.

He received assistance from his children, whom police monitored in order to find him. He was hiding under an assumed identity with a "passport from an African country" that investigators refused to identify. They did not say either since when Kabuga had lived in France.

The last time Kabuga had been found with certainty, though he escaped police, was in 2007 in Frankfurt, where he was traveling on a Tanzanian passport. He was with Augustin Ndirabatware, the Rwandan minister of economic planning during the genocide, who is also wanted by the International Criminal Court for Rwanda, and who was arrested by German police. According to French investigators, Kabuga used 28 false identities while in hiding. This gives some idea of the networks of assistance that organizers of the Rwandan genocide have across Africa and Europe.

Kabuga will be extradited to be judged by the Mechanism for International Criminal Courts whose prosecutor coordinated the

arrest, and who took over pending Rwandan cases previously assigned to the International Criminal Court. Kabuga is to be judged at Arusha, in Tanzania.

It remains to be seen why France suddenly cooperated with the campaign to arrest Kabuga. Its relations with Rwanda have been strained especially since the breaking of diplomatic relations from 2006 to 2009. Since Michel Flesch left the post in 2015, France has had no ambassador to Rwanda, and the embassy in Kigali is led by a lower-ranking chargé d'affaires, as Rwanda has refused to recognize ambassadors proposed by France. Rwanda for its part sent an experienced ambassador to Paris, François-Xavier Ngarambe.

The stakes for French imperialism, which is seeking to consolidate its positions in the region, are vast. Rwanda, Burundi and Uganda regularly wage proxy warfare through militias that are still active in eastern Democratic Republic of Congo (DRC). France and other imperialist powers are concerned by China's rising commercial influence in Africa, which has upset French and NATO transnational corporations in what they consider to be their "backyard." They use all diplomatic and military means to counter this influence.

A quarter century since this genocide, the French regime is still trying to hide French imperialism's responsibility and the support it granted to the ethnic-Hutu Rwandan regime between April and July 1994 as it carried out the murder of 800,000 members of the Tutsi minority and Hutus favorable to political accords with the Tutsis. France allowed the genocidal forces to flee towards the Congo in Operation Turquoise, as the Tutsi Rwandan Patriotic Front (RPF) of future President Paul Kagame took control of the country with tacit US backing.

Besides its responsibility for the genocide, France, by permitting Hutu extremists to leave Rwanda and take control of camps with Hutu refugees who fled Rwanda and Burundi towards the Congo, bears devastating responsibility for the 1996–1997 and 1998–2003 Congo wars, which claimed millions of lives. It has justifiably been referred to as an "African world war." It involved nine African countries and around 30 armed groups, making it the largest inter-state conflict in Africa's contemporary history.

After the Stalinist regime dissolved the Soviet Union in 1991, French, British and US imperialism waged brutal struggles for influence in Africa that led to bloody wars and genocide. The social and democratic aspirations of the African population found no progressive representative under conditions where no political parties there defended an internationalist socialist perspective in the working class.

The last stages of events before the Rwandan genocide took place under the presidency of the Socialist Party's (PS) François Mitterrand, after the conservatives had won the 1993 legislative elections. The conservative Édouard Balladur was Mitterrand's prime minister, while Alain Juppé was foreign minister. Thus France's entire political establishment is implicated in the decisions that were taken.

Mitterrand, who was backed by the Stalinist French Communist Party and various petty-bourgeois renegades from the Trotskyist movement, was able to impose in Africa, essentially without any opposition on his left, an extraordinarily bloody neo-colonial policy.

Still today, the French political establishment tries to deny its responsibility in the genocide. During the 2019 European elections, Raphaël Glucksmann, who was leading a joint list with the PS, said that Mitterrand was responsible for the genocide. About 20 former PS ministers called upon Olivier Faure, the PS national secretary, to object to these comments and defend France's foreign policy at the time.

This year, shortly before the yearly commemoration of the genocide in Rwanda, the conservatives in the French Senate organized on March 9 a colloquium on the Great Lakes region of Africa—a transparent provocation, as they invited speakers known for denying or minimizing the genocide of the Tutsis and dismissing historians who worked to establish France's responsibility.

Historians face enormous difficulties in accessing French archives on the genocide, as indeed with archives regarding the crimes of French colonialism after the Second World War.

Macron granted in 2019 limited access to archives on Rwanda to a carefully selected team of researchers, the Duclert Commission, leaving out specialists of the Rwandan genocide. Predictably, the preliminary results whitewash French responsibility in these events.

On June 12, after five years of administrative battles, the State Council finally granted definitive early access to the Elysée presidential palace's archives on Rwanda to historian François Graner, co-author of the book *The French State and the genocide of the Tutsis in Rwanda*. However, many archives, including notably the military archives, are still closed to researchers.

Somalia

Somalia's COVID-19 Response: Internally displaced people especially at risk (Reliefweb)

June 23, 2020

Aisha Maalim returned to Kismayo in southern Somalia in March 2019, after having spent many years living in the Dadaab refugee camps located over the border in Kenya.

Like many, she hoped to return to a better life as Somalia rebuilds after decades of conflict and instability. The impact of COVID-19 on the country has cast a dark cloud over that.

"I lived in Daadab for 15 years, and since returning to Kismayo, I had never before faced the kind of uncertainties I face now. For example, community health officials are advising us to wash our hands because of the virus, but there is no running water in this Internally Displaced People (IDP) camp," says Ms. Maalim, who now resides at Dalhiis camp, on the outskirts of Kismayo.

Ms. Maalim is not alone. She is one of the 85,067 Somalis assisted by the United Nations and partners to voluntarily return to Somalia between December 2014 and December 2019.

In Kismayo, the first two positive cases of COVID-19 were recorded on 13 April 2020. One originated in the Kenyan port city of Mombasa, while the second case was registered as a contact. Since then, the number of positive cases has risen to 134, with five deaths recorded as of 30 May.

The UN has raised its concerns about people like Ms. Maalim living in IDP camps.

The Office of the UN High Commissioner for Refugees (UNHCR) has said that there are greater infection risks posed to IDPs living in camps due to the challenges associated with some of these locations. These include poor housing conditions affecting their ability to self-isolate or implement social-distancing, in addition to little access to required water and sanitation facilities as indicated by COVID-19 response guidelines.

"I was worried since I knew that those living in IDP camps will be the most vulnerable to contracting the virus due to the poor sanitation that exists in the camp," Ms. Maalim says.

Shared concerns

Ms. Maalim is not alone in her concerns.

On the western side of Kismayo, Maryam Abdullahi, a 60-year-old mother, has spent the past 18 months living in a small, improvised shelter in an informal camp, near Midnimo village camp, after having left Dhagahley, one of the camps that make up the Daadab refugee complex.

"Our lack of financial resources prevents us from seeking healthcare and buying protection, such as face masks or alcohol-based hand rub," Ms. Abdullahi says, adding that she spends much of her time praying that the virus does not reach her camp.

"Getting clean water to wash hands is even itself a struggle; 20 litres of clean water is sold at around half a US dollar, and people like me, who do not have formal jobs or a good source of earnings, do not have the luxury to buy water and wash hands, so we often cut back on its usage," she adds.

With the support of international partners, Somali authorities and partners are continuing to mobilize resources in response to the pandemic, for residents of both the city and the IDP camps.

"We are disturbed by the increasing trend of cases in Kismayo, so far over 130 cases, when compared to the available resources we have in town," said the head of logistics at the federal Ministry of Health, Abdifatah Ahmed Ali, on a recent visit to Kismayo, during which medical supplies and training were provided to local health facilities.

In his comments at the time, he also said that more supplies were due to arrive in Kismayo and the towns of Gedo, Afmadow, and Dhobley in the coming weeks.

In the meantime, Jubaland government medical staff, such as the District Medical Officer for Kismayo district, Mohamed Sheikh Aden, and his colleagues, continue visiting IDP camps to inform their residents on COVID-19 guidelines and distribute face masks.

“Wear the face masks all the time, and in case you get sick call ‘466’ for you to receive medical advice, and an ambulance to take you to hospital for treatment,” Mr. Aden tells camp residents.

In addition to UNHCR’s concerns for the plight of IDPs, the UN Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, has highlighted that the situation of displacement might increase the already high vulnerability of older people and people with underlying health conditions to COVID-19.

Displaced people with disabilities or belonging to minority groups or indigenous communities might face even more barriers in accessing essential services and healthcare.

“Governments must ensure that all internally displaced persons have access to water, sanitation, facilities for personal hygiene, adequate housing, and food. They must be informed about disease risks, prevention, and treatment. Those who require medical treatment for COVID-19 must have access to appropriate health care in a timely manner and without discrimination,” Ms. Jimenez-Damary said in a news report published on the webpage of the Office of the UN High Commissioner for Human Rights.

Special rapporteurs work independently of governments and institutions – including the UN’s Human Rights Council, which appoints them – and are responsible for investigating alleged violations perpetrated across the world.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian War Rape Suspect Extradited from United States (Balkan Transitional Justice) By Semir Mujkic
June 19, 2020

Bosnian Army ex-military policeman Adem Kostjerevac was flown from the United States and arrested on his arrival in Sarajevo on Thursday, the state prosecution said.

The state prosecution alleged that, as a member of the Bosnian Army in Zvornik, he raped a Serb woman who was pregnant and was being detained in the building he was guarding in September and October 1992.

“The alleged rape and abuse caused the injured victim to lose the pregnancy,” the prosecution said in March 2015 when the indictment was raised.

After he was indicted, an Interpol ‘red notice’ was issued for his arrest.

According to a US newspaper that covered the extradition process, the St. Louis Post-Dispatch, Kostjerevac moved to the US with his wife 17 years ago.

The St. Louis Post-Dispatch reported that during a conversation with FBI agents, Kostjerevac admitted that he was a member of the military police and that he saw the victim in custody.

But he denied raping her, claiming instead that he sent her food and refused to kill her when others told him to do so.

Bosnia to Transfer Croat General's War Case to Croatia (Balkan Transitional Justice) By Albina Sorguc
June 19, 2020

The Bosnian state court told BIRN that it has accepted the state prosecution's proposal to transfer the crimes against humanity case against Zlatan Mijo Jelic to Croatia for processing because he now lives there and is not available to the Bosnian judiciary.

Jelic, as commander of the First Active Battalion and First Light Assault Battalion of the Croatian Defence Council's military police, and as commander of defence in Mostar, who had all the Croat units in the town under his control, is accused of organising and carrying out a widespread and systematic attack on the Bosniak civilian population in the Mostar municipality.

"The widespread and systematic attack against the Bosniak population was committed with the aim of realising the strategic goals of the Croat people through the commission of ethnic cleansing, unlawful deprivation of liberty of men and detention in prisons and detention camps, taking men to frontlines to perform forced labour or be used as human shields, as well as the forcible persecution and relocation of women, children and the elderly to the territory controlled by the Army of Bosnia and Herzegovina in the period between May 1993 and early March 1994," the indictment alleges.

The Bosnian state court said that a letter was sent in January to the relevant judicial body in Croatia, asking it to take over the proceedings against Jelic on the basis of a legal assistance agreement between the two countries, but has so far received no reply.

"The Republic of Croatia does not recognise crimes against humanity, so it sends indictments back to the investigation phase. For that reason, the referral procedure lasts longer, so we still have not received feedback," said the Bosnian state court.

Jelic was also a general in the Croatian Army.

After the war, he became the commander of the Bosnian Army's First Croatian Guards Corps, but was suspended by the commander of NATO's Stabilisation Force, SFOR over an alleged ethical violation.

He then became the manager of the Siroki Brijeg football club and was on the executive board of in Bosnia and Herzegovina's Football Association.

He left the country in 2012 and moved to Croatia, where he has citizenship.

The case is one of dozens in which the Bosnian authorities are seeking to prosecute people who are suspected or accused of genocide or war crimes who now live in Croatia or Serbia.

Burden of Proof: Inside Bosnia's War Trial Case Archives (Balkan Insight) By Jorie Horsthuis and Martino Lombezz
June 23, 2020

The room is crammed with boxes. Not a single bit of space is unused: boxes are stacked on the cupboard shelves all the way to the ceiling. They are piled on the tables and on the floor. They are even squeezed under the desks, so the clerks can barely move their feet.

"We don't know where to put them anymore," admits Danijela Novak, head of the Court Management Section of the Court of Bosnia and Herzegovina. "We have a real problem with space."

The records office on the second floor of the court building in Sarajevo is just one of the rooms in which the case files of the court's war crimes section are kept. There are also files from ongoing organised crime cases.

"Two thousand nine hundred cases are ongoing, with 12,950 binders," says Novak. "We use them on a daily basis, but because of the lack of space, part of the binders are stored in other rooms in the building."

This is not to mention the closed war crimes cases. The files for those are spread over five other rooms in the basement of the court building.

“Bosnia and Herzegovina has strict rules on archives, but we cannot fully abide by them,” confesses Novak. “Not all archive rooms meet the rules on temperature, light and humidity.”

“There is a total lack of space and capacity for the archives,” confirms registrar Emira Hodzic, who is in charge of the entire registry as the chief executive officer of the Court of Bosnia and Herzegovina.

“We need a single facility, a place where all cases, documents and evidence can be found,” Hodzic says. “Currently, we do not have the capacity to organise the archive for each case file in a systematic way, as prescribed by the rules. This is a huge problem: those are files that represent the history of our country,” she adds.

Not only does Hodzic have a lack of physical space, there is also no electronic archive. Public files and exhibits are not accessible online – not for judges, lawyers and prosecutors, nor for the general public.

Danijela Novak, the head of the Court Management Section, outlines the scale of the problem.

“The rule is: scan all public documents,” she says. “But we receive so many documents, we simply do not have the capacity to carry out that task. We do not have the right equipment, nor the personnel.”

When prosecutors, lawyers or their legal staff need to retrieve a case file from the archive, they first have to ask for judges’ approval. When this step is taken, only authorised personnel from the records office are allowed to search for it. Then the applicant is invited to come to the records office in person to study the file.

Novak points to a corner of the cramped office: “They can sit behind that desk.”

“It’s so old-fashioned and time-consuming,” sighs Nina Kisic, who has worked as a defence lawyer in several war crimes cases at the state court.

“Access to documents is very limited. Most evidence I find through the website of the ICTY. They do a great job with their online archive,” she says. There, one can easily search for relevant information through keywords, names or places – in Bosnia’s state court, this is impossible.

The absence of an electronic filing system at the state court makes her work even more complicated. “When I need to do a filing, I can only carry it out when the post office is still open in order to send the file by mail. And if I want to find out if a person testified before, I can only do so by reading earlier judgments – which also cannot be found online in every case,” she explains.

“Sometimes, when I realise that the prosecutor’s office is the only place where I can find some evidence, I need to ask the judge for a court order for disclosure. Then I have to go to the prosecutor’s office and look through their binders by hand,” she adds.

The situation is challenging for legal personnel, but for the general public, it is even harder to understand how and where to find relevant material. “Sometimes, we receive a request from a victims’ association or a student working on a master’s thesis,” court manager Novak says. “But from the general public: rarely.”

‘Politicians create a negative atmosphere’

Even though the importance of easily accessible and well-functioning archives is continuously stressed by both domestic and international experts and institutions, the situation is far from ideal in most Balkan courts.

The condition of the archives of the Court of Bosnia and Herzegovina is just one example of the challenges that are being faced by everyone involved in war crimes trials.

“We learned so much, not only about archives but also about witness protection, legal procedures and fair trials,” says Hodzic, who was one of the first national legal employees in 2005, when the Court of Bosnia and Herzegovina was established.

The first war crimes cases were handled by mixed teams of domestic and international staff, and Hodzic worked with international judges and lawyers. But from 2011 onwards, the international staff left.

She says that the International Criminal Tribunal for the Former Yugoslavia in The Hague was the Bosnian state court’s “role model”. “There were so many good reforms in our legal system. Now, in these last years, we have been trying to maintain the international standards, despite current negative social processes of stagnation that are taking place in Bosnia and Herzegovina,” she says.

Hodzic blames politicians for deliberately creating a negative atmosphere in society about the court. “Politicians often criticise

the court when one of their own ethnic kin is convicted,” she says. “They do not read the full judgements, they just look at the outcomes. With their comments on television, they try to exert pressure on us.”

However, Hodzic asserts that she and her colleagues are used to this negative attitude towards their work, and try not to pay attention. “The only tangible influence they have is on our budget. With the failure to adopt our budget, they can limit our performance. And that is exactly what they do.”

“Last year, we did not have any budget for the capital investments that we need so badly. We could only pay salaries and for the general maintenance of our institution. The same thing is happening this year: we are still waiting for the approval of our budget,” she continues.

One of the crucial capital investments that is needed, is digital capacity for the audio-visual material from trials.

“Our IT staff is doing magic to find storage room for the audio and video recordings of the trials. These are official records of the case, we cannot and should not erase them – it is the legacy of our court. However, all our servers are full,” Hodzic says.

‘Prosecutors are sometimes unaware of evidence’

These and other challenges for the court personnel are confirmed by recent reports from the Organisation for Security and Cooperation in Europe, OSCE and the European Union that overtly criticise public institutions in Bosnia and Herzegovina.

“Some key actors show no determination to address or overcome dysfunctionalities through coordination and cooperation,” the EU said in its Expert Report on Rule of Law Issues in Bosnia and Herzegovina, which was published in December 2019.

“Rather, they seem to do everything to obstruct any change that they consider not to be in their own interest. This attitude negates the laudable attempts of many office holders who try – in their day-to-day work – ‘to make things function’ despite all difficulties and obstacles,” the EU report added.

Systemic reforms are required, writes Reinhard Priebe, the EU’s justice rapporteur, for which a common understanding and a common sense of responsibility across levels of government and institutions “are desperately needed”.

“The state prosecutor’s office fails to focus its resources on investigation and prosecution of the most complex war crimes cases, thus leaving the whole system inefficient,” claims Nedžad Smalagic, a legal officer at the OSCE, in his office in central Sarajevo.

In a report published in June 2019, the OSCE offered several recommendations to make the work of the prosecutor’s office more efficient, and a streamlined archive was one of them, says Smalagic.

“Prosecutors are oftentimes unaware of the existing evidence, as the evidence that is connected to one case cannot be found in another one. There is no single, searchable archive,” he adds.

‘Most relevant material evidence is abroad’

On top of this, a lot of evidence isn’t even held at the court in Sarajevo – it’s in The Hague. “We ran in, vacuumed up everything and went back to base,” said Bob Reid, chief of the operations team at the ICTY prosecutor’s office in an interview in 2017 during the last year of the Hague court’s existence. He was one of the first investigators who went to Bosnia to search for evidence, when the war had barely ended. “We just grabbed everything we could and brought it to The Hague,” Reid said.

To this day, 9.2 million pages of documents and 14,000 items of evidence are stored at the ICTY prosecutor’s office’s evidence unit in the Netherlands.

“Most relevant material evidence is abroad,” says defence lawyer Nina Kisic. “Only the evidence that was used in the trials has been scanned and disclosed. For the other material, access is really difficult – not knowing what documents even exist and then finding where they are. Sometimes this is really frustrating. How can I build my client’s case when I cannot get hold of essential documents?”

“We only have a couple of items [of physical evidence] here in our court building in Sarajevo,” confirms Amar Alajmovic, an archive officer at the state court.

Alajmovic walks to the storage rooms in the basement of the court, where physical evidence is kept. Access to this area is strictly forbidden to anyone but the two archive officers who work here – no journalist has ever been here before.

Seized and confiscated items like drugs, money and weapons can be found here. “No hand grenades though,” smiles Alajmovic. “We don’t want anything to explode here.”

When he started his job ten years ago, the archive of artefacts was not that well-organised, he remembers: “Everything was scattered around, it took half an hour to locate an item.”

Since then, he and his colleague have established a clear system to organise the hundreds of items that arrive every year, and a stricter system for handling the keys to the various vaults and safes.

“We have two sections,” he explains as he enters a code on the vault in his office to obtain the first key. “One for lower-risk items, and one for higher risk.”

He walks down the hallway to open the padlock on the door of the first archive room. In this room, there are five safes, each with its own code or key, which contain passports, money, silverware and keys to other vaults.

“Me and my colleague are the only ones in this building who can open these safes,” he smiles as he retrieves the key from the vault to the second storage room.

“Here, we keep weapons and drugs,” says Alajmovic as he opens the thick metal door. Apart from seized narcotics and a banknote counterfeiting machine, there are some artefacts that were seized from accused war criminals.

Alajmovic opens a box and showed a nine-millimetre pistol that was confiscated from Jadranko Palija, who was sentenced to 28 years in prison in 2007 by the state court.

In the same box, there is also a badge from the Yugoslav People’s Army military police, and some bullets and ammunition casings. “Pored grobnice [Next to a grave]” is handwritten on the plastic bag. “5 komada [Five items].” “The police investigator who found these casings near a mass grave wrote this down,” says Alajmovic.

He also shows off some camouflage overalls. “These are Zeljko Tadic’s overalls. They were used during his trial and submitted as evidence on 18 July 2019.” The trial of Tadic and fellow Bosnian Serb Army ex-soldiers is still ongoing.

“The state court orders some physical evidence to be destroyed after it is used during a trial. “Not only cigarettes and drugs, but also guns and ammunition,” says Alajmovic.

This is another reason why not so few items can be found in the state court’s archive. “The big war crimes cases with interesting material were dealt with before 2012, when the court was still hybrid. Most evidence is not here anymore,” Alajmovic points out.

Unfinished courtroom used for evidence storage

“Did you know we store part of the administration of ongoing cases in a courtroom?” asks Danijela Novak, back in the records office.

She walks up to the third floor and opens the door to courtroom 10. “This room was never properly used, as there was no money to furnish it. So now we’ve confiscated it and use it as an archive,” she says.

In the middle of the room, between the cupboards, are four red chairs and a small table. “This room is multifunctional,” smiles Novak. “It is also used as a deliberation room by the judges of courtroom 9.”

Like the records office, the room is crammed with boxes and binders. Novak and her colleagues are concerned about the future, as indictments keep coming and each of them is accompanied by a load of new files.

According to Bosnia and Herzegovina’s National War Crimes Processing Strategy, work on war-related cases will not be finished before 2023 – and most observers believe this date will be extended beyond that.

“Only five bookshelves remain empty at this very moment,” Novak says. “What to do after these are filled with binders as well? We don’t know.”

Bosnian Court Urged to Acquit Croats of Abusing Prisoners (Balkan Transitional Justice) By Nejra Dzaferagic
June 30, 2020

Defence lawyers for Vice Bebek and Vinko Radisic, two of the seven former Croatian Defence Council military policemen who are being retried for allegedly abusing Bosniak prisoners during wartime, argued in closing statements at the Bosnian state court on Tuesday that their clients should be found not guilty.

The five men were initially found guilty in August 2018 of mistreating Bosniak civilians and holding them in inhumane conditions at a military investigative prison in Ljubuski between April 1993 and March 1994.

But the state court's appeals chamber quashed the verdict and ordered a retrial.

Bebek's defence lawyer Midhat Koco argued that there was no order or any similar document justifying charges that Bebek had any sort of responsibility for the prisoners.

He said that prison guards like Bebek could not make decisions independently, and that there was no witness evidence that Bebek made any such decisions.

He also said that statements by two witnesses who were held under the same conditions contradicted each other.

"They were together, they survived together, but their testimonies were diametrically opposed," Koco said.

Lawyer Slavko Asceric, who represents defendant Radisic, argued that his client was only on shift for two days during the period in which he is alleged to have committed crimes – on December 22 and 25, 1993.

The verdict said that Radisic and other guards abused a prisoner on December 21, but he was not on shift on that day, the lawyer insisted.

"There was not even theoretical possibility that my client was there, let alone that he committed the crimes with which he is charged," he said.

Bebek and Radisic are on trial alongside Ivan Kraljevic, Mato Jelcic, Slavko Skender, Stojan Odak and Dragan Milos.

According to the charges, Kraljevic, Jelcic and Skender were managers of the military investigative prison in Ljubuski, where more than 100 Bosniaks were held at various times from September 1993 to March 1994, while the other defendants were guards.

They are accused of keeping the detained civilians and prisoners of war in bad conditions, allowing them to be mistreated, giving them very little food and using them for forced labour.

The verdict will be handed down on July 17.

Bosnian Prosecutors Office: Incorrect Information that 315 Cases of War Crimes from "A" List disappeared (Sarajevo Times)

July 1, 2020

After several consultative meetings with representatives of victims' associations and a series of meetings organized by representatives of the EU Delegation to Bosnia and Herzegovina (BiH) and other ambassadors, which are directly related to the adoption of the revised Strategy for War Crimes, some requirements are set as a condition for adoption, according to our information, they were not taken seriously.

As Klix.ba has learned, on several occasions it has been insisted that the Draft Revised Strategy be introduced through the text or annexes by the obligation to introduce a single statistical database for all war crimes cases, whether they are under the direct jurisdiction of the Prosecutor's Office of BiH or delegated to lower courts levels.

The key part of the draft revised strategy is actually resolving cases from the "A" list, and as Klix.ba finds out, a large number of 315 cases from that list have simply "disappeared"!

"There can be no word about "lost cases", because the cases against all persons prosecuted for war crimes in Bosnia and Herzegovina are in the registers of the Prosecutor's Office of BiH from 2004 to 2010. They are kept in the TCMS records, as well as in the databases of war crimes cases and these facts are clear to all who deal with the issue of prosecuting cases of international humanitarian law in detail," Prosecutors Office stated in statment on Wednesday.

The standard code "A" refers exclusively to persons and not to items.

Of the total number of persons registered in open KTRZ cases in the Prosecutor's Office of Bosnia and Herzegovina, only 4.49% are persons marked with the standard code "A".

The Prosecutor's Office of Bosnia and Herzegovina makes and submits regular reports to the Supervisory Body for Monitoring the Implementation of the State Strategy for Work on War Crimes Cases, which was established by the Council of Ministers of

Bosnia and Herzegovina.

Information on all cases can be obtained in accordance with the legislation governing access to information in criminal cases.

The Prosecutor's Office of Bosnia and Herzegovina is open for cooperation with all institutions participating in the development of the National Strategy for Work on War Crimes Cases, as well as to associations of victims from all over Bosnia and Herzegovina.

The publication of inaccurate and concocted information only harms the Prosecutor's Office of Bosnia and Herzegovina and makes its work on cases difficult.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Felicien Kabuga, Will Covid-19 Help Him Delay Justice? (KT Press) By Vincent Gasana
June 21, 2020

Arrested at last, after being on the run for more than two decades, Felicien Kabuga, who stands accused of being one of the masterminds behind the 1994 genocide against Tutsi, can be expected to try to delay his trial as long as possible. An appeal against extradition from France, where he was arrested, has already been filed, and he may have an unexpected ally.

One of the richest men in Rwanda at the time of the genocide, Kabuga faces overwhelming evidence identifying him as one of the chief financiers of the genocide, including importation of thousands of machetes, the favoured weapon of the Interahamwe militias, who spearheaded the murders.

Predictably, lawyers for Kabuga have already entered a not guilty plea, and appealed against his extradition to the Tanzanian city of Arusha, where the International Criminal Tribunal for Rwanda (ICTR) was headquartered.

From the point of view of the IRMCT, Kabuga would immediately be transferred to Arusha, and his long overdue trial begun immediately. The appeal will however delay proceedings. Kabuga may also have another deadly ally to thank for further delay, Covid-19, which has restricted international travel.

Groups representing the survivors of the 1994 genocide against Tutsi, have called for Kabuga to be tried in Rwanda, where he would answer for his alleged crimes, before his accusers.

In an interview with KTRadio's Rwanda Beyond The Headlines the chief prosecutor for the International Residual Mechanism for Criminal Tribunals (IRMCT), Serge Brammertz expressed sympathy with these demands, but pointed out that as the law stood, this would be unlikely.

"As a principle, I always think that the best place for a genocidaire, a war criminal, or for any criminal, the best place to be prosecuted is where the crime was committed..." but, he added that legally, "the mechanism (IRMCT) is the only competent jurisdiction to handle this case."

Dr Brammertz went on to say that it would however be up to the United Security Council to change that, if it so wished, so that Kabuga could be tried in Rwanda.

You can hear the interview with the Chief Prosecutor on Rwanda Beyond The Headlines, at the regular hour of 8 pm, KT Radio, 96.7fm. UN Security Council adopts Vietnamese-compiled res

UN Security Council adopts Vietnamese-compiled resolution (Vietnam Plus)

June 26, 2020

The United Nations Security Council (UNSC) on June 25 adopted Resolution 2529 on reappointing the prosecutor and reviewing the two-year operation of the International Residual Mechanism for Criminal Tribunals (IRMCT).

In its capacity as the Chair of the UNSC's Informal Working Group on International Tribunals, Vietnam compiled and chaired the negotiations of the resolution.

Resolution 2529 acknowledged operation outcomes of the mechanism in 2018 and 2019, focusing on gender equality, geographical balance among the mechanism's staff, and expenditure cuts.

It asked the mechanism to continue building a clear and centralised roadmap on the settlement of cases and judgement enforcement, and called on relevant countries to cooperate with and support the mechanism.

Under the resolution, Serge Brammertz was reappointed as the prosecutor of the IRMCT from July 1, 2020 to June 30, 2022.

Many UNSC member countries lauded Vietnam's coordination and management role in the negotiation work.

Established in 2010, the mechanism is mandated to perform a number of essential functions previously carried out by the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia.

The UNSC reviews the operation of the mechanism every six months.

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Domestic Prosecutions In The Former Yugoslavia

Hungary to Extradite Serb War Suspect to Serbia, not Kosovo (Balkan Transitional Justice) By Milica Stojanovic

June 19, 2020

The Justice Ministry in Belgrade announced on Friday that Ljubisa Manitsasevic will be extradited to Serbia even though what it called "the so-called self-proclaimed Republic of Kosovo" had also requested his extradition.

The ministry said in a statement that a Hungarian court found that "the legal preconditions for Ljubisa Manitsasevic to be extradited to both Belgrade and Pristina had been met".

But the ministry added: "Finally, the Hungarian Minister of Justice, 'guided exclusively by international law and justice', decided that Ljubisa Manitsasevic be extradited to Belgrade."

The Serbian War Crimes Prosecution is investigating allegations that Manitsasevic was responsible for unlawful killings and woundings during the 1999-99 war in Kosovo.

He was arrested in September 2019 at the Roszke border crossing between Serbia and Hungary while trying to get back into Serbia.

He was held on the basis of an Interpol 'red notice' requested by the Kosovo prosecution, which accuses him of attempting to kill two Kosovo Liberation Army members in Rahovec/Orahovac in June 1999.

His brother, Nikola Manitsasevic, told Serbian newspaper Politika that Ljubisa Manitsasevic was acting in self-defence because the KLA members tried to abduct him.

Nikola Manitsasevic, who staged a hunger strike in front of Hungarian embassy in Belgrade in November and December 2019, said that his brother already spent 67 days in custody in 1999 and was released due to a lack of evidence.

War Criminal Seselj Fails to Enter Serbian Parliament (Balkan Transitional Justice) By Milica

Stojanovic

June 22, 2020

Serbian ultra-nationalist Vojislav Seselj, leader of the Serbian Radical Party, SRS, and convicted of war crimes in 2018, will no longer have a seat in the Serbian parliament after his party failed to win enough votes to cross the threshold in elections on Sunday.

According to incomplete results, the SRS won only just over 2 per cent of the votes, which was below the 3-per-cent threshold needed to enter the assembly.

Seselj has been an important figure in political life in Serbia since the early 1990s. He and his SRS were a factor in the Serbian parliament during the rule of Slobodan Milosevic, sometime acting as an opposition party and sometimes being part of the ruling coalition. He was deputy prime minister from 1998 to 2000.

In 2003, Seselj surrendered voluntarily to the International Criminal Tribunal for former Yugoslavia, ICTY, in the Hague, to answer charges of having committed war crimes during the former Yugoslav wars of the 1990s, when he was an ardent exponent of the Greater Serbian ideology and patron of paramilitary forces fighting in Croatia and Bosnia.

His trial dragged on for years and did not even start until 2007. Meanwhile his party continued to enjoy good results in elections until 2014, when for the first time the SRS did not succeed in entering the parliament.

That year, Seselj returned to Serbia after the UN court freed him from detention during his trial and allowed him to return home for cancer treatment. In snap elections that followed in 2016, the SRS made it back into parliament again.

In 2016 the ICTY acquitted Seselj of war crimes. But in April 2018, the successors to the ICTY, the Mechanism for International Criminal Tribunals, answering an appeal, reversed the verdict and sentenced Seselj in absentia to ten years in prison for inciting war crimes against ethnic Croats in the Serbian village of Hrtkovci in 1992. However, because of the years he had already spent in custody, he did not have to serve the sentence.

By law in Serbia, if an MP receives a prison sentence longer than six months, his mandate must end. But the law has never been applied to Seselj.

During his time in parliament, he has denied that genocide took place in Srebrenica, in Bosnia, among other things. In February 2019, he rallied his supporters in front of Belgrade's Higher Court ahead of a hearing in the trial of an ex-policeman for the massacre of Bosniaks from Srebrenica in the village of Kravica in 1995.

The ruling Serbian Progressive Party was established by two former close associates of Seselj's, Aleksandar Vucic and Tomislav Nikolic, who left the SRS and formed a new party.

Kosovo President Thaci indicted for war crimes (Herald-Mail Media) By Boris Babic

June 24, 2020

A special prosecutor for war crimes in Kosovo announced on Wednesday that an indictment has been filed against President Hashim Thaci and others, including the head of the Democratic Party of Kosovo (PDK), Kadri Veseli.

The group is accused of 10 counts covering "a range of crimes against humanity and war crimes, including murder, enforced disappearance of persons, persecution, and torture."

"The indictment alleges that ... Thaci, Veseli and the other charged suspects are criminally responsible for nearly 100 murders, involving hundreds of known victims of Kosovo Albanian, Serb, Roma, and other ethnicities and include political opponents."

Thaci and Veseli were leaders in the ethnic Albanian guerrilla the Kosovo Liberation Army (KLA), which fought Belgrade's security forces in 1998-99.

The prosecutor's office said the indictment was filed to the Hague-based Kosovo Specialist Chambers (KSC) for review on April 24 and it is pending approval.

It also said that it published the details because Thaci and Veseli repeatedly attempted to "obstruct and undermine" the work of the court.

They "are believed to have carried out a secret campaign to overturn the law creating the court and otherwise obstruct the

work of the court in an attempt to ensure that they do not face justice,” the statement said.

The KSC was established in 2015 following a 2011 report by the Council of Europe rapporteur Dick Marty linking top former KLA officials to atrocities committed against Serbs or those thought to be working with Serbs during and after the Kosovo conflict.

The court was endorsed by the Kosovo parliament but only after lengthy resistance and public protests in support of KLA fighters, most of them widely regarded as heroes amongst the Albanians.

It operates under Kosovo law but is staffed with international judges and prosecutors and has its seat in The Hague, in order to minimize the influence on witnesses of the accused, with many leading politicians stemming from the KLA.

The U.N. International Tribunal for former Yugoslavia (ICTY) had tried the former Kosovo prime minister and KLA commander Ramush Haradinaj twice and cleared him due to a lack of evidence, but amid media reports of witness intimidation.

Thaci, 52, was the KLA's political director. He launched the PDK in late 1999 and formally resigned as its leader, making way for Veseli, before he was elected president in April 2016.

On Saturday he is scheduled to meet Serbian President Aleksandar Vucic and U.S. President Donald Trump's envoy for Serbia and Kosovo, Richard Grenell.

The U.S. rapidly became involved in the normalization process for Kosovo that had been brokered by the European Union for nearly a decade. In Kosovo, Grenell sidelined the government and parliament and pushed for Thaci to continue the negotiations.

With its dominant Albanian population, Kosovo was formerly a province of Serbia. The Albanians rebelled against Belgrade's rule and guerrilla attacks quickly expanded into a war, marked by the Serbian forces' heavy-handed response.

Many Serbian politicians, police and army officers, including the late strongman leader Slobodan Milosevic, were tried at the ICTY for atrocities in Kosovo.

However, the KLA was also accused of crimes against non-Albanians and Albanians deemed as Serbian collaborators, but very few were sentenced by the ICTY and local courts. Serbia Convicts Bosnian Serb Ex-Soldier of Wartime Killing (Balkan Transitional Justice) By Milica Stojanovic July 1, 2020 <https://balkaninsight.com/2020/07/01/serbia-convicts-bosnian-serb-ex-soldier-of-wartime-killing/>

Belgrade Higher Court on Wednesday sentenced former soldier Milan Dragisic to four years in prison for one killing and two attempted killings of civilians in Bosanski Petrovac on September 20, 1992.

He was cleared of two other killings and one more attempted killing.

According to the indictment, after the body of Dragisic's brother Dragan Dragisic, who died in the Bosnian war near Bihac, was transferred to Bosanski Petrovac, he went on an armed rampage through the streets.

He was accused of killing civilians Asim Kavaz, Eldin Zajkic and Safet Terzic, and with trying to kill Asim's son Muhamed Kavaz as well as Asmir Lemes and Sacir Hujic.

But the court found that some of the allegations could not be proven.

“Regarding [Eldin] Zajkic and [Safet] Terzic, there is not enough evidence that the accused killed them, it cannot be established what vehicle he arrived in and if he came alone, and it cannot be established how they were killed and who killed them,” judge Vladimir Duruz said.

At a previous trial hearing in Belgrade in February, Dragisic admitted killing one civilian but denied responsibility for the deaths of two others.

His case was being retried after a previous verdict convicting him was quashed.

He was originally sentenced to four years in prison in April 2019 for killing Kavaz and trying to kill his son and Lemes, but was acquitted of the other allegations.

The original verdict was quashed by the appeals court in November last year because of a violation of criminal procedures, and a new trial was ordered.

Wednesday's verdict was a first-instance judgment and can be appealed.

Kosovo: War Crimes Indictment Advances Justice (Human Rights Watch)

June 25, 2020

The indictment made public on June 24, 2020 against Kosovo President Hashim Thaçi and other former Kosovo Liberation Army leaders advances justice for war crimes and crimes against humanity during and after the 1998-1999 Kosovo war, Human Rights Watch said today.

The statement from the Kosovo Specialist Prosecutor's Office, which announced the indictment, says that it covers 10 counts of crimes against humanity and war crimes, including murder, enforced disappearances, persecution, and torture. It alleges that Thaçi, Kadri Veseli, another former KLA commander, and unknown "others" are "criminally responsible for nearly 100 murders." The victims of these crimes include Kosovo Albanians, Serbs, Roma, and people of other ethnicities, as well as political opponents.

"This indictment is a positive step for justice as these alleged crimes have hung over Kosovo for two decades," said Lotte Leicht, European Union (EU) director at Human Rights Watch. "After years of demanding justice, victims from all ethnic groups may finally get to have their day in court."

During the war, Thaçi served as political head of the Kosovo Liberation Army, which fought for Kosovo's independence from Serbia. After the war, he served as prime minister and was elected president in 2016.

A key challenge to justice remains witness protection, which has plagued so many war crimes trials of former KLA members, both in Kosovo and at the United Nation's International Criminal Tribunal for the former Yugoslavia (ICTY), Human Rights Watch said.

The need to secure witnesses and evidentiary material was the main reason the investigations for these cases and the special court have been based abroad, at first in Brussels and then in The Hague. The court that will hear these cases, the Kosovo Specialist Chambers, operates under Kosovo law but with international judges and prosecutors. The court's pretrial chamber must confirm the indictment before a trial can begin.

The prosecutor published the indictment three days before Thaçi and Serbian President Aleksandar Vučić were to meet in Washington to discuss Kosovo-Serbia relations. A statement by President's Thaçi's office said he had "interrupted the official trip."

The prosecutor said it was necessary to announce the indictment now because of repeated efforts by Thaçi and Veseli "to obstruct and undermine" the court's work, including "a secret campaign to overturn the law creating the Court and otherwise obstruct the work of the Court in an attempt to ensure that they do not face justice."

In November 2019, Thaçi wrote to US Secretary of State Mike Pompeo asking the US to change the court's mandate and location. In a response that was leaked to the media, Pompeo reiterated the US government's support for the court and said that Kosovo would suffer consequences if it failed to cooperate. Changing key features of the court, he said, "would seriously damage Kosovo's international credibility and standing ... and cloud Kosovo's future as a member of the Euro-Atlantic family and international community."

Despite these comments, the US has actively worked to undermine international justice and accountability for war crimes by attacking the International Criminal Court, including a June 11, 2020 Executive Order that authorized sanctions and travel bans that could be used against ICC personnel and others assisting the court.

The Kosovo Specialist Chambers has jurisdiction over crimes against humanity, war crimes, and other crimes under Kosovo law related to allegations made in a 2010 Council of Europe report. That report accused some senior former members of the KLA, including Thaçi and Veseli, of bearing responsibility for abductions, beatings, summary executions, and, in some cases, the forced removal of human organs to sell as transplants on Albanian territory during and after the Kosovo war.

Based on the Council of Europe report, the EU, with strong support from the US, created the Special Investigative Task Force (SITF) to investigate the allegations with an eye toward prosecution. The SITF chief prosecutor presented his general findings in 2014, including on witness intimidation. The EU then created the specialist chambers in The Hague to adjudicate the cases.

In August 2015, Kosovo's parliament approved a constitutional amendment to allow the operation of the foreign-based court and a law formally establishing the body. Some Kosovo politicians tried to backtrack from those commitments in January 2018 but they met fierce resistance from the EU and the five members of the so-called Quint Member States – the US, UK, Germany, France, and Italy.

The UN's Yugoslav war crimes tribunal tried 13 people for alleged war crimes in Kosovo. Five senior Serbian or Yugoslav officials were convicted and one acquitted, and the former Yugoslav President Slobodan Milosevic died during his trial in 2006. Two ethnic Albanians were convicted and four acquitted, including former Kosovo Prime Minister Ramush Haradinaj. The ICTY ceased operations in December 2017.

"The Kosovo indictment moves victims, survivors, and their families one step closer to learning the truth about the crimes committed against them in a credible process," Leicht said. "It's also a pointed reminder that justice can reach those who once seemed beyond its reach."

Bosnian Soldier 'Knew About Abuse at Wartime Detention Camp' (Balkan Transitional Justice) By Milica Stojanovic
July 1, 2020

A witness testified at Belgrade Higher Court on Wednesday that her father was a prisoner at the Gornji Rahic wartime detention camp in the Brcko area of Bosnia and Herzegovina in 1992 and told her that defendant Osman Osmanovic had a supervisory role there.

"My father was taken to Osman Osmanovic, he questioned him, took his ID card and after that he was sent to the cold-storage unit [at the Gornji Rahic detention camp]," said Mara Bukmirovic, the daughter of Aleksandar Pavlovic, who was held at the camp from May to July 1992. Pavlovic died in 2013.

The indictment alleges that Osmanovic was a member of the Croatian Defence Council, and later of the Bosnian Army, and that he committed war crimes against prisoners held at the Gornji Rahic camp during the summer of 1992.

Bukmirovic said her father and another detainee thought that Osmanovic "must have had some authority" at the camp and "must have known" about the torture there.

"That was part of their conclusion, because they were brought to him and because he came to supervise, so they realised that he had some authority in relation to those other people," she said.

Osmanovic, a citizen of Bosnia and Herzegovina, was arrested in November 2019 on the border between Serbia and Bosnia. Sarajevo asked for his extradition but Serbia refused.

His trial in Belgrade started on June 1, when he pleaded not guilty.

At Wednesday's hearing, the sister of another deceased former prisoner also testified, but she said her brother never talked about the names of people who beat him at the Gornji Rahic camp.

The trial continues on July 27.

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Turkey

Will defending human rights in Turkey cost our colleagues their freedom? (Amnesty International) By Markus Beeko
June 30, 2020

The Turkish government is trying to woo German tourists during this corona crisis, presenting Turkey as a 'safe country' – all while Amnesty International Turkey's honorary chair Taner Kilic is in the dock together with the German human rights trainer Peter Steudtner, the former director of Amnesty International Turkey Idil Eser and eight other human rights defenders.

A verdict in their trial is expected to be reached in Turkey on Friday 3 July 2020. A conviction would be an alarming sign not only for Turkish civil society and human rights defenders worldwide but also in relation to Turkey's handling of the protection of international human rights.

A verdict is expected tomorrow in the cases of 11 human rights defenders who have spent nearly three years fighting trumped-

up charges.

While the Turkish foreign minister Cavusoglu is going around touting how safe Turkey is for tourists, it is obvious that anyone who campaigns for human rights in Turkey is living very dangerously.

My colleague Taner Kilic experienced this at first hand in June 2017 when he was arrested under absurd 'terrorism' allegations. He, who advocated for the rights of others as a lawyer and former chair of Amnesty International Turkey, was suddenly the one in need of assistance.

Now, a little over three years later, the verdict in the trial against Taner Kilic and ten other human rights defenders is finally expected to be announced in Istanbul on 3 July 2020. The German human rights trainer Peter Steudtner is also among those accused.

He, and seven other defendants, had already been unjustly detained for around four months, with Taner Kilic himself held in custody for over 400 days. The detention of human rights defenders provoked an international outcry which was instrumental in getting them released from prison. If found guilty, they could face up to 15 years behind bars.

But even though they are now no longer in custody, the eleven human rights defenders are still not free. Next Friday they face the prospect of spending 15 years in jail if found guilty, despite the fact that all the alleged evidence provided by the Turkish authorities has been comprehensively demolished over the course of ten hearings. The accused are standing trial solely for their peaceful activism for human rights. Indeed, an acquittal of all charges against all eleven would be the only fair verdict.

No travel to Turkey until the end of August

The German government is of the view that nobody should travel to Turkey for another two months due to the corona pandemic. This travel advisory is in place until 31 August, and Turkish hoteliers are furious.

However, the Turkish judiciary is being exploited to intimidate and silence civil society, so it is impossible to predict what the court will decide. Indeed, in his closing plea in November 2019 the public prosecutor continued to call for long prison sentences for six of the defendants, including Taner Kilic.

If the defendants are convicted on 3 July, this would be another alarming sign for the oppressed civil society. And further still, the ruling will have an impact far beyond the courtroom. This process exemplifies the arbitrariness of the Turkish judiciary and the government's systematic attack on critical voices, where 'terrorism' allegations are routinely made in Turkey to punish criticism of the government.

Doubts about the Turkish government's COVID figures

Turkey has one of the highest rates of new infections in the world, yet Erdogan's government is not imposing a total lockdown as it is fearful of the already weak economy going further downhill.

In the corona crisis the extent of the Turkish authorities' arbitrariness can be seen once again, with journalists, doctors and social media users being arrested and charged because of their comments about the coronavirus pandemic. While around 90,000 detainees have been released from custody for a short period owing to the poor hygiene standards in overcrowded Turkish prisons, human rights defenders, opposition figures and journalists are expressly excluded from consideration.

Political prisoners such as the philanthropist Osman Kavala and the journalist Ahmet Altan still remain unjustly incarcerated in prisons where there have already been numerous coronavirus outbreaks. A face-saving opportunity to release political prisoners truly has been wasted here. While the persecution of critical voices now seems routine in Turkey – with more media representatives in custody here than any other country – we cannot just become immune to news about accused human rights defenders, detained journalists and arrested opposition figures. We must not sit back while Amnesty representatives, journalists, philanthropists such as Osman Kavala and thousands of others, who have all done nothing wrong, are in the dock – or even languishing in jail.

Following the arrest of the eleven human rights defenders in summer 2017, it was only international pressure that helped secure their release. This attention is needed again now that the verdict is imminent.

In the corona crisis, Turkey wants to prove that it is a 'safe country' for German tourists and is calling for the travel advisory to be lifted. The German government can and should now take this as an opportunity to demand that Amnesty representatives and lawyers be able to live and work safely in Turkey – without fear of arbitrary arrests and fabricated criminal proceedings.

While the persecution of critical voices is routine in Turkey, we cannot just become immune to news that human rights defenders are treated this way.

The German government should push for the acquittal of all eleven human rights defenders. Indeed, political action is needed for the many other politically motivated proceedings in Turkey – even if no German citizens are affected.

While the severity of the human rights situation in Turkey is clear, it is unclear just how serious the German government, the German economy and each one of us is about not turning a blind eye to these human rights abuses. Do we stand shoulder to shoulder with innocent people who are being persecuted or do we side with Recep Tayyip Erdogan who thinks that the rule of law and human rights are simply up for negotiation?

In the case of Turkey, neither economic interests nor the EU-Turkey deal ought to lead to systematic human rights abuses being accepted without challenge.

The German government must make it absolutely crystal clear that the normalisation and deepening of relations with Turkey depends on human rights being upheld. After all, nobody is safe anywhere without human rights.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

Iraq: Muslim scholars say prisoners being tortured (Middle East Monitor)

June 19, 2020

The Association of Muslim Scholars in Iraq accused the Iraqi government and Shabak militia Thursday of torturing prisoners in jails in Nineveh governorate, Anadolu reports.

“Detainees in the government’s and militia’s prisons in Iraq are subjected to heinous crimes that go against human nature,” the association’s general secretariat said in a statement.

“A report issued Wednesday by the Iraqi Center for Documentation of War Crimes revealed extensive human rights violations that are systematically taking place in intelligence prisons in Nineveh governorate at the hands of intelligence agents and the militia, known as the Shabak militia,” the statement added.

There has been no comment from the Iraqi government.

The Shabak militia is an armed element of the 30th Brigade of the Popular Mobilization Forces (PMF). The Shia-dominated militia is present in the Nineveh Plains to the north and east of the city of Mosul.”The report provided serious information about kidnappings and forced disappearances of citizens,” the association said.

According to the report, “the crimes committed against detainees include torture, rape, killing under torture, dumping bodies in the streets of the city or throwing kidnappers from high places alive.”

The association said the report touched on the unjust and sectarian practices carried out by the Shabak militia against the people of the Nineveh Plains.

One of the most prominent practices is “not to allow people to dispose of their properties or conduct their business except after paying large sums of money as well as manipulating title deeds in coordination with officials in the real estate registry.”

The association held those in charge of the governorate’s administration responsible “for these systematic and continuous

crimes, which prove that these security services have become a burden on the people.”

Domestic and international reports periodically reveal “violations and acts of torture” that take place in Iraqi prisons against detainees.

Politicians and Sunni residents in Iraq have accused Shiite factions within the PMF of committing sectarian violations against them since its formation in 2014 to fight the Daesh/ISIS terrorist organization, including murder and torture as well as kidnappings that have affected thousands of Iraqis.

Exclusive: British army sent unqualified investigators to Iraq where troops ‘got away with murder’, veterans say (Daily Maverick) By Michael Selby-Green

June 23, 2020

Senior army commanders pressured a junior officer to stop an internal investigation into a British war crime in Iraq, writing it off as an “unfortunate incident in war”, a former member of the Royal Military Police’s Special Investigations Branch (SIB) has told Declassified UK.

Another former senior SIB officer has said that British paratroopers should have been convicted of killing another Iraqi but they escaped punishment when a trial collapsed after failings in an SIB investigation.

Declassified UK has spoken to four former soldiers in the SIB, which deployed to the Iraq conflict in 2003 alongside conventional troops, ready to investigate serious incidents involving UK forces, including potential British war crimes. None wanted to be named.

Decisions were made not to send sufficiently qualified senior investigating officers to command the SIB during the invasion and early tours, the former SIB members said. This made it easier for the army’s senior command to influence the investigations into abuses and created a backlog of unresolved cases, they say.

“I did not feel qualified to deal with an investigation of this scale and did not have sufficient resources,” one of the unit’s leaders later said. The SIB should have sent their “A-team” to Iraq, but instead dispatched officers who were “completely unqualified” to lead serious investigations in a theatre of war, a former senior SIB officer told Declassified UK.

“They sent the wrong people... And to this day I don’t know why,” the source said. “The more I think about it, the more mad it becomes.”

The former senior SIB officer said that one would “absolutely 100%” expect to see more UK military prosecutions coming out of Iraq. He added, “You look at the amount of people who were prosecuted – virtually none. You know, how many people got away with murder?”

There have been only four publicly disclosed cases of UK soldiers facing court martial over abuses in Iraq, with five soldiers convicted, a spokesperson for the Ministry of Defence (MOD) has confirmed.

The BBC recently reported that British soldiers who have been accused of committing war crimes in Iraq are unlikely to face criminal prosecution. Of the thousands of allegations made against British forces in Iraq, the director of the Service Prosecuting Authority, which conducts prosecutions in criminal cases involving the military, says that just one remaining case is being examined.

A document dated 2005, written by the then head of the Royal Military Police (RMP), Brigadier Colin Findlay, and given to Declassified UK, acknowledges failures of investigation by the SIB in Iraq and that a more senior and highly qualified officer should have led the unit to war until the conflict “normalised.”

By the time the first experienced SIB commander was sent on the third tour to Iraq, around seven months after the invasion, it was too late to recover and the MOD never “caught up” with investigations in the country, a former senior SIB officer said.

Another former senior SIB officer, who was aware of discussions at “all levels” of the SIB in the buildup to the war, believes the order to send unqualified junior officers to Iraq came from “on high,” likely from the office of the Provost Marshal (Army), the head of the Royal Military Police, who at the time was Brigadier Maurice Nugent.

The killing of Zahir Zaher

An Iraqi man, Zahir Zaher, was killed by British soldiers on 24 March 2003, at a roadblock on the outskirts of Zubayr near Basra in southern Iraq. Zaher had approached a UK checkpoint guarded by British tanks and started throwing stones while advancing.

Sergeant Steven Roberts of the 2nd royal tank regiment warned Zaher to stop, before shooting at him with a pistol. The Iraqi survived and continued to throw stones. Soldiers from two of the tanks fired and hit the Iraqi, but also killed Roberts. Zaher was still alive and another soldier killed him with shots from close range.

At a 2006 inquest into the death of Sgt Roberts, the Attorney General Lord Goldsmith told the House of Lords the case would be closed, saying, "There is insufficient evidence to institute criminal proceedings in this case" and that "there is no suggestion that the chain of command acted unlawfully."

A former SIB member told Declassified UK the decision was an "easy out". "This bloke has basically been executed. He's been shot with something like four different weapons and he's been finished off execution style on the ground. This is just completely wrong."

The officer commanding the SIB's investigations unit in Iraq, Captain Jules Parke-Robinson, went to UK army headquarters of 1 Division after the incident, seeking to discuss the case. However, she returned to the SIB unit with orders from senior officers that the investigation should be written off, the former SIB member said.

"It's an unfortunate incident in war and that's how you're going to deal with it," Parke-Robinson was told at the headquarters.

"Everybody agreed basically that this bloke [Zaher] had been murdered," the SIB source said, adding that Parke-Robinson had interviewed soldiers involved in the incident who had confirmed the events.

The investigation was initially closed, but following the end of the tour the SIB agreed it should be reopened. The army allowed the SIB to reopen the case "with great reluctance", but Lord Goldsmith took it out of the military's hands and passed it to the Metropolitan Police.

Inquiries by the RMP were halted by Lord Goldsmith in October 2004 because of what he called "a concerted attempt by the chain of command to influence and prevent an investigation". Goldsmith told the House of Lords that it would have been better to have concluded a full investigation earlier.

The SIB member told Declassified UK there were concerns about Parke-Robinson's inexperience and lack of independence from the army's senior command. She regularly returned to the SIB unit after visits to UK military headquarters in Iraq, with orders that cases should be closed or finished quickly.

It appeared UK military headquarters in Iraq were trying to run SIB investigations despite it being outside their job remit or area of expertise, a former SIB member said.

"They should be letting the investigators, who are trained, to actually let the evidence and the facts take them to the conclusion. Not tell the investigators: "This is what our conclusion is. You should investigate it accordingly".

Although it was easier for army headquarters to "influence" a junior officer in charge of the SIB, even a more experienced officer would have faced an "enormous battle" to conduct thorough investigations independently from the UK's senior command in Iraq, the former SIB member said.

'She was sent out there to fail'

The RMP maintains law in the army and the SIB is an investigations unit within it. Senior SIB officers traditionally spent decades in the military police, made arrests, worked on criminal cases and were deployed to conflicts. The most senior officers earned the senior investigating officer (SIO) qualification, demonstrating they could run teams in complex investigations.

The SIB's unit during the first tour of Iraq in 2003 – codenamed Operation Telic 1 – was commanded by the least qualified officer the SIB could have sent from the selection pool available at the time, a former senior SIB officer said.

Captain Parke-Robinson, who had graduated from Sandhurst in 1999, had undertaken a six month trial attachment with the SIB and passed the entry course in 2002. At the time of deploying to Iraq, she was learning to be an officer in the unit on her first two year assignment at British army bases in Germany, where new captains are "pretty much babysat".

Parke-Robinson was not trained as a senior investigating officer before the 2003 deployment and was not known to have led a serious investigation in a peacetime environment at the time she was selected, the former senior SIB officer said.

The order to send Parke-Robinson is said to have broken Provost Operational Procedure 203, which stated that an SIB section deployed to a conflict such as Iraq should have been commanded by a Major, another former SIB member told Declassified UK.

The army assigned her to lead the SIB unit in Iraq, its biggest deployment since World War Two, ahead of at least two higher ranking Majors in the SIB who were trained as senior investigating officers and who had over thirty years' experience in the unit investigating serious crimes.

Parke-Robinson was also sent ahead of at least two more senior captains, one of whom – John McAllister – had over 25 years' SIB experience and was reportedly “desperate” to go to Iraq, having volunteered to be the first commanding officer there.

“She was sent out there to fail,” a former senior SIB officer said. “I’m not talking a little gap [in experience], I’m talking a fucking gulf in proportion. No one could understand why they sent her.”

“Someone sat in an office and chose not to send [senior investigators and SIOs]... And someone above them hasn’t said, ‘What are you doing?’”, the former senior SIB officer said. He added that this happened three times. “It beggars belief.”

“Why did the military police send such inexperienced and unqualified people to a theatre of war? It’s not rocket science. You’re going to be [dealing with]... torture, homicide and war crimes.”

Another former SIB member said that sending junior officers to lead the SIB in Iraq was like taking a civilian police constable straight out of training and making them head of a murder investigations squad.

The killing of Nadhem Abdullah

In November 2005 a UK judge stopped a trial of seven British soldiers from 3 Para of the Parachute Regiment who were accused of murdering an Iraqi civilian during Parke-Robinson’s time as head of the SIB unit.

The British soldiers were accused of dragging 18-year-old Nadhem Abdullah and another Iraqi out of their car in the town of Al-Ferkah, southern Iraq, in May 2003, forcing them to lie down and battering them with rifle butts, helmets, fists and feet.

Abdullah was taken to hospital with internal bleeding to the back of the head and died on the way. The other man survived. The prosecution said blood found on one of the rifle butts matched the DNA of Abdullah’s family. The soldiers pleaded not guilty in court.

After a court martial in London lasting nine weeks in late 2005, the judge stopped the case on grounds of insufficient evidence and recorded not guilty verdicts for the soldiers. The judge said the investigation “made serious omissions” including not obtaining hospital admission records, not getting DNA from Abdullah’s siblings to test against the blood on the rifle butt, not obtaining the alleged victim’s clothing until six months after the incident and not analysing the blood on it. “There is no doubt the investigation in this case has been inadequate,” the judge concluded.

A former senior SIB officer familiar with the trial told Declassified UK that the paratroopers had, in fact, killed Nadhem Abdullah and should have been convicted but were let off because the SIB investigators took six months to consider basic actions which should have been done on “day one”, such as recovering Abdullah’s clothing.

A day after the trial, Brigadier Findlay, the head of the RMP with responsibility over the SIB – known as the Provost Marshal (Army) – wrote a document which has been seen by Declassified UK.

Findlay, who became head of the RMP in 2004, wrote, “There are clearly lessons that need to be learned from this trial. Initial assessment is that investigational failures did occur within the RMP (SIB), but it is also clear that the lessons go far beyond the issues of purely the investigation.”

Findlay listed the first lesson: “The RMP (SIB) assets... were commanded by a Captain [on Telic 1]. Lesson: An SIB Major (Senior Investigating Officer (SIO) trained) will in future deploy to all new theatres of operation at medium or large scale – only once the theatre has normalised will a Capt (SIO) take command.”

A former senior SIB officer said that the Brigadier’s “lessons” were already known to the SIB, demonstrated by tours in Kosovo and Bosnia where experienced SIO-trained SIB Majors led the unit to war despite those conflicts being more “benign” than Iraq.

“Jesus Christ, does it really take someone that intelligent to work that out,” the former officer said, commenting on the document. “We’re going to a theatre of war, investigating death. Maybe we should have sent someone who was qualified.”

Another former officer said there was a shift in the SIB after a new Brigadier, Maurice Nugent, was appointed head of the RMP in 1999.

His office is believed to have ordered the SIB to accept more young Sandhurst graduates into the unit around this time, giving them officer leadership roles early, often at the expense of experienced investigators who had been promoted through the unit

and would traditionally have reached these command positions.

But the new graduates lacked policing experience and were used to taking orders from the military structure outside of the RMP, which could undermine their independent police role. They were less willing to challenge senior army officers who might obstruct their investigations because their next posting could be in the wider army, another former SIB member said.

‘I did not feel qualified to deal with an investigation of this scale’

The officers commanding the SIB unit on two further tours in Iraq – Telic 2 and 4 – were also both considered inexperienced and unqualified by former SIB members and both had problems with investigations on their tours.

Captains Gayle Nugent (daughter of Brigadier Nugent) and Lucy Bowen were also 1999 Sandhurst graduates and direct entry officers streamed into the RMP. Like Parke-Robinson, both Nugent and Bowen had comparatively minor policing experience and are believed not to have been SIO-trained.

Captain Bowen was the SIB’s officer commanding on Telic 4 during an incident in May 2004, known as the Battle of Danny Boy, in which British soldiers fought a gun battle against Iraqi insurgents in the Mahdi army near the southern city of Amarah.

The soldiers were accused of bringing Iraqi prisoners and dead bodies back to their camp, torturing and killing 20 of the captives. An investigation conducted by the SIB cleared British forces of any wrongdoing and a subsequent official inquiry into the incident in 2014 – known as Al-Sweady – concluded that the soldiers did not murder Iraqis but did find they mistreated detainees, including depriving them of food and sleep and blindfolding them.

An earlier report by the Greater Manchester police into the SIB found that it failed to collect forensic evidence and did not ask Iraqi witnesses relevant questions as they investigated the battle and its aftermath.

A former SIB member who was on Telic 4 with Bowen, said SIB investigators working under Bowen wanted to take a helicopter to the scene of the incident and document what happened there, but were stopped by the British military in control of the area and Bowen complied.

Former SIB members said she had insufficient experience and qualifications to deal with obstructive senior army officers.

In a 2008 witness statement about the incident Bowen said: “I decided that... I needed to request a Senior Investigating Officer to come out with a separate team to deal with the enquiry. I did not feel qualified to deal with an investigation of this scale and did not have sufficient resources.”

A senior SIB officer, Major Downie, arrived in Iraq over two and a half months after the incident to help Bowen with the investigation, but he stayed only three days.

Internal RMP emails show that in 2008 Colonel Dudley Giles, a senior SIB officer, asked Bowen and her second in command on Telic 4, Paul Terry, to adjust or remove parts of their witness statements about the Battle of Danny Boy incident where they refer to SIOs. Terry replied that doing so would look a “tad fishy” and refused to “lie on oath” while Bowen also resisted, the emails show.

Bowen’s statement said she had never deployed on operations before Telic 4, adding that the SIB section in Iraq worked differently to the way it ran in a peacetime environment and that she did not have enough personnel under her command.

“She just didn’t have a clue where she was”, a former SIB member who was on Telic 4 said. “I was looking for guidance and she just wasn’t there.”

Former SIB members told Declassified UK the SIB unit in Iraq faced other problems during early tours including inadequate numbers of personnel, lack of support from military command in the UK, low mobility and poor access to forensic equipment. Most, however, considered these less damaging factors than the unqualified officers leading the investigations.

The officer commanding Telic 3, John McAllister, was the first experienced SIB commander in Iraq, a former senior SIB officer said. Although not officially SIO-qualified at the time, McAllister had the experience of an SIO level investigator and his tour went well despite the need to “tidy mess” from previous months. But the former officer said it was by then already too late to catch up.

A former SIB member who recently left the unit said problems persist in the RMP with a structure which favours inexperienced Sandhurst officers over experienced investigators, not enough focus on policing, and lack of independence from the MOD.

The source told Declassified UK the RMP isn’t “fit for purpose.”

Lucy Bowen is now Lieutenant Colonel Lucy Moore and became commanding officer of the RMP's SIB in November 2018.

'Unbearable workload'

Bowen handed more than 50 unfinished abuse investigations to the next SIB commander, including the Danny Boy incident, a witness statement for the inquiry into the incident shows.

Incoming SIB members were "in a state of astonishment" at the unfinished cases, it said, with many of the case files containing little information. A different SIB member said that at one time the SIB had over 100 cases active on Telic 4. Paul Terry said there was an "unbearable workload".

After the first tour ended around June 2003, an SIB member worked on unfinished Telic 1 investigations from his office in Germany. Two other SIB members were assigned to work on unfinished cases from Telic 2, which came back to England in boxes from Iraq after that tour ended in late 2003.

By early 2006 the two other SIB members were still working on the Telic 2 files. A former senior SIB officer said they shared an office at the unit's headquarters in Bulford, Wiltshire, which was stacked with tens of cases.

SIB officers "would literally go in [to their office] and flip a coin and, 'what shall we look at today?'" a former officer said.

The source said it was a "joke" that two people in England could be expected to deal with piles of historical allegations of murder, killings and sudden deaths, adding it was "beyond words" that incidents so serious had been allowed to "fester".

"What kind of service is that to people who've been killed?" the former senior SIB officer said. He added that the "failure" meant a "weight of accusation" also hung over those accused for years through the Iraq Historic Allegations Inquiry (IHAT). This was set up by the British government in March 2010 to investigate allegations of abuse by UK troops in Iraq between 2003 and July 2009.

Cases should have been resolved by "professionals" at the time in 2003 and 2004, the former senior officer said. "The failure was at multi-level," and the damage "immeasurable".

The officer added that the poor performance led to human rights lawyer Phil Shiner getting early victories in court against the MOD over claims UK soldiers abused civilians in Iraq, because flaws in the SIB's investigations made the government more vulnerable to the claims.

A 2009 communication written by government legal employees seen by Declassified UK reveals concern about the effectiveness and independence of SIB investigations in Iraq. It discusses the impact this could have in cases against Public Interest Lawyers and Phil Shiner.

The employees, Linda Dann with MOD central legal services and Cathy Kennedy with the Treasury Solicitor's department, said the MOD's agreement to an independent investigation into the Battle of Danny Boy incident "is tantamount to an acceptance of lack of effectiveness" in the case. "It simply won't be credible to argue that that particular investigation was not typical."

Martyn Day, a lawyer and senior partner at Leigh Day, a human rights law firm which represented the family of Baha Mousa, an Iraqi killed by British soldiers while in custody, told Declassified UK, "It was clear that the RMP/SIB were not up to the job."

Day called the UK government's handling of IHAT and its equivalent for the war in Afghanistan, known as AHAT, a "real dog's breakfast." But Day believes the primary reason the government was vulnerable to claims was "the crass decision" to allow military interrogators to use torture techniques on prisoners in Iraq. "This ensured that many hundreds of Iraqis had good claims against the MOD," Day said.

A former senior SIB officer told Declassified UK they believe the "whole history" of IHAT and Public Interest Lawyers would have been different if the SIB had sent an experienced investigator to Iraq on the first tour.

"You'd have had someone out there on day one dealing with every case as an experienced homicide crime manager SIO throwing the right resources at it, documenting things correctly... Instead you had someone who had no clue," the former officer said.

'No intention of prosecuting any soldier'

But flaws in the RMP went beyond the use of inexperienced commanders and ineffective investigations. The document written

by government legal employees noted that before 1 November 2009, commanding officers were able to investigate but then dismiss incidents which occurred under their own command without the need for a report to come from the RMP and service police.

“There are instances where UK police forces have referred matters to the chain of command for disposal in the military justice system... Clearly the option which the commanding officer has to dismiss a murder charge is a weakness in the system,” the document said.

In November 2019 the Sunday Times Insight team and BBC’s Panorama revealed that detectives from IHAT concluded that the RMP wrongly cleared the army of wrongdoing over civilian deaths in Iraq, despite “compelling evidence”.

An IHAT detective also told Panorama that during the IHAT inquiry, “The Ministry of Defence had no intention of prosecuting any soldier of whatever rank he was unless it was absolutely necessary and they couldn’t wriggle their way out of it.”

Former investigators from IHAT and AHAT said allegations that Phil Shiner paid people to find clients in Iraq were used as an excuse to close down the inquiries. No British soldier was ever prosecuted under IHAT or AHAT.

An MOD spokesperson told Declassified, “It is categorically untrue that officers from the Special Investigations Branch (SIB) were sent to Iraq to ‘fail’. Operation Telic was one of the most demanding investigative challenges any UK police force has faced and SIB officers were required to operate in complex and dangerous circumstances.”

It added, “Op Telic was the biggest deployment of SIB since its formation in 1940. Early detachments found themselves undertaking a higher number of investigations than anticipated. IHAT was able to be shut down in 2017, following a number of legal developments, including the discrediting of Public Interest Lawyers that led to Phil Shiner being struck off.”

Declassified UK approached Jules Parke-Robinson, Lucy Moore, Dudley Giles, Brigadier Nugent and Gayle Nugent who did not reply or declined to comment.

What do we miss when we only go after ISIS fighters as terrorists? (Syria Direct) By Alicia Medina
June 24, 2020

Not long after a Dutch national arrived in Syria to join the self-proclaimed Islamic State (ISIS) terrorist group, he posed next to a crucified body in a photo that later circulated on social media. Two French nationals did the same, instead posing with a severed head.

These men are among the estimated 13,156 European citizens that flocked to Syria and Iraq at the height of the so-called Islamic Caliphate and they are also among the 2,540 that later returned to Europe.

Today, the Dutch and the two French nationals sleep in European prisons. But while the French received, last December, a ten-year-sentence for participation in a terrorist organization, the Dutch citizen was convicted last July to five years in prison for membership in a terrorist organization and two and a half years for the war crime of degrading and humiliating treatment of dead bodies. Prosecution not only for terrorism charges, but also for core international crimes is not a minor detail: it is key to determine if ISIS atrocities in Syria will be investigated and the victims served full justice or not.

In a recent study, the EU Agency for Criminal Justice Cooperation (Eurojust) and the EU Network for investigation and prosecution of genocide, crimes against humanity and war crimes (Genocide Network) advocated for the cumulative prosecution of ISIS members, that is, charging them with terrorism and as well as with core international crimes—war crimes, crimes against humanity and genocide. Except for Belgium, most EU Member States can conduct cumulative prosecution.

The ‘pragmatic’ counter-terrorism approach

In European states, prosecution under terrorism charges can be pretty straightforward. “In most of the states, you can secure a conviction from five to eight years by showing that the suspect belongs to ISIS,” Valérie Paulet, a project coordinator at TRIAL International, told Syria Direct. A flight ticket to Syria or a photo with an ISIS flag can lead to a prison sentence. In 2018, European courts issued 399 convictions of jihadi terrorism, according to the latest Europol report.

This counter-terrorism approach is pragmatic: it puts ISIS members behind bars on European soil, but it comes at a cost. By prosecuting them under terrorism charges only, authorities “put the victims out of the equation, because terrorism is a crime against the state, it is not a crime against a victim in particular,” said Paulet. Thus, it “will not do true justice to the victims, and people [convicted of terrorism] will be released relatively quickly,” Christophe Paulussen, a senior researcher at the T.M.C. Asser Institute, told Syria Direct.

This approach “does not reflect the total scope of the crimes committed,” Paulet said. For instance, genocide is not punishable under terrorism charges, but it is a core international crime.

To “encompass the full criminal scope of individual offences” ISIS members should be investigated for genocide, crimes against humanity and war crimes, the Genocide Network insists. According to Paulussen, this will lead to a “more complete picture of the suspect’s criminal responsibility. Because of that, it will also lead to a more tailored, and usually longer, punishment.”

ISIS has fulfilled the criteria under International Humanitarian Law to be considered “a party to a non-international armed conflict in Iraq and Syria acting as an organised non-state armed group,” and consequently can be tried under core international crimes, argued the Genocide Network. However, there is no European consensus on this point yet.

As signatories of the Geneva conventions—which “form the core of international humanitarian law, [regulating] the conduct of armed conflict”—European countries have the obligation to investigate and prosecute perpetrators of international crimes. European states can initiate an investigation if the perpetrator or the victim is a European national. Many states can also invoke the principle of universal jurisdiction—requiring in most cases that the suspect is present or resides in the state of prosecution.

Given the veto power of Russia and China at the UN Security Council, the path to establishing an international tribunal to investigate all crimes committed in Syria—including those committed by the Syrian regime—is blocked. That leaves European courts the task of holding ISIS members accountable for their crimes in Syria.

Prosecuting international crimes

Between 2013 and 2019, ISIS perpetrated a variety of different war crimes, including murder, mutilation, torture, enforced disappearance; crimes against humanity of sexual slavery, rape and enslavement; and genocide, according to evidence gathered by several UN bodies and NGOs.

Securing a conviction for war crimes in European courts, however, can be complex. For starters, Syrian authorities do not allow foreign prosecution authorities to access their territory. “The prosecutor can’t go to Syria so he has to rely on a network to gather evidence; investigating a country where you can’t go, with a different culture and language can be very complicated,” said Paulet.

Most of the ongoing cases charging ISIS members with international crimes are based on the testimony of victims gathered by Syrian NGOs or UN bodies like the Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD) and the International, Impartial and Independent Mechanism for Syria (IIIM).

Since 2016, IIIM has gathered more than two million records (documents, photographs, videos, satellite imagery, witness statements and open-source materials), despite being unable to operate in Syrian territory. Between August 2019 and January 2020, IIIM received 46 requests for assistance from 10 national jurisdictions and processed 17 of them.

The cooperation between IIIM and the French authorities led to the first cumulative prosecution of a French ISIS fighter for terrorism and crimes against humanity and crime of genocide. He was identified by a female Yazidi victim living in Germany.

France and Germany are leading the way in the cumulative prosecution of ISIS members, building a growing body of European jurisprudence.

Currently, the Higher Regional Court of Munich is trying a German national ISIS member, Jennifer W., under charges of a war crime for chaining a five-year-old Yazidi child—enslaved by her and her husband—and letting the child die under the heat of the Iraqi sun. Paulet pointed out that this trial was initially based on a terrorism charge but then it developed to include war crimes. “Pragmatism is to use terrorism charges to have a case and to build a case slowly on war crimes afterwards,” she said.

The gruesome photos and videos that ISIS members publicized to spread terror can be used not only to prosecute them for terror charges but also for international crimes. In November 2016, the Frankfurt Higher Regional Court sentenced a German ISIS member to eight and a half years in prison for joining a terrorist organization and the war crime of outrage upon personal dignity for recording a video of himself cutting the ears and nose of a dead Syrian soldier and firing bullets into the heads of other dead soldiers.

Despite the leading role of France and Germany, Paulet acknowledged that there is still “a lot to do” since European judicial authorities, in general, still prioritize securing terrorism charges, while finding evidence of war crimes remains a secondary concern. “We hope more states are going to use cumulative charges, we need to be cautious and make sure they walk the talk of their international commitments,” said Paulet.

Waiting in limbo

International commitments seem even more absent when it comes to the repatriation of the estimated 430 European ISIS fighters currently detained in mostly makeshift prisons run by the Autonomous Administration of North East Syria (AA), according to data of the Brussels-based Egmont Institute.

"The Global Coalition to Defeat ISIS should ensure that ISIS members are held to account and not just left to regroup or escape," Letta Tayler, a senior researcher at the Crisis and Conflict Division of Human Rights Watch told Syria Direct. "Creating a viable court to fairly judge the necessity and legality of these suspects' detention would cost a fraction of what the coalition is spending on combating ISIS," she added.

Beyond exceptional cases like the repatriation of an Italian foreign fighter, European countries have been reluctant to repatriate and try their nationals. "Indefinitely locking up ISIS suspects without charging them or even bringing them before a court won't make Europe safer. It will just increase detainees' despair and encourage further violent radicalization," warned Tayler.

Paulussen also agreed that this pattern is just a way of "shoving the problem away to other actors" and that the "current passivity is a recipe for a disaster, creating a Camp Bucca 2.0," he said, referring to the Iraqi prison considered the birthplace of ISIS.

Although countries have discretion in providing consular assistance, UN Security Council resolutions oblige EU states to prosecute nationals that travel abroad to join groups like ISIS. Further, "countries have a duty to take all necessary and reasonable steps to assist nationals abroad facing serious abuses including risks to life, torture, and inhumane and degrading treatment," explained Tayler, adding that those conditions are present in the makeshift prisons: "These prisoners are jammed into cells like sardines, so tightly they cannot even sleep without touching each other."

Local tribunals in Syria would bring with them legal obstacles, since Syria's Kurdish authorities are not internationally recognized.

The obstacles to try these prisoners both internationally and locally lead to a scenario where "the only way for EU countries to fill this accountability gap is to repatriate their nations for investigation and, if warranted, prosecution," said Tayler.

US State Department: 500 civilians killed in 2019 Iraq terrorist attacks (Rudaw Media Network) By
Zhelwan Z. Wali
June 25, 2020

More than 500 civilians have been killed and 1,000 wounded in acts of terrorism across Iraq in 2019, with a lack of security coordination between the governments of Iraq and the Kurdistan Region in part to blame, according to a US State Department annual country report.

Islamic State (ISIS) carried out over 800 attacks in the country, the Iraq edition of the U.S. State Department Country Reports on Terrorism 2019 detailed, predominantly in the deserts and mountains of the disputed territories in the north of the country.

"According to the Federal Intelligence and Investigation Agency within Iraq's Ministry of Interior, acts of terrorism, violence, and armed conflict with ISIS killed more than 534 civilians and injured more than 1,121 in 2019 as of December 1," the report reads.

Since declaring the defeat of ISIS in December 2017, Iraq's armed forces have carried out multiple air and ground operations against group remnants in the disputed area claimed by Erbil and Baghdad. In its latest string of campaigns, at least 12 ISIS militants were killed on Mount Qarachogh in the disputed territory of Makhmour, Erbil province, in a joint operation by Iraqi Security Forces (ISF) and the US-led coalition in the early hours of Wednesday.

The report attributes the opening up of security vacuums in territory disputed by Erbil and Baghdad to a lack of coordination between the governments of the Kurdistan Region and Iraq. "In the Disputed Internal Boundaries, ISIS continues to exploit the security vacuum between Iraqi Security Forces and Peshmerga Forces. Recent attacks in the northern Diyala [sic] and activities along Qarachogh Mountain indicate ISIS presence," reads the US report.

"Counterterrorism efforts in the Disputed Internal Boundaries areas have been hampered by the lack of coordination between the Peshmerga and ISF, mainly due to the relationship between the KRG [Kurdistan Regional Government] and the Government of Iraq," it added.

The killing of several Kakai villagers in a suspected ISIS attack in Khanaqin last week prompted Kurdish leaders and Iraqi President Barham Salih to renew calls for joint security coordination in the disputed territories.

Talks have recently taken place between US and KRG officials over the deteriorating security situation in the disputed territories.

KRG Prime Minister Masrour Barzani received Ernest Tucker, Chief Defense Officer and the Military Attache to the American Embassy in Iraq on Tuesday, with both sides discussing ways to fill the security vacuum in the disputed territories by increasing the military coordination between Iraqi forces and the Kurdish Peshmerga. "Barzani stressed the need for a joint security mechanism between the Iraqi army and the Peshmerga forces, which will pave the way for the return of stability to those areas [disputed territories]," read an official post-meeting statement from the KRG.

In addition to the ongoing fight against ISIS, Iraq is also gripped by frequent rocket attacks, mainly blamed at the Iran backed Shiite paramilitary groups. Rocket fire targets Baghdad's Green Zone – which houses the largest American embassy in the world – or military bases where American personnel are stationed.

The State Department report details that Iran-backed groups were "responsible for more than a dozen rocket or indirect fire attacks targeting US or Coalition targets in Iraq in 2019."

Among them was a December 27 attack on the K-1 military base in Kirkuk, which killed an American contractor. The attack resulted in a spiraling of US-Iran hostility, culminating in the killing of General Qasem Soleimani, the architect of Iran's Middle East military strategy, in Baghdad early in January.

The report issues particular criticism to the Iraqi security forces for their "limited capability" to "fully secure Iraq's border with Iran and Syria", while praising the KRG for its "robust" control of their borders.

"Iran-backed PMF units continued to maintain a presence at Iraq's major border crossings," the report reads, "While border security along the periphery of the Iraqi Kurdistan Region (IKR) is robust and administered by various security units under the Kurdish Minister of Interior."

Mercosur President demands immediate ceasefire amid fears of Turkish war crimes in Iraqi Kurdistan (Morning Star) By Steve Sweeney

June 29, 2020

PRESIDENT of the Mercosur parliament Oscar Alberto Laborde called for an immediate ceasefire and an end to Turkey's invasion of Kurdish regions in Syria and Iraq today.

Failure to abide by international law and continued violations against sovereign nations mean that both economic and military sanctions should be considered against the brutal regime of Turkish President Recep Tayyip Erdogan, the head of the South American trade bloc's assembly said.

He appealed to the UN, the EU and other institutions to demand an urgent and immediate ceasefire and for Turkey to respect human rights.

Mr Laborde called for an end to Turkey's war on Kurds and the resumption of peace talks.

"The Turkish state is violating international law principles," the Argentinian said, adding: "I make this call to the international community to stand against these attacks. Dialogue can be developed only within the framework of a peace process."

Ankara launched Operation Claw Eagle on June 15, the same day that the country's opposition Peoples' Democratic Party (HDP) launched its week-long march for democracy.

Mr Erdogan's government claimed that it is a major offensive against the Kurdistan Workers' Party (PKK), which has bases in the mountains of Iraqi Kurdistan.

But the assault began with air strikes targeting Sengal, the site of a 2014 genocide during which Isis executed about 5,000 men and boys and took more than 7,000 women and girls into captivity, using them as sex slaves.

Turkish war planes also bombed the UNHCR-administered Maxmur refugee camp, home to 15,000 mainly Kurdish civilians who fled Turkey in the 1990s when more than 3,000 villages were burnt to the ground by the state during forced assimilation operations.

The UNHCR (the UN refugee agency) has failed to respond to the Morning Star's daily request for comment and has failed to

speak out, despite the alleged use of chemical weapons and a year-long embargo by Iraq's autonomous Kurdistan Regional Government leaving the camp short of much-needed medical and other supplies.

Turkey's aerial bombardment and ground assault have caused many to flee the volatile border areas with more than 50 villages placed under lockdown.

Zerevan Musa, the head of the local administration in Berkar, said: "Neither tourists nor farmers are allowed to visit the border areas because they are not safe."

The attacks are having a major impact as the affected areas account for some 60 per cent of agricultural produce for the Zakho district. Locals have been forced to import food from Turkey and Iran at inflated cost.

According to local officials, some 361 villages in Duhok province have been abandoned due to Turkish air strikes over the past 20 years.

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Syria

5 killed, 12 injured in YPG/PKK terrorist attack in Syria's Tal Halaf (Daily Sabah)

June 23, 2020

Five people were killed and 12 injured in a terrorist attack in northern Syrian town of Tal Halaf, the Turkish Defense Ministry announced on Tuesday.

"The YPG/PKK terrorist organization continues to attack innocent Syrian civilians," the ministry said on Twitter.

The deadly attack took place in the town of Tal Halaf, part of Turkey's Operation Peace Spring zone, just south of Turkey's border with Syria.

Since 2016, Turkey has launched a trio of successful anti-terrorist operations across its border in northern Syria to prevent the formation of a terror corridor and to enable the peaceful settlement of locals: Euphrates Shield (2016), Olive Branch (2018) and Peace Spring (2019).

In its more than 40-year terror campaign against Turkey, the PKK-listed as a terrorist organization by Turkey, the U.S. and European Union has been responsible for the deaths of 40,000 people, including women, children and infants. The YPG is the PKK's Syrian offshoot.

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Yemen

UK fails to inspect factory supplying Saudi's Yemen war (Anadolu Agency) By Karim El-Bar

June 19, 2020

An exclusive report by Declassified UK, an investigative news site, reported on Thursday that the British government broke its own inspection rules at a Scottish missile factory which supplies the Saudi Arabian Air Force in its war in Yemen.

Britain is supposed to carry out "regular and thorough inspections" every three years, but the Scottish factory, which manufactures parts for the Saudi air force, has not been checked in three years -- breaching the UK government's own guidelines.

The factory is owned by the US arms manufacturer Raytheon, and located in Glenrothes, east Scotland. It has not been inspected since November 2016 -- almost the entire duration of the war in Yemen. The factory makes parts for the Paveway IV missiles used by Saudi Arabia.

The UK government in its statements has consistently said it has “one of the most robust export control processes in the world.”

Declassified UK quoted Andrew Smith, the spokesman for the Campaign Against Arms Trade as saying: “These sites have been crucial in terms of producing arms for the Saudi-led bombing campaign. The fact that the government appears to be failing in its own obligations raises serious questions about the scrutiny being applied and the cosy and compromising relationship between arms companies and government.”

“This does not look like a case of one mistake, it looks like a systematic failure,” he added.

A coalition of human rights groups referred Raytheon, as well as BAE, to the International Criminal Court in December 2019 for being accomplices to alleged war crimes in Yemen.

A Scottish government spokesperson was quoted as saying that Scotland “expects inspection regimes to be adhered to and has consistently called on the UK government to end its flawed foreign policy approach.

“The Scottish government has repeatedly made very clear that, whilst this is a reserved matter, the UK government must properly police the export of arms and investigate whenever concerns are raised.”

Scottish National Party MP Douglas Chapman, also a member of the All Party Parliamentary Group on Yemen, said the lack of inspections “highlights the reckless, irresponsible attitude of the UK government towards the conflict in Yemen.”

“Despite repeated calls to cease trade of deadly weapons to Saudi Arabia, this practice continues and the UK government has the blood of innocent children on its hands. The UK Government needs to start taking responsibility for its actions, because so far it has turned a blind eye to the pain and suffering its weapons are causing,” he added.

Yemen has been beset by violence and chaos since 2014, when Houthi rebels overran much of the country, including the capital Sanaa.

The crisis escalated in 2015 when a Saudi-led military coalition launched a devastating air campaign aimed at rolling back Houthi territorial gains.

Tens of thousands of Yemenis, including civilians, are believed to have been killed in the conflict, which has led to the world’s worst humanitarian crisis as millions remain at risk of starvation.

The blockade of Yemen must be held as the war crime (SachTimes)

June 25, 2020

In the midst of the coronavirus outbreak, the continuing siege enforced on Yemen by the US, Saudi Arabia, and their allies have left civilians without medication, food and clean water, exacerbating the hunger and cholera epidemic which has formed here in recent months.

International aid agencies are appalled by the global community’s complacency regarding the health and humanitarian crisis unfolding in Yemen. They have called for a resolution to the unjustified conflict that has gone on for over five years now – while in its own statement, Amnesty International has called for an end to complicity in the conflict from the US and NATO.

The choice is between resolution or complicity in the suffering; there is no third option. The US, the UK, and others must immediately cease supplying arms to the Saudi Arabia-led coalition fighting in Yemen, which is impeding humanitarian assistance of items indispensable to the survival of civilians. The international community must break its shameful silence and use all possible means to lift the blockade.

The pandemic is claiming more lives now and the international community must break its shameful silence and use all possible means to lift the blockade. Every day the illegal blockade lasts means thousands of Yemenis will suffer from hunger and preventable diseases. Many could die in the historic outbreak if the blockade continues indefinitely.

As warned by the World Health Organization, UNICEF, and World Food Program, “the clock is ticking and stocks of medical, food and other humanitarian supplies are already running low”. The cost of this blockade is being measured in the number of lives that are lost. The US is part of this coalition. The bombing campaign that has caused the cholera outbreak could not

happen without the US.

By sending arms to Saudi Arabia, knowing that they are used to kill civilians, the US government and NATO allies are complicit in violations of international law, including war crimes. The US is the world's top arms exporter and Saudi Arabia is its top customer.

Under President Donald Trump, rhetoric on the US side has turned bombastic in terms of support for Saudi Arabia. He signed a \$110 billion arms package, meaning, his administration doesn't seem concerned about human rights violations or civilian casualties in Yemen. Trump is basically telling the Saudi-led coalition to continue what it is doing amid the outbreak.

Amnesty and other human rights organizations continue to push for the UN to take action against arms sales, but there is really no response or appetite there. It is past time for the world body to move in the right direction. The long-suffering people of Yemen would like to see increased involvement by the UN in Yemen, which also includes exerting pressure on the Saudi-led coalition to lift the blockade and end the war.

As per international law and international humanitarian law, and the UN Charter, there is a reasonable and legal basis to believe that war crimes and crimes against humanity have been committed in connection with the armed conflict in Yemen. It's a historic moment for the International Criminal Court in The Hague to commence an investigation that will focus on US military and NATO leaders.

The war crimes by the US and NATO allies are not the abuses and crimes of a few isolated cases, but rather are part of approved official policies in an attempt to force a sovereign nation into submission. There is irrefutable evidence to conclude that crimes have been committed in the furtherance of these colonial policies which would support US objectives in the ongoing war on Yemen – the poorest nation in the Arab world.

Under the Rome Statute, the ICC can and must take jurisdiction over nationals of even a non-party state like the US and NATO if they commit a crime in a state party's territory. The US and NATO vehemently object to this, but it's nothing new.

Under principles of international law, the crimes being prosecuted in the ICC – genocide, war crimes, crimes against humanity – are crimes of universal jurisdiction. The world is watching for the ICC's next step.

The Dismal Record of the Riyadh-Abu Dhabi Axis in the Arab World

Since the Arab Spring a decade ago, Saudi Arabia and the UAE have endorsed a counter-revolutionary posture almost everywhere and pursued adventurism – with poor results.

The Arab Spring of 2010-2011 led to political and geopolitical fractures. The political fractures concern the contesting of the various regimes that have imposed themselves on Arab populations, while the geopolitical fractures concern the balance of forces throughout the Arab world.

As early as the Tunisian and Egyptian uprisings, three distinct Middle Eastern geopolitical axes became clear: an openly counter-revolutionary axis led by Saudi Arabia and the UAE; an Islamo-reformist (pro-revolutionary and in favor of the Muslim Brotherhood and its offshoots) axis led by Turkey and Qatar; and an "axis of resistance" (resisting the US and Israel), embodied by Iran, Syria, and Hezbollah.

Political and strategic biases

Like Russia, the counter-revolutionary axis viewed the Arab uprisings as a threat, particularly represented by political Islam, while the Islamo-reformist axis supported this phenomenon and fought for the triumph of political Islam in the Arab world. Iranians, for their part, expressly welcomed the Arab Spring, as it shook up the privileged partners of Riyadh.

The Libyan and Syrian armed conflicts give nuance to these positions. While the "axis of resistance" favored the status quo, the Riyadh-Abu Dhabi axis aligned with the Ankara-Doha axis in favor of the overthrow of Muammar Gaddafi in Libya and – in vain – Bashar al-Assad in Syria. In the latter case, Saudi Arabia's main intention was to curb Iranian influence in the region.

Indeed, these axes are founded on political and strategic biases and not on religious considerations. It is not the opposition between Sunni and Shia that determines the geopolitical divisions of the Middle East.

The Riyadh-Abu Dhabi axis is not defined by a desire to defend Sunnism, but by its proximity to Washington, its inclination to normalize ties with Israel, its hostility towards Iran (which concerns Riyadh more than Abu Dhabi) and its great distrust towards the Muslim Brotherhood (which concerns Abu Dhabi more than Riyadh).

In July 2013, Saudi Arabia and the UAE achieved a major victory in Egypt with the coup against President Mohamed Morsi of the Muslim Brotherhood. The coming to power of President Abdel Fattah al-Sisi, the architect of the counter-revolution in

Egypt, and the repression he led against the Muslim Brotherhood, were widely supported by Riyadh and Abu Dhabi.

Saudi Arabia's ambiguity

In Syria, Russian military intervention saved the loyalist camp and made attempts to overthrow Assad almost futile. Saudi Arabia's defeat in Syria seemed to become final in April 2018, when its proteges in Jaysh al-Islam (the Army of Islam) capitulated after the Eastern Ghouta battle.

Saudi Arabia's support for a Salafist group also shows Riyadh's ambiguity with regard to Islamism. The Muslim Brotherhood is hated for its transnational and reformist character, but some national Salafist groups are approved in Egypt and Syria.

Eight months after the defeat of rebel groups in Eastern Ghouta, the UAE reopened its embassy in Damascus and fully assumed – unlike its Saudi ally, still hesitant and unwilling to give ground to Iran – its preference for authoritarianism and stability.

Today, the Riyadh-Abu Dhabi axis is experiencing difficulties in Libya. The UAE, Egypt, and, to a lesser extent, Saudi Arabia support Khalifa Haftar, an actor who challenges the internationally recognized legal power of Fayez al-Sarraj's Government of National Accord, while it's supposed to embody authority and stability. This has multiplied setbacks in the Tripoli area, where Turkey is determined to support Sarraj.

A vulnerable alliance

Despite a real convergence between Riyadh and Abu Dhabi – noticeable in 2011 when protests started in Bahrain, in 2013 in Egypt and even in 2017 with the boycott of Qatar – and a strong personal relationship between their crown princes, Mohammed bin Salman and Mohammed bin Zayed, the two states are far from being on the same page.

In recent years, the UAE seems to have decided to redefine its priorities, which are sometimes contradictory: to defend stability and authoritarianism against attempts at democratization and against political Islam. In the background is a subtle rapprochement with Iran. The UAE also aims to develop a maritime network, even if that means strengthening separatism in Yemen and Somaliland.

In Yemen, the grand coalition led by the Saudi monarchy against the Houthi rebellion has shrunk away. Militarily and politically, after more than five years of war, the Houthis – who control Sanaa and much of Yemen's territory and population – are in a position of strength. There is no longer any doubt of a defeat for Saudi Arabia and the loyalist camp of President Abd Rabbuh Mansour Hadi.

While playing the anti-terrorist card and blaming the loyalist government – and, indirectly, the Saudis – for accommodating the Muslim Brotherhood-affiliated al-Islah (Reform) party, the Emirates have supported Yemen's southern separatists, who control Aden. In April, the separatists went so far as to proclaim the autonomy of the southern provinces.

In short, Saudi Arabia no longer has control over Yemen: the north and the south are respectively mainly held by the Houthis and the separatists.

Catastrophic foreign policy

This "emancipation" of Abu Dhabi in its alliance with Riyadh has a notable geopolitical consequence: the standoff between the UAE and Turkey seriously competes with the cold war between Saudi Arabia and Iran.

Ultimately, the results of the Saudi-Emirati alliance in the Arab world are not very bright. The coup against Morsi in Egypt is the only "victory" that can be conceded to this alliance. From an ideological point of view, Arab populations are no longer satisfied with the rhetoric of authoritarianism against instability, which the Algerians and Lebanese recently proved.

Above all, the results of Saudi foreign policy are catastrophic: Saudi Arabia left Iraq, got defeated in Syria, retreated in Lebanon, experienced a debacle in Yemen and totally miscalculated its strategy in Libya. Saudi Crown Prince Mohammed Bin Salman would have been a much better festival organizer than a strategist.

Rampant torture by all sides in Yemen's unofficial jails may amount to war crimes, report shows (Independent) By Bel Trew

July 1, 2020

Arbitrary detentions, torture of inmates and deaths of detainees have soared during the last few years of Yemen's civil war, according to a new report that found all parties of the conflict responsible for human rights abuses that could amount to war crimes.

The investigation spanning four years by Yemeni rights group Mwatana delves into the grim world of nearly a dozen unofficial detention centres run by Iran-backed Houthi rebels as well as their foes: armed groups loyal to Yemen's internationally recognised government, the military factions allied with the Saudi Arabia-led coalition and southern separatist factions.

The 86-page report paints a dark picture of rampant torture across the Arabian Peninsula country of 30 million. It documents electrocutions of prisoners by jailers, the hanging and beating of inmates, mutilation of genitals, removal of fingernails and punching holes in the feet of victims with electric drills.

Yemen has been torn apart by civil war since the Houthis swept control of the capital Sana'a in late 2014, ousting the government of Abedrabbo Mansour Hadi. Fearing the encroachment of Iranian influence in the region, in March 2015 Saudi Arabia and its Gulf allies launched a bombing campaign to reinstate Mr Hadi.

The country was nominally divided between the Houthi-held north and the government-held south until it splintered into multiple mini-wars as alliances broke down.

Mwatana said those fractures sparked an additional surge in violence against detainees including a spike in enforced disappearances.

Based on more than 2,500 interviews with former detainees, their relatives, witnesses, activists and lawyers, the report released on Tuesday documented more than 1,605 cases of arbitrary detention, 770 cases of enforced disappearance, and 344 cases of torture since 2016.

Mwatana was able to confirm 66 deaths within detention, many of them due to torture. It fears the true numbers are much higher.

"Since the conflict has dragged on we have seen a surge in arbitrary detentions and abuse as wars have erupted between the allies of the different warring parties," Ali Jameel, a Mwatana researcher, told The Independent.

"All parties of the conflict are involved and treating people in a horrific way. With the arrival of Covid-19 we are particularly concerned. If the virus reaches these detention centres, God help them," he added.

Yemen's ruinous five-year civil war has sparked the world's worst humanitarian crisis in terms of numbers. According to the United Nations, 80 per cent of the population relies on aid to survive.

Millions of civilians have also been pushed to the brink of famine. The UN's agency for children (Unicef) warned this week that the number of malnourished children could reach 2.4 million by the end of the year.

With just half the country's healthcare facilities functioning, it has left the population particularly vulnerable to the coronavirus pandemic.

While the humanitarian fallout from the conflict has been well documented, the abuse of detainees in makeshift jails and prisons has not.

For the first time, this report takes a deep dive into unofficial detention centres across nine different governorates.

The report found the Houthis were responsible for the largest number of arbitrary or abusive detentions (904 of the 1,605 in total), as well as cases of torture (138 cases) and deaths in detention (27).

The next largest was the UAE forces and affiliated armed groups like the Southern Transitional Council (STC) which it says bears responsibility for 419 cases of arbitrary or abusive detentions, 327 of enforced disappearance, 141 of torture, and 25 deaths in detention.

The Yemeni government, meanwhile, was responsible for 282 arbitrary or abusive detentions, 90 cases of enforced disappearances, 65 cases of torture and 14 deaths in detention.

However, the researchers said some of the most violent episodes took place in a prison run by the UAE-backed STC, which was allied to Yemen's government against the Houthis until it launched a bid for southern independence in 2018. It is now a faction on its own.

Mwatana noted 29 cases of torture and at least four deaths in detention at the STC's "October 7 prison" which is located in the southern province of Abyan, where fighting between government and STC forces is ongoing.

One of the detainees who died was Mohamed, 32. He was stopped at an STC security checkpoint in Abyan in June 2018. His

mutilated corpse was dumped a month later in a nearby hospital. His family showed Mwatana a photo of the body. The group said it was soaked in blood, his eyes had been smashed and his teeth broken. He had gunshot wounds to his body including his genitals and had clearly been bound with iron chains and electrocuted.

Abuses were also recorded at Al-Rayyan, in the southeastern province of Hadhramaut, that is run by Gulf coalition forces and STC troops.

Sadek, 30, was arrested by forces affiliated with the STC in 2016 and held for a year in Rayyan prison, where he was kept for a brief period in solitary confinement in a 1sq m jail cell. There his relatives told Mwatana his genitals were mutilated and he was threatened with rape.

“I barely recognised this young man with such a frail body,” one relative told the group, adding that Sadek remains behind bars.

Horrific abuses were also recorded within Houthi detention centres in the central governorate of Taiz. There inmates told the rights group they were tortured with electricity, beaten with wires and had their fingernails removed.

One former detainee named as Amro, 39, described the “pressure cooker” room, a sealed basement cell which is just 3m by 2m wide and houses up to 12 people at the same time without a toilet.

He was held there for 27 days.

“The cell did not even have a nail hole for air and light to pass through. I did not know when the sun would rise or when it would set. “[There] darkness prevails and a day seems as if it is a year,” he said.

Mwatana has urged all parties to immediately stop the violations and abuses and take a “serious step towards accountability”.

“There must be trials for those with criminal allegations against them,” said Mwatana’s Mr Jameel.

“We must see members of security forces who have credible allegations of serious humanitarian law violations suspended.”

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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

Accident or ramming? Different versions for Israeli checkpoint shooting (The Jerusalem Post) By
Dima Abumaria
June 28, 2020

Ahmad Iriqat, a young Palestinian, was shot dead by Israeli Border Police officers on June 23 at the Container Checkpoint near Abu Dis, north of Bethlehem, after his car veered off track, lightly injuring a policewoman. According to his family, the incident was an accident while Israel claims that he intentionally veered off the road so he

could ram into the policewoman.

Iriqat, 27, was shot several times. Palestinians claim that he was left to bleed to death but Israel says that an ambulance arrived at the scene within minutes and that he was declared dead.

According to an Israeli police statement and the footage shown on television, Iriqat accelerated his vehicle and swerved into the officer. The police report said it was on purpose.

The officer was evacuated to a Jerusalem hospital and released the same day.

Iriqat's family told The Media Line it was the night of his sister's wedding and he was rushing to Bethlehem with items needed for the event.

"He was in a hurry and late. He absolutely had no intention to kill anyone or to run over the soldier, as the Israelis claim. Actually, it was the terror in the heart of the soldiers that prompted them to shoot and kill him on the spot," Imad Iriqat, Ahmed's cousin, said.

"Ahmad's [own] wedding [was scheduled to be held in] in two months," Imad continued. "It was supposed to be in May, but it was postponed because of the coronavirus and the state of emergency that was declared. They [the Israelis] have no evidence that he attempted to do what they accuse him of."

The cousin expressed the family's shock and confusion.

"We have mixed feelings," he said. "We were preparing for his sister's wedding that night, which turned into a funeral. We still can't believe what happened."

Dalal Iriqat, another cousin and a leading Palestinian academic and columnist, told The Media Line that what happened must have been an accident, a loss of control or a technical issue with the car, which had been rented for the wedding day, but that "as usual," police were quick to pull the trigger.

"The video isn't evidence against the innocent martyr Ahmad," she said.

"It shows that he wasn't speeding. Ahmad stepped out of the car to explain to the soldiers what happened, but they preferred to shoot and kill him rather than listen and understand the issue," she stated. "It's a war crime and a systematic error. His soul deserves an investigation." Osama Qwasme, a spokesperson and adviser for Palestinian Authority President Mahmoud Abbas's ruling Fatah faction, told The Media Line that the incident was the product of Israeli incitement led by Prime Minister Binyamin Netanyahu against the Palestinian people.

"Ahmad was engaged to a young lady and preparing for his wedding.... He was an intelligent young man coming to life, but Israel decided to kill his joy, and his family's joy as well," he said.

"What happened with Ahmad shows the systematic, racist Israeli mentality, which sees Palestinians as second-class human beings, where killing them is a duty and a solution," he stated.

Qwasme added that most such "field executions" come despite the absence of a real threat to Israeli police or soldiers, who then claim there was a car-ramming attack or an attempted stabbing to justify the killing.

Grisha Yakubovich, a former head of the Civilian Department in the Israeli Defense Ministry's Coordinator of Government Activities in the Territories (COGAT) unit, told The Media Line he regretted the incident, although "drivers anywhere in the world should behave in a certain way when passing [through] checkpoints, be they Israeli checkpoints or Palestinian, American or even European."

He added that Border Police have a responsibility to their comrades.

"Let's not forget that security guards at these checkpoints have to be very careful, and when there's a potential threat or a suspicion, they have to act according to the rules of engagement," Yakubovich, a former colonel, said.

"When a driver suddenly drives differently, it raises a red flag to the security guards. By the rules of engagement, when they see danger, they have to immediately eliminate the threat," he explained.

Yakubovich says, however, that the rules of engagement are to shoot to wound rather than kill.

"I'm truly sorry for this death, and I'm not in a position here to judge or to say that's right or wrong, as I wasn't there. But I can definitely say that there is tension in the West Bank, especially after the PA heated up the streets after [announcements of

Israel's] annexation plan," he said.

Lior Akerman, a political analyst and retired Israeli brigadier general, told The Media Line that the relevant officials conducted an investigation, although in real-time it looked like an attack.

"Understanding that there was no time to question the driver during the attack, and assuming the facts are correct, the shooting was justified," he said.

Akerman added that it was important to remember that the personnel at the checkpoint had no idea who the driver was or that it was his sister's wedding day.

"They have to respond quickly and neutralize the threat," he said. "It is a fact that he accelerated the vehicle and hit the police officer."

Fareed al-Atrash, a Palestinian lawyer and human rights activist based in the West Bank city of Bethlehem, told The Media Line: "Their fingers are always on the trigger; they could have arrested Ahmad instead of killing him."

Atrash claims that Israeli security personnel have orders to shoot to kill as their first option, rather than to arrest suspects, saying the Israeli occupation systematically violates human rights and international laws at the encouragement of the Israeli government.

"Add to that the fact that soldiers know that they won't be punished, and that if they are to be punished, it will be a very light punishment," he said.

He maintains that such behavior has "major repercussions" on the psyche of Palestinians, especially their youth.

"The repeated crimes have created a state of terror and fear among Palestinians when passing through Israeli checkpoints. Citizens become confused and scared," he said, because they know that not paying attention to a soldier's order or even just a malfunction can cost them their life.

Noura Iriqat, another relative, is a human rights attorney and professor at Rutgers University in New Jersey.

"Palestinians are so securitized as a threat [by Israel] that we can't make human mistakes, like lose momentary control of our car, press the accelerator in a moment of haste, get in a car accident," she wrote on her official social media accounts.

"There is such deep dehumanization that the obvious question of journalists should be why is there a checkpoint between two Palestinian cities?" Iriqat's posts continued. "Why would he do this on his sister's wedding day? Why did the soldiers shoot him lethally? Why did they deny access to paramedics? Why is his image blurred [in the video] so that we can't see [if] he is unarmed and confused?"

Fresh complaint submitted to ICC over US-Israel war crimes in Palestine (Middle East Monitor)
June 30, 2020

A new request has been submitted to the International Criminal Court (ICC) to investigate senior officials from the United States and Israel over alleged war crimes committed in Palestine. They include Donald Trump, Benjamin Netanyahu, Mike Pompeo and Jared Kushner.

Professor William Schabas, who is leading on the submission to the Office of the ICC Prosecutor, announced details of the complaint at an online press conference today. It calls for a war crimes investigation into senior officials leading the Proposed Peace Plan, known as the "deal of the century". The plan seeks to annex portions of the sovereign territory of the State of Palestine.

Schabas submitted the communication on behalf of four Palestinians who are directly affected by the plan. The communication highlights that the proposed plan, which is being implemented unilaterally without the consent of Palestine, violates international law, specifically in relation to illegal settlements and the threatened annexation of Palestinian territory.

ICC Prosecutors are urged to investigate the threatened annexation of portions of the sovereign territory of the State of Palestine through the implementation of the plan. The communication emphasises that there is credible evidence that Trump, Pompeo, Kushner and other senior US officials are complicit in acts that may amount to war crimes relating to the transfer of populations into occupied territory and the annexation of sovereign territory of the State of Palestine.

Speaking at the press conference today Schabas, Professor of International Law at London's Middlesex University, explained that he had submitted the complaint earlier this morning at the request of prominent Palestinians. He explained that the

complaint submitted to the ICC brings to the attention of prosecutors in The Hague the relevance of the “Peace Plan” to the wider takeover of Palestine. This morning’s communication urges the ICC to consider the plan within its wider investigation on alleged war crimes committed by Israel.

In December, the ICC’s office of the prosecutor ended a five-year preliminary examination of the “situation in the state of Palestine”, and concluded there were reasonable grounds to believe that war crimes have been, or are being, committed in the occupied West Bank. Earlier this month, the ICC confirmed that it will proceed with its investigation into Israeli war crimes despite the continued application of the 1993 Oslo Accords. US President Trump reacted to the ICC decision by imposing sanctions against prosecutors and officials of the intergovernmental organisation. He signed an executive order to block ICC officials directly involved in investigating American troops and intelligence officials and those of allied nations from entering the US. The communication to the ICC highlights that the senior US and Israeli officials who are implementing the plan, are doing so in the full knowledge that it violates the human rights of all Palestinian citizens, including their right to self-determination, citizenship and freedom of movement within the Occupied Palestinian Territory.

Israel undeterred by international opposition to annexation (The Washington Post) By Josef Federman
June 30, 2020

Israeli Prime Minister Benjamin Netanyahu appears determined to carry out his pledge to begin annexing parts of the occupied West Bank, possibly as soon as Wednesday.

His vision of redrawing the map of the Holy Land, in line with President Donald Trump’s Mideast plan, has been welcomed by Israel’s religious and nationalist right wing and condemned by the Palestinians and the international community.

But with opponents offering little more than condemnations, there seems little to prevent Netanyahu from embarking on a plan that could permanently alter the Mideast landscape.

Here’s a closer look at annexation:

WHY ANNEXATION, AND WHY NOW?

Israel’s right wing has long favored annexing parts or all of the West Bank, saying the territory is vital for the country’s security and an inseparable part of the biblical Land of Israel. But most of the world considers the West Bank, captured by Israel from Jordan in the 1967 Mideast war, to be occupied territory, and Israel’s dozens of settlements, now home to nearly 500,000 Jewish Israelis, as illegal.

Surrounded by a team of settler allies, Trump has upended U.S. policy, recognizing contested Jerusalem as Israel’s capital, moving the U.S. Embassy from Tel Aviv to Jerusalem, recognizing Israel’s 1981 annexation of the Golan Heights and announcing that Jewish settlements are not illegal.

Seeking to court hard-line voters on the campaign trail, Netanyahu last year began talking about annexation. After Trump released his Mideast plan in January envisioning permanent Israeli control over 30% of the West Bank, including all of Israel’s settlements and the strategic Jordan Valley region, Netanyahu quickly jumped on board. Israel and the U.S. have formed a joint committee to map out precisely which areas Israel can keep.

Netanyahu made sure that under the coalition agreement, he can bring a proposal to the new government anytime after July 1. He appears eager to move forward before the November presidential election, possibly with a limited move billed as a first stage, especially with Trump’s re-election prospects in question.

WHY IS THERE SO MUCH OPPOSITION?

The Palestinians seek the entire West Bank as the heartland of a future independent state and believe the Trump plan would deliver a fatal blow to their fading hopes of statehood.

Among the plan’s components: The Palestinians would only have limited autonomy in a fraction of territory they seek. Isolated Israeli settlements deep inside Palestinian territory would remain intact, and the Israeli military would retain overall security control over the Palestinian entity.

The international community has invested billions of dollars in promoting a two-state solution since the interim Oslo peace accords of the 1990s. The U.N. secretary general, the European Union and leading Arab countries have all said that any Israeli annexation would violate international law and greatly undermine the prospects for Palestinian independence.

WILL ANYTHING CHANGE ON THE GROUND?

Not immediately. Israel has controlled the entire West Bank for more than 50 years. Palestinians will remain in their towns and villages, while Israelis will live in their newly annexed settlements. The Palestinian Authority is protesting annexation but has ruled out any kind of violent response.

But over time, there is a larger risk of conflict.

Netanyahu has said he opposes granting citizenship to Palestinians living on annexed lands, presumably because it would undercut Israel's Jewish majority. But failing to grant equal rights to Palestinians in annexed areas opens Israel up to charges of establishing an apartheid system that would draw heavy international condemnation.

Palestinians who are not living on annexed lands could face other challenges. Moving between Palestinian population centers — or even reaching their own properties and farmlands — could become difficult if they have to cross through Israeli territory. Critics say that Israel could also use its sovereignty to expropriate Palestinian lands.

The Palestinian Authority has already cut off its ties with Israel to protest the looming annexation. In the absence of any peace prospects, the Palestinian Authority could see its international funding dry up or decide to close.

The collapse of the authority could force Israel, as an occupying power, to pick up the tab for governing the Palestinians. In the long term, it could lead to Palestinian and international calls to establish a single binational state with voting rights for all — a scenario that could spell the end of Israel as a Jewish-majority state.

WHY DOESN'T THE INTERNATIONAL COMMUNITY STOP THIS?

U.N. Secretary-General Antonio Guterres has said annexation would mark a “most serious violation of international law.” The EU's foreign policy chief, Josep Borrell, has warned of “significant consequences.” Jordan and Egypt, the only Arab states at peace with Israel, have condemned the annexation plan. Saudi Arabia and the United Arab Emirates, powerful Arab players with informal relations with Israel, have said warming ties will be in danger.

But Israel and the U.S. appear to be banking on the international community's poor record of translating rhetoric into concrete action. Days after the UAE warned Israel against annexation, for instance, two Emirati companies reached cooperation deals with Israeli partners in the fight against the coronavirus.

Thanks to the U.S. veto over U.N. Security Council decisions, international sanctions appear to be out of the question. Divisions within the EU make concerted European reaction unlikely as well.

Individual countries might seek to impose limited sanctions against Israel, and the International Criminal Court in the Hague could take annexation into account as it weighs whether to launch a war crimes investigation into Israeli policies.

CAN ANYTHING STOP ANNEXATION?

The biggest obstacle to Netanyahu appears to be from within. U.S. officials say they are unlikely to allow Israel to move forward unless Netanyahu and his coalition partner, Defense Minister Benny Gantz, are in agreement.

Gantz, a former military chief and bitter rival of Netanyahu, has said Israel should move carefully and in coordination with regional partners. Gantz laid the groundwork for further delays Monday when he said his top priority is guiding the country through the coronavirus crisis.

“Anything unrelated to the battle against the coronavirus will wait,” he said.

Ironically, some hard-line settler leaders have also opposed the plan, saying they cannot accept any program that envisions a Palestinian state.

If the issue remains frozen, time could run out on Netanyahu. The presumptive Democratic nominee, Joe Biden, has said he opposes annexation. A Biden victory in November could mean that any Israeli annexation will be short-lived.

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Gulf Region

Exclusive: British government breaks inspection rules at Scottish missile factory supplying Saudi air war in Yemen – its fourth breach (Daily Maverick) By Phil Miller and Billy Briggs

June 18, 2020

The British government has failed to meet its official criteria for conducting “regular and thorough inspections” of arms facilities every three years at a highly controversial bomb factory in Scotland, Declassified and The Ferret have found.

It follows revelations of missed inspections at a fighter jet factory in England, raising concerns about systemic failings by government weapon inspectors who have now admitted to four separate lapses across Britain.

US arms giant Raytheon’s missile factory in Glenrothes in eastern Scotland has not been inspected since November 2016. The site makes parts for the company’s Paveway IV missiles supplied to Saudi Arabia, which human rights groups believe are directly linked to war crimes in Yemen.

Inspections are a safeguard designed to ensure British-based arms exporters abide by government regulations, but their lack of frequency undermines repeated claims by ministers that the UK operates “one of the most robust export control processes in the world”.

The full scale of missed inspections remains unclear because trade minister Ranil Jayawardena told Parliament that identifying all lapses would involve a “disproportionate cost” to manually review all of his department’s records. He also refused to tell MPs the outcome of the inspections that have been done, claiming the results were “commercially sensitive”.

However, when asked specifically about eight of Britain’s most controversial weapons factories – all connected to Saudi Arabia’s bombing of Yemen – Jayawardena admitted that half of them had not been visited by inspectors for more than three years, in breach of his department’s own rules.

One site, run by Raytheon, has not been inspected in nearly five years – almost the entirety of the Yemen conflict. Raytheon’s UK operation is chaired by Conservative peer Lord Strathclyde.

Andrew Smith, spokesman for Campaign Against Arms Trade (CAAT), said: “These sites have been crucial in terms of producing arms for the Saudi-led bombing campaign. The fact that the government appears to be failing in its own obligations raises serious questions about the scrutiny being applied and the cosy and compromising relationship between arms companies and government.”

Smith added: “This does not look like a case of one mistake, it looks like a systematic failure. Why has this kept happening, and, just as importantly, what is being done to ensure that it never does again?”

A Scottish government spokesperson said that it “expects inspection regimes to be adhered to and has consistently called on the UK government to end its flawed foreign policy approach. The Scottish government has repeatedly made very clear that, whilst this is a reserved matter, the UK government must properly police the export of arms and investigate whenever concerns are raised.”

Merchants of death

Typhoon fighter jet factories run by BAE Systems, Britain’s largest arms corporation, at Warton and Samlesbury in Lancashire, northwest England, have not been checked by government inspectors since April 2017.

Saudi Arabia has used its fleet of 72 Typhoons, many of which were made at these BAE factories, to repeatedly conduct airstrikes in Yemen throughout the last five years.

These strikes have continued during the coronavirus pandemic. A Covid-19 quarantine centre was bombed by the Saudi-led coalition in April and a school was hit in May, according to the Yemen Data Project.

Inspectors last visited Raytheon’s Paveway missile factories in Glenrothes, Fife, on 23 November 2016 and in Harlow, Essex, on 5 November 2015 – breaking the three-year minimum inspection guidelines.

Saudi Arabia fired so many Paveway missiles in Yemen that three months after the war started in April 2015 the UK military

agreed Raytheon could prioritise resupplying the Saudi air force ahead of the Royal Air Force (RAF), which also uses the missiles for operations in Iraq.

In 2016, a report by Human Rights Watch said that a code found on bomb debris in Yemen linked Raytheon's Scottish operation to an alleged war crime. Remnants of a missile found after a chamber of commerce building was bombed in the Yemeni capital, Sana'a, were from a "Mk-82 500-lb bomb with a UK-manufactured Paveway laser guidance kit".

Markings on the fragments showed that a Raytheon subcontractor produced the bomb in Scotland, at Kelso, south of Edinburgh.

In another incident, a Paveway IV missile produced in the UK in May 2015 was dropped on warehouses in an industrial area near Hodaida, Yemen's major western port, on 6 January 2016, according to the Human Rights Watch report.

BAE and Raytheon were referred to the International Criminal Court in December 2019 by a coalition of human rights groups which accused the arms companies of being party to alleged war crimes in Yemen.

Douglas Chapman, Scottish National Party MP for Dunfermline and West Fife, and a member of the All Party Parliamentary Group on Yemen, said the infrequent inspections of Raytheon's factories "highlights the reckless, irresponsible attitude of the UK Government towards the conflict in Yemen".

He added: "Despite repeated calls to cease trade of deadly weapons to Saudi Arabia this practice continues and the UK Government has the blood of innocent children on its hands. The UK Government needs to start taking responsibility for its actions, because so far it has turned a blind eye to the pain and suffering its weapons are causing."

Scottish Green external affairs spokesperson Ross Greer MSP said: "It's clear but hardly surprising that we cannot rely on the UK Government to police arms sales. Its claim to be building a 'global Britain' is nothing more than a smokescreen for protecting the profits of multibillion-pound international arms firms, regardless of the horrendous suffering it results in."

Greer also criticised the Scottish government for subsidising the arms trade through the "huge handouts of public cash its enterprise agency gives to these same arms dealers".

Ghost flight

Although the Court of Appeal ruled in 2019 that UK ministers could not grant new export licences to Saudi Arabia for weapons that might be used in bombing Yemen, the government is allowed to continue exporting equipment under older licences.

Section 31 of the Export Control Order 2008 gives the Department for International Trade the power to conduct unannounced inspections of arms factories in the UK. Trade minister Ranil Jayawardena told parliament "their purpose is to get assurance that users of general licences meet the terms and conditions of their licences".

While the frequency of inspections varies according to several factors, the minister said they are supposed to happen every three years at a minimum. This deadline is repeated in the government's strategic export controls annual report.

Once acquired, export licences allow companies such as BAE and Raytheon to send military equipment from the UK to their customers abroad. BAE runs a weekly Boeing 737 freighter flight from its Typhoon factory in Warton to a major Saudi air force base in Ta'if, from where bombing raids on Yemen take off.

The freighter flight is owned by Swedish firm West Atlantic but little is known about its cargo, which is kept secret even from the Civil Aviation Authority (CAA).

A freedom of information request to the CAA by Professor Anna Stavrianakis – an international relations expert at Sussex University – found that: "West Atlantic hold general approvals to transport dangerous goods, weapons of war and munitions of war."

However, the CAA was not able to provide any more detail, saying: "Approvals for UK operators are typically issued on a long-term or non-expiring basis, and there is no requirement for an operator to advise the CAA of what it is transporting on any particular flight."

Stavrianakis commented: "The inspections regime (such as it is) seems increasingly like part of the armoury of claims to benevolence, rather than any actual effort to implement robust controls."

From August the CAA will be managed by Sir Stephen Hillier, the former head of the RAF from 2016 to 2019 in which time he oversaw UK military support for Saudi Arabia's bombing of Yemen.

Dozens of RAF and other UK military personnel work closely with the Saudi air force, including through secondments to BAE Systems, under a scheme known as the Ministry of Defence Saudi Armed Forces Projects (MODSAP). Three UK military personnel are embedded in the Saudi Air Operations Center.

When Houthi rebels shot down a BAE-made Saudi Tornado jet over Yemen in February, MODSAP officials “did verbally discuss the possibility of offering technical assistance to the Royal Saudi Air Force with the investigation of the crash”, according to a freedom of information response.

However, no assistance was ultimately requested and MODSAP claims not to hold any written records about the incident.

A BAE Systems spokesperson said: “BAE Systems maintains controls designed to ensure that we comply with applicable export control laws and regulations. The Government’s Export Control Joint Unit advises industry when it will carry out inspections and its recent notices to exporters set out its plans for compliance inspections to continue during the coronavirus restrictions.”

The UK’s Department for International Trade and Raytheon were approached for comment. DM

UN: Children in war must never be a political bargaining chip (Amnesty International)

June 23, 2020

The United Nations Security Council must urgently fix its monitoring and reporting mechanism for children impacted by armed conflict, which is putting some of the most vulnerable lives at further risk by pandering to political sensitivities, Amnesty International said ahead of an open debate on the subject scheduled for 23 June.

In the UN Secretary-General’s annual report on children and armed conflict (CAAC), published last week, Saudi Arabia was completely removed from the list of warring states and armed groups around the world found to be violating children’s rights.

“The latest decision by the Secretary-General to remove Saudi Arabia from the list of states is the clearest sign yet that the system is failing to protect children in armed conflict. Instead, these children have become a bargaining chip in wider political discussions,” said Sherine Tadros, Head of Amnesty International’s UN Office in New York.

“The Saudi Arabia and UAE-led Coalition has rained down bombs on Yemeni children as they travelled in a school bus and in their homes as they slept, as well as used internationally banned cluster bombs that can maim and kill children for years to come. Amnesty International has also documented incidents of rape and abuse of children by members of armed groups affiliated to the Coalition.

“This premature delisting shows the UN’s mechanism is highly compromised and therefore warrants a full, transparent review of how it’s working. Year on year, we have seen it weakened and a course correction is desperately needed to ensure an accurate and consistent approach to the listing process. The only way we see that happening is if Secretary-General Guterres initiates a full and independent review.

“We need to remember that this mechanism was set up to protect children in conflict. If it is failing, the international community needs to be willing to look into what should be done, and what programmes need to be resourced to ensure children are protected.”

On 22 June, Amnesty International joined a group of 24 NGOs in sending a letter to UN Secretary-General António Guterres, calling on him to: reconsider the delisting of Saudi Arabia and Myanmar’s Tatmadaw; initiate a due diligence procedure to ensure that the annual report’s annexes accurately and consistently reflect the evidence gathered; and communicate to stakeholders how the new procedure will be implemented.

Background

In 2015, Saudi Arabia was included in the CAAC report for violations in the war in Yemen but was removed the following year by then Secretary-General Ban Ki-moon. He then publicly called out Saudi Arabia for effectively blackmailing the UN by threatening to pull funding from UN programmes. The reports published in 2017 and 2018 again downplayed Saudi Arabia’s role in endangering Yemeni children.

For the past five years, Amnesty International has reported extensively on how all parties to the conflict in Yemen have committed international humanitarian law violations, including likely war crimes, against children and other civilians.

The organization has recently begun a new strand of research to examine specific ways in which armed conflicts impact children, and continues to monitor the situation for children in northern Iraq, Northeast Nigeria and elsewhere.

Rampant torture by all sides in Yemen's unofficial jails may amount to war crimes, report shows (The Independent) By Bel Trew

July 1, 2020

Arbitrary detentions, torture of inmates and deaths of detainees have soared during the last few years of Yemen's civil war, according to a new report that found all parties of the conflict responsible for human rights abuses that could amount to war crimes.

The investigation spanning four years by Yemeni rights group Mwatana delves into the grim world of nearly a dozen unofficial detention centres run by Iran-backed Houthi rebels as well as their foes: armed groups loyal to Yemen's internationally recognised government, the military factions allied with the Saudi Arabia-led coalition and southern separatist factions.

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Yemen has been torn apart by civil war since the Houthis swept control of the capital Sana'a in late 2014, ousting the government of Abedrabbo Mansour Hadi. Fearing the encroachment of Iranian influence in the region, in March 2015 Saudi Arabia and its Gulf allies launched a bombing campaign to reinstate Mr Hadi.

The country was nominally divided between the Houthi-held north and the government-held south until it splintered into multiple mini-wars as alliances broke down.

Mwatana said those fractures sparked an additional surge in violence against detainees including a spike in enforced disappearances.

Based on more than 2,500 interviews with former detainees, their relatives, witnesses, activists and lawyers, the report released on Tuesday documented more than 1,605 cases of arbitrary detention, 770 cases of enforced disappearance, and 344 cases of torture since 2016.

Mwatana was able to confirm 66 deaths within detention, many of them due to torture. It fears the true numbers are much higher.

"Since the conflict has dragged on we have seen a surge in arbitrary detentions and abuse as wars have erupted between the allies of the different warring parties," Ali Jameel, a Mwatana researcher, told The Independent.

"All parties of the conflict are involved and treating people in a horrific way. With the arrival of Covid-19 we are particularly concerned. If the virus reaches these detention centres, God help them," he added.

Yemen's ruinous five-year civil war has sparked the world's worst humanitarian crisis in terms of numbers. According to the United Nations, 80 per cent of the population relies on aid to survive.

Millions of civilians have also been pushed to the brink of famine. The UN's agency for children (Unicef) warned this week that the number of malnourished children could reach 2.4 million by the end of the year.

With just half the country's healthcare facilities functioning, it has left the population particularly vulnerable to the coronavirus pandemic.

While the humanitarian fallout from the conflict has been well documented, the abuse of detainees in makeshift jails and prisons has not.

For the first time, this report takes a deep dive into unofficial detention centres across nine different governorates.

The report found the Houthis were responsible for the largest number of arbitrary or abusive detentions (904 of the 1,605 in total), as well as cases of torture (138 cases) and deaths in detention (27).

The next largest was the UAE forces and affiliated armed groups like the Southern Transitional Council (STC) which it says bears responsibility for 419 cases of arbitrary or abusive detentions, 327 of enforced disappearance, 141 of torture, and 25 deaths in detention.

The Yemeni government, meanwhile, was responsible for 282 arbitrary or abusive detentions, 90 cases of enforced disappearances, 65 cases of torture and 14 deaths in detention.

However, the researchers said some of the most violent episodes took place in a prison run by the UAE-backed STC, which was allied to Yemen's government against the Houthis until it launched a bid for southern independence in 2018. It is now a faction on its own.

Mwatana noted 29 cases of torture and at least four deaths in detention at the STC's "October 7 prison" which is located in the southern province of Abyan, where fighting between government and STC forces is ongoing.

One of the detainees who died was Mohamed, 32. He was stopped at an STC security checkpoint in Abyan in June 2018. His mutilated corpse was dumped a month later in a nearby hospital. His family showed Mwatana a photo of the body. The group said it was soaked in blood, his eyes had been smashed and his teeth broken. He had gunshot wounds to his body including his genitals and had clearly been bound with iron chains and electrocuted.

Abuses were also recorded at Al-Rayyan, in the southeastern province of Hadhramaut, that is run by Gulf coalition forces and STC troops.

Sadek, 30, was arrested by forces affiliated with the STC in 2016 and held for a year in Rayyan prison, where he was kept for a brief period in solitary confinement in a 1sq m jail cell. There his relatives told Mwatana his genitals were mutilated and he was threatened with rape.

"I barely recognised this young man with such a frail body," one relative told the group, adding that Sadek remains behind bars.

Horrific abuses were also recorded within Houthi detention centres in the central governorate of Taiz. There inmates told the rights group they were tortured with electricity, beaten with wires and had their fingernails removed.

One former detainee named as Amro, 39, described the "pressure cooker" room, a sealed basement cell which is just 3m by 2m wide and houses up to 12 people at the same time without a toilet.

He was held there for 27 days.

"The cell did not even have a nail hole for air and light to pass through. I did not know when the sun would rise or when it would set. "[There] darkness prevails and a day seems as if it is a year," he said.

Mwatana has urged all parties to immediately stop the violations and abuses and take a "serious step towards accountability".

"There must be trials for those with criminal allegations against them," said Mwatana's Mr Jameel.

"We must see members of security forces who have credible allegations of serious humanitarian law violations suspended."

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ASIA

Afghanistan

No more British troops will be prosecuted over Afghanistan war crimes, Veteran's minister Johnny Mercer says after £10m probe was closed without bringing any charges (Daily Mail) By Luke Andrews

June 21, 2020

No more British troops will face prosecution over alleged war crimes in Afghanistan, the veteran's minister Johnny Mercer has said.

As much as £10million of taxpayers' money has been spent on an inquiry into soldiers conduct, codenamed Operation

Northmoor, which at its peak saw 120 investigators looking into 675 criminal allegations from 159 separate complainants.

But the Royal Military Police investigation has now closed without charging any servicemen who served in the war-torn region.

Allegations it looked into included those from Taliban bombmaker Serdar Mohammed, who claimed his arrest and detention for 106 days was unlawful.

Critics have accused the Ministry of Defence (MoD) of failing to investigate crimes sufficiently, including the shooting of four young men, Two were aged 12 and 14.

Mr Mercer, a former army captain who served in Afghanistan, told the Sunday Telegraph: 'I've said this government is going to war on Lawfare, and I meant it.

'This is another significant moment we retake ground ceded over the years to those who seek to rewrite history and line their own pockets with no regard at all for the damage they have done to some of our nation's finest people.

'We now know that none of the historical allegations from Afghanistan have led to prosecutions, and that most of the compensation claims were eventually withdrawn.

'I recognise this has meant that many of our remarkable Armed Forces have been living under the unique burden of vexatious claims and a cycle of seemingly endless reinvestigation.'

The MoD said Operation Northmoor was closed after a 'thorough and independent' investigation which, it said, had found 'insufficient evidence to refer any personnel to prosecutors'.

In November 2019, the then five-year Operation admitted that fewer than ten soldiers were still under investigation.

Former defence secretary Michael Fallon had said in 2017 that it would be wound down, but inquiries continued long afterwards.

The end of the Operation comes after the British government introduced a bill to protect soldiers from prosecution for crimes committed outside the UK in March this year.

The new legislation proposed placing a five-year time limit on any prosecutions, meaning soldiers would be unlikely to face court action relating to the 2003 invasion of Iraq or 2001 invasion of Afghanistan.

The measures will, if approved, only cover British soldiers serving outside the UK, meaning those who committed offences during the 30-year conflict in Northern Ireland known as The Troubles will not be protected.

The MoD has already paid out millions of pounds to settle claims brought over cases of unlawful killing and torture, both in Iraq and Afghanistan.

Mr Mercer said: 'This package of legal measures will reduce the unique pressure faced by personnel who perform exceptional feats in incredibly difficult and complex circumstances.

'This important next step has gone further than any other government before to protect military personnel who put their life in jeopardy to protect us.'

Boris Johnson is also thought to be looking at providing further protections for troops that served in Northern Ireland.

UN says Afghan health workers facing deliberate attacks (Minneapolis Star Tribune) By Rahim Faiez
June 21, 2020

The United Nations on Sunday released a special report expressing concerns over what it called recent "deliberate attacks" against health care workers and facilities in Afghanistan during the coronavirus pandemic.

The United Nations Assistance Mission in Afghanistan, or UNAMA, said it had documented 12 deliberate acts of violence between March 11 to May 23, and that these attacks constitute war crimes.

The report said eight of the attacks were carried out by Taliban insurgents, while three were attributed to Afghan security forces. The most horrific attack, on a maternity ward at a Kabul hospital that killed 24 people last month, remains unsolved. The United States has said the attack bore the hallmarks of the Islamic State group's affiliate in Afghanistan, which is fighting

both the Taliban and the Kabul government.

"At a time when an urgent humanitarian response was required to protect every life in Afghanistan, both the Taliban and Afghan national security forces carried out deliberate acts of violence that undermined health care operations," said Deborah Lyons, the Secretary-General's Special Representative for Afghanistan, and head of UNAMA. "There is no excuse for such actions; the safety and well-being of the civilian population must be a priority."

Taliban spokesman Zabihullah Mujahid denied the U.N. report's findings, saying, "We do not consider these allegations and reports to be accurate." Sunday's statement said Taliban militants had not attacked any health facilities and claimed they have instead protected them.

Afghan government officials did not immediately respond to requests for comment from The Associated Press.

Afghanistan has 28,833 confirmed coronavirus cases with 581 deaths, although international aid organizations monitoring the country's outbreak say the numbers are much higher because of a lack of access and testing capabilities.

Following the May 12 attack on the Kabul maternity hospital, Doctors Without Borders decided last week to end its operations in Kabul. The international charity, also known by its French acronym MSF, said it would keep its other programs in Afghanistan running, but did not go into details.

The attack at the maternity hospital killed two infants as well as several young mothers as well as nurses, and set off an hours-long shootout with Afghan police. The hospital in Dashti Barchi, a mostly Shiite neighborhood, was the Geneva-based group's only project in the Afghan capital. The U.S. has said the attack targeted the country's minority Shiites in a neighborhood of Kabul that the Islamic State group has repeatedly attacked in the past. The Taliban promptly denied involvement.

The U.N. report emphasized that deliberate acts of violence against health care facilities, including hospitals and related personnel, are prohibited under international humanitarian law and constitute war crimes.

"Perpetrating targeted attacks on healthcare during the COVID-19 pandemic, a time when health resources are already stretched and of critical importance to the civilian population, is particularly reprehensible," said Fiona Frazer, UNAMA Chief of Human Rights.

War crimes court's members back tribunal against Trump sanctions threat (The National) By Nicky Harley
June 24, 2020

Most member states of the International Criminal Court have voiced support for the institution in response to the US administration's decision to authorise sanctions against court staff.

President Donald Trump on June 11 authorised economic and travel sanctions against ICC workers who were investigating US troops and intelligence officials serving in Afghanistan, and allied nations including Israel, for possible war crimes.

In a strongly worded joint statement on Tuesday, 67 of the 123 member nations, including Australia, the UK and the Netherlands, said that they were reaffirming "our unwavering support for the ICC as an independent and impartial judicial institution".

The countries repeated their commitment to preserving the court's integrity, "undeterred by any measures or threats against the court, its officials and those co-operating with it".

The court in The Hague was created in 2002 to prosecute war crimes, crimes against humanity and genocide in countries where authorities could not or would not bring perpetrators to justice.

The US has never been an ICC member.

Human Rights Watch welcomed the pledge of support from member states.

"This statement is highly significant because ICC member states globally, including key US allies, are speaking up in defence of the court and its independence," said Richard Dicker, international justice director at the rights organisation.

"It sends the crucial message that ICC states have the court's back and will not be cowed in their commitment to seeing justice for crimes against humanity and war crimes."

US Secretary of State Mike Pompeo denounced the tribunal as a "kangaroo court" that has been unsuccessful and inefficient in its mandate to prosecute war crimes.

Mr Pompeo said the US would punish ICC employees for any investigation or prosecution of Americans in Afghanistan.

The court personnel could also be banned from the US for prosecuting Israelis for over abuses against Palestinians, he said.

"It gives us no joy to punish them," Mr Pompeo said.

"But we cannot allow ICC officials and their families to come to the US to shop and travel and otherwise enjoy American freedoms as these same officials seek to prosecute the defenders of those very freedoms."

Last year, Mr Pompeo revoked the visa of the court's chief prosecutor, Fatou Bensouda, after she asked ICC judges to open an investigation into alleged war crimes in Afghanistan.

The judges initially rejected the request, but Ms Bensouda appealed and the court authorised the investigation in March.

That ruling marked the first time the court's prosecutor was cleared to investigate US forces.

The case involves allegations of war crimes committed by Afghan national security forces, Taliban and Haqqani network militants, and by US forces and intelligence officials in Afghanistan since May 2003.

Ms Bensouda said there was information that members of the US military and intelligence agencies "committed acts of torture, cruel treatment, outrages on personal dignity, rape and sexual violence".

The nations that signed Tuesday's statement called the court "an essential component of the multilateral architecture upholding the rule of law".

"It embodies our collective commitment to fight impunity for international crimes," they said.

The states said that by giving the court their full backing, "we defend the progress we have made together towards an international rules-based order, of which international justice is an indispensable pillar".

Roadside bombing kills 6 civilians in northern Afghanistan (Minneapolis Star Tribune)

June 24, 2020

A roadside bombing killed at least six Afghan civilians traveling in a rickshaw in a northern province, an official said Wednesday. No one immediately claimed responsibility for the attack.

According to the interior ministry spokesman, Tariq Arian, the bombing in Jawzjan province took place the previous evening when the rickshaw struck the roadside bomb in Mardyan district. One civilian was also wounded in the explosion.

Arian blamed Taliban insurgents for the attack. Afghanistan has seen a recent spike in violence, with most attacks claimed by the local affiliate of the Islamic State group.

In early June, IS claimed responsibility for a bombing at a mosque in Kabul that killed two people, including the prayer leader. Eight worshippers were wounded in that attack.

A week later, another prayer leader and three worshippers were killed in a bomb blast inside another mosque in Kabul. Eight other worshippers were wounded. The Taliban condemned the mosque attacks.

Also, the United States blamed IS for a horrific attack last month on a maternity hospital in the capital that killed 24 people, including two infants and several new mothers.

The Islamic State group, which reviles Shiites as heretics, has declared war on Afghanistan's minority Shiite Muslims, but has also attacked Sunni Muslims and mosques.

Lawyers urge Trump to rescind sanctions and travel bans for International Criminal Court (Washington Post) By Ellen Nakashima and Carol Morello

June 29, 2020

A group of 175 legal scholars and lawyers specializing in international law have urged President Trump to rescind his authorization of sanctions and visa denials for International Criminal Court staff members investigating war crimes in Afghanistan, including those allegedly committed by U.S. forces.

In a statement sent to the White House on Friday and released Monday, the lawyers said that placing sanctions on prosecutors and investigators of alleged war crimes, rather than perpetrators, is “wrong in principle, contrary to American values, and prejudicial to U.S. national security.”

“Seeking to intimidate investigators and punish prosecutors perverts the purpose and undermines the legitimacy of sanctions,” they wrote.

The statement, which comes amid news that Russia offered the Taliban bounties to kill coalition troops in Afghanistan, was signed by former ambassadors, assistant secretaries of state for human rights, prosecutors and judges at war crimes tribunals held in other countries.

Among the signatories is Ben Ferencz, the last surviving U.S. prosecutor of Nazis at Nuremberg. Now 100, Ferencz was the lead prosecutor in the Einsatzgruppen case, which involved roving killing squads during World War II.

Although successive U.S. administrations have considered the ICC an attack on U.S. sovereignty, the dispute over the court has come to a head in the two years since it announced an inquiry into allegations of crimes against humanity by U.S. forces in Afghanistan in 2003 and 2004 and at secret CIA “black sites,” interrogation facilities in Lithuania, Poland and Romania.

The ICC investigation encompasses alleged crimes by all sides, including Afghan security forces and the Taliban, as well as a small number of U.S. personnel.

Last year, Secretary of State Mike Pompeo revoked the visa of the court’s chief prosecutor, Fatou Bensouda, when she announced plans to pursue investigations of what happened, and threatened to revoke visas for other court officials investigating the actions of U.S. citizens.

An ICC appeals panel approved the investigation on June 5. Less than a week later, Trump signed an executive order authorizing the sanctions, and Pompeo signaled that a sustained U.S. campaign against the court would begin in coming weeks.

“We cannot, we will not stand by as our people are threatened by a kangaroo court,” Pompeo said, standing at a State Department podium alongside Attorney General William P. Barr, Defense Secretary Mark T. Esper and national security adviser Robert O’Brien.

The ICC in the Netherlands has been controversial since it was created by the Rome Statute of 1998. Although the Clinton administration favored the treaty, it has never been submitted to the Senate for ratification. So the United States has never joined the 123 countries, including many democracies and U.S. allies, in recognizing its jurisdiction over atrocities committed during wartime.

The ICC steps in only when a nation’s government is deemed unable or unwilling to prosecute its own citizens. U.S. officials argue that they can and have charged Americans for crimes allegedly committed in Afghanistan, the United States’ longest war.

“When our own people do wrong, we lawfully punish those individuals, as rare as they are, who tarnish the reputation of our great U.S. military and our intelligence services,” Pompeo said.

But critics have said that only lower-level personnel have been tried — not the officials who ordered or oversaw potential crimes. Another source of criticism is that the only prosecutions have been for atrocities committed in African countries.

Some of the signatories said they fear the order is so broad that it could lead to sanctions against U.S. lawyers who have assisted the ICC and Americans who work on its staff.

“It’s just wrong to go after the people who investigate atrocities,” said signatory Doug Cassel, emeritus professor at Notre Dame Law School. “You should go after the people who commit them.”

Mark Zaid, a national security lawyer who also signed the statement, said the U.S. refusal to cooperate with the ICC would diminish American credibility.

“This is an insult to everything the United States has stood for over the decades,” he said. “Because we were the ones who really led the world at times.”

'Profound regret': ICC prosecutor on being hit with US sanctions over Afghanistan war crimes probe (Euro News) By Jack Parrock
June 29, 2020

A prosecutor from the International Criminal Court (ICC) has told Euronews of her "profound regret" after the US slapped her with sanctions.

Earlier this month President Donald Trump authorised economic and travel sanctions against Fatou Bensouda and other ICC workers over their probe into whether US troops and intelligence officials committed war crimes in Afghanistan.

"We express profound regret at the announcement of these further threats and unprecedented coercive actions, including the threat of financial measures against the court and the officials of the court by the government of the United States, not least given that country's longstanding contribution to the field of international criminal justice," ICC prosecutor Bensouda told Euronews.

She said the attacks "came with the territory" and should not mean that the ICC's investigations would stop.

"Afghanistan has recently requested the office to defer to investigations that it says it is conducting," added Bensouda.

"So my office is currently closely evaluating this information provided by the Afghan authorities, as is our obligation."

The Hague-based ICC was created in 2002 to prosecute war crimes, crimes of humanity and genocide in countries where authorities cannot or will not bring perpetrators to justice. The US has never been an ICC member.

Earlier this week more than half of the ICC's member states voiced their support for the institution over US sanctions.

The 67 nations, including US allies such as Australia, the United Kingdom and the Netherlands, said in the joint statement that they were reconfirming "our unwavering support for the Court as an independent and impartial judicial institution".

The participating countries also reiterated their commitment to preserving the court's integrity "undeterred by any measures or threats against the Court, its officials and those cooperating with it".

Australia's SAS chief admits his forces committed war crimes in Afghanistan, as claims emerge that civilians were killed, including one who was 'stomped to death' (Daily Mail) By Jemma Carr and Alison Bevege
June 30, 2020

Australia's special forces chief has admitted that SAS soldiers did commit war crimes in Afghanistan.

Australian Special Operations Commander Major-General Adam Findlay told SAS soldiers at Perth's Campbell Barracks that 'there are guys who criminally did something' and 'poor leadership' is to blame.

This is the first time a senior officer - who is still serving - has said that SAS soldiers broke the law in Afghanistan.

His comments are widely interpreted as an admission that the Brereton Inquiry - an investigation into more than 55 cases of alleged misconduct by Australia's special forces - is going to make adverse findings when it finishes in July.

General Findlay said the inquiry had shown some Special Air Force (SAS) soldiers were brave enough to break the iron-clad code of loyalty and blow the whistle on the crimes, an act which he described as 'moral courage'.

But he stressed it could take a significant amount of time for the force's reputation to be restored, The Times reports.

General Findlay said: 'There are guys who criminally did something. But can you tell me, why was that? It is poor leadership.'

The long-running inquiry, launched in 2016 by the Inspector-General of the Australian Defence Force, is investigating allegations against special forces in Afghanistan from 2005 to 2016.

The incidents are said to be mostly allegations of unlawful killings - including of handcuffed prisoners - but there are also accusations of cruelty and more than 330 witnesses have been interviewed so far.

New South Wales judge Paul Brereton, who is heading the inquiry, will deliver the long-awaited report to Defence Force Chief General Angus Campbell.

General Campbell will then pass the classified report up to Defence Minister Linda Reynolds, who will decide which parts of the report should be released to Parliament and to the public.

The SAS were deployed to the province of Uruzgan - and later to other areas - as part of a special forces group for various missions between 2005 and 2013.

There were five casualties during the operations which included combat patrols and surveillance.

One of the 55 alleged war crimes was the case of Haji Sardar, an almond farmer whose son was stomped to death by a member of the special forces.

SAS medic Dusty Miller, a decorated former warrant officer who served in Afghanistan, made an emotional apology to his sons after Mr Sardar was taken away from his care by a superior and was dead shortly after.

Mr Miller made the heart-felt apology from Melbourne over video link to two sons of the almond farmer in Kabul.

'I am very sorry by what happened to your father and I wish I'd have done more,' he said.

'You shouldn't have lost your father that day and I am so sorry that that happened.'

Mr Sardar's sons were not angry and instead thanked Mr Miller.

Abdul Sardar, 34, said he was grateful that Mr Miller had helped his father in the final moments before he was allegedly killed.

'He has done as much as he could do and when things were beyond his ability then no-one can hold one accountable for,' he said through an interpreter on 60 Minutes.

Mr Sardar's other son Hazratullah, 22, said he, too, was thankful for Mr Miller's help.

'I am very thankful to Dusty for his help and getting in touch with us and telling us what he did, and the help he provided to my father,' he said.

Both sons, however, asked Mr Miller to help them get justice for the death of their father who was from a small village deep in the badlands of southern Afghanistan.

Mr Sardar, a father-of-seven, had been shot through the thigh as the SAS approached his village on March 14, 2012.

Mr Miller, a medic recently deployed to Afghanistan with Australia's SAS Regiment, was given the injured farmer to care for as soon as he arrived.

Mr Sardar was lucky as the bullet had passed clean through and Mr Miller said the injury was not life threatening.

He treated Mr Sardar's wounds and made him as comfortable as possible.

The Army medic told 60 Minutes that under the Geneva Convention it didn't matter if the patient was a combatant or a non-combatant, once a wounded person was under his care, he would be treated.

Mr Miller believed he was to take the wounded man to the base at Tarinkot, in the capital of Uruzgan province, for medical treatment.

Instead, he recounted how one of his superiors approached him and said 'this person's coming with me'.

Because he could not walk, the soldier piggybacked the bleeding farmer away.

Minutes later, the same senior officer returned and told him the man had died, Mr Miller said.

'Straight away I knew that was impossible - absolutely impossible,' Mr Miller said.

'I assumed he was killed basically. He didn't die of his wounds, I can promise you that.'

Mr Sardar's sons said when they were allowed to see their dead father, six hours later, he had boot marks all over his chest, as though someone had stomped him to death.

'When the kids went to see him he was already dead and when we checked him he had bruises on his cheek, bootmarks up to here,' said Abdul Sardar.

His brother Hazratullah asked why his father was killed.

'Women and children were crying,' he said through an interpreter.

'All relatives gathered around him - what was his crime? What was his fault?'

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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

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War Crimes Investigation in Myanmar

Myanmar: Kirin Should Cut Ties to Military (Human Rights Watch)

June 18, 2020

Japan-based Kirin Holdings Company, Ltd. should end its partnership with Myanmar Economic Holdings Ltd. (MEHL) because of its connections to Myanmar’s abusive armed forces, Human Rights Now, Human Rights Watch, Japan Volunteer International Center, and Shapla Neer said today. The organizations wrote to Kirin on May 22, 2020, urging the global beverage company to terminate its partnership with the military conglomerate, and the company responded on June 12.

“Kirin is putting money right into the pockets of Myanmar’s military, which is responsible for countless atrocities against the Rohingya and other ethnic minorities,” said Phil Robertson, deputy Asia director. “Kirin should repair its damaged reputation by disentangling itself from the Myanmar military’s business conglomerate and its abusive armed forces.”

Kirin currently owns a majority stake in Myanmar Brewery Ltd. (MBL) and Mandalay Brewery (MDL) in partnership with the military-owned MEHL. In 2015, Kirin bought 55 percent of Myanmar Brewery Ltd, 4 percent of which it later transferred to the military-owned firm. In 2017, Kirin acquired 51 percent of Mandalay Brewery in a separate joint venture with the firm.

Myanmar’s armed forces, known as the Tatmadaw, have long been responsible for grave violations of human rights and the laws of war against the country’s ethnic minority populations. These abuses culminated in the August 2017 campaign of ethnic cleansing and crimes against humanity, including killings, sexual violence, and forced removal, against the ethnic Rohingya population in Rakhine State.

A United Nations-backed Fact-Finding Mission on Myanmar reported in 2018 that atrocities committed by Myanmar’s armed

forces “rise to the level of both war crimes and crimes against humanity.” In a September 2019 report, the panel concluded that “any foreign business activity” involving Myanmar’s military and its conglomerates Myanmar Economic Holdings Limited and Myanmar Economic Corporation pose “a high risk of contributing to or being linked to, violations of human rights law and international humanitarian law. At a minimum, these foreign companies are contributing to supporting the Tatmadaw’s financial capacity.” The fact-finding mission advocated the “financial isolation” of the military to deter violations of international human rights and humanitarian law.

“It has been over six months since the Fact-Finding Mission report advised companies to financially isolate the Tatmadaw, but Kirin still remains in partnership with MEHL,” said Kazuko Ito, secretary-general of Human Rights Now. “Each day that Kirin maintains ties risks that its business operations are aiding the military commit further human rights violations.”

Kirin has additional links to Myanmar’s military. An investigation by Amnesty International found that Kirin’s subsidiary MBL donated at least US\$30,000 to the Tatmadaw between September and October 2017. This was at the height of the military’s ethnic cleansing campaign against the Rohingya.

“Kirin has failed to provide a good explanation for its subsidiary donating tens of thousands of dollars to the Myanmar military just as its troops were systematically killing, raping, and expelling Rohingya civilians and torching their villages,” said Takatoshi Hasebe, secretary-general of Japan International Volunteer Center. “Kirin should take the Fact-Finding Mission report seriously and end its relationship with these military-owned companies now.”

Kirin Group’s Human Rights Policy states the company will respect international human rights law instruments, including the United Nations Guiding Principles on Business and Human Rights. This means Kirin should “avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur,” and “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”

On June 12, Kirin responded to the groups’ letter, stating that it intends to “address the concerns raised by the international community regarding our business operations in Myanmar” and is “considering all actions and options available to us that will lead to a positive outcome for the people of Myanmar.” Kirin said it had signed the joint venture agreement on the condition that proceeds would not be used for military purposes, but also confirmed it has “formally commenced the process of exploring alternative structural options” regarding its ownership of its Myanmar businesses with help from external advisers.

Kirin also stated that “it is wholly unacceptable to Kirin that any proceeds from the joint-venture with the MEHL could be used for military purposes.” Kirin said it had hired a third-party auditor to “conduct an assessment of the materials provided by MEHL and other publicly available information” after stating “we have formally and repeatedly requested details of MEHL’s financial and governance structures to ascertain whether proceeds from joint-ventures with MEHL may have been used for military purposes.”

Kirin should urgently act to end its business partnership with the MEHL conglomerate and prevent its subsidiaries from making any further partnerships or donations to the Myanmar military, the organizations said.

“Kirin should demonstrate its commitment to its own Human Rights Policy by taking action to end its engagement with Myanmar’s military-controlled companies,” said Toyooki Komatsu, secretary-general of Shaplaneer. “Such responsible action will show the country’s persecuted minority groups such as the Rohingya that demands for justice and accountability can bring results.”

Myanmar Road Blockades in Rakhine Conflict Leave 3,000 Villagers Hungry (Radio Free Asia)

June 25, 2020

More than 3,000 residents of Myanmar’s war-ravaged Rakhine state face severe food shortages due to road blockades by government forces that have locked down the area for about six months, local residents said.

For the past 18 months, the AA has fought government forces in northern Rakhine and in Paletwa township of adjacent Chin state — areas where it seeks to assert control to assure greater autonomy for ethnic Rakhine people. The fighting has killed 260 civilians and displaced more than 160,000 people.

The government army has restricted the transport of rice — Myanmar’s staple food — in more than 40 villages into Rakhine’s Ann township since January in an effort to cut off vital supplies to the rebel Arakan Army (AA), leaving the mostly ethnic Chin civilians to survive on bananas and vegetables.

In the meantime, some of those affected by the food shortages have fled their homes in Shangon and Mingaladon villages. The two communities house roughly 600 people and 500 people, respectively, near the Dalet Chaung village tract, according to

Salai Win Maung of the Chin Humanitarian Assistance Team, an NGO.

The village tract comprises 36 ethnic Chin communities and five ethnic Rakhine communities.

“Because the government army has been blocking rice transports for long time, villagers have been suffering from a lack of rice,” Salai Win Maung said. “Right now, there is no rice to buy, and villagers have only bananas and vegetables to eat.”

News about the rice shortages have reached NGOs because the residents of Shangon and Mingaladon villages have mobile internet access, he said, and are not subject to a controversial government-imposed service ban in northern Rakhine townships and in Paletwa township.

“We still do not know about the situations in others villages,” Salai Win Maung said.

The blockades and travel restrictions also mean that villagers can no longer sell bamboo, cashew nuts, or other local products outside their communities and have no way to obtain money to purchase 40,000-kyat (U.S. \$28) sacks of rice, he said.

Sheltering in a monastery

Thu Mana, a monk who is taking care of the villagers, said that about 3,000 people from the two communities have taken refuge at his monastery.

“They have no rice in their villages,” he told RFA. “Some of them were completely out of food. That’s why they are sheltering in my monastery.”

One person who declined to provide his name for safety reasons said the villagers left their homes because their food supplies were running out.

“We had to move here because roads and waterways to our village have been closed, so rice cannot reach [us],” he said.

Ethnic Chin NGOs also are trying to help the villagers, but they say they first must obtain permission from the Myanmar Army to deliver rice donations.

“There’s no food in some places, so we arranged to donate 50 sacks of rice to places where residents cannot go anywhere,” said Salai Win Maung. “But we have not yet received permission from the army.”

Local residents and NGOs say the blockades mainly affect children and pregnant women who lack access to food.

Some NGOs also say that Chin youths from the villages have fled to the commercial hub Yangon due to the food shortages and to escape the armed conflict. The trip from Ann town to Yangon takes at least nine hours by car or bus.

“We are very concerned about children and breastfeeding mothers,” said Mai Nan Wai, spokeswoman for the Relief and Rehabilitation Committee for Chin IDPs. “It could be a life-threatening situation.”

Rakhine officials say soldiers allow villagers to leave their communities for rice as long as they apply for and are granted approval from relevant departments.

“There’s no denial from us if they ask permission,” said Colonel Min Than, Rakhine state’s border affairs and security minister. “We allow rice transports, too.”

Myanmar military spokesman Brigadier General Zaw Min Tun said last week that he had no information about government troops forbidding rice deliveries to the area.

RFA could not reach the military’s information team on Wednesday for an update.

The armed conflict has displaced more than 9,000 ethnic Chin civilians in Paletwa, while another 6,000 are at risk in Rakhine’s Ann, Minbya, Myebon, and Mrauk-U townships, the NGOs said.

Myanmar Army Orders Cluster of Villages Housing 10,000 Emptied For Rakhine Operation (Radio Free Asia)

June 26, 2020

The Myanmar military has ordered a village tract housing some 10,000 people emptied so it can pursue rebel fighters in Rakhine state, as aggressive army action increasingly displaces civilians in the 18-month-old war, local authorities said Friday.

The order calls for residents of 17 communities in the Kyauktan village tract to vacate their homes for “clearance operations” against the Arakan Army (AA) in Rathedaung township, the center of much fighting in the conflict, they said.

The dramatic removal order in a conflict that has displaced 160,000 civilians came as residents from three villages near Rakhine’s historic Buddhist temple complex of Mrauk-U confirmed that Myanmar troops remain stationed among ancient temples. Their reports contradicted recent army denials that government soldiers entered religious sites.

An extensive military operation in the celebrated landscape of Buddhist architecture in Mrauk-U, the capital of the Arakan kingdom from the 1430s to 1780s, could stoke hostility among the Rakhine people. The AA says it is fighting the central government for more autonomy for the state.

In Rathedaung, township administrator Aung Myint Thein told RFA that Rakhine state’s border affairs and security minister on Tuesday asked all residents to clear out so Myanmar forces could begin an operation.

“The instructions on the order asked local administrators to inform the people, so that’s what I did,” he said. “It will make the lives of the people safer.”

The order said that the military received information that AA troops were operating in Kyauktan and nearby areas, he said.

It also warned residents not to host the rebels at their homes and advised them to leave the area to avoid becoming casualties. The order did not say how long the operation would last.

A village administrative official, who did not want to be named out of fear for his safety, estimated that 10,000 mostly ethnic Rakhines live in the village tract. It was not immediately clear on Friday how many villagers had left.

A Kyauktan resident who declined to provide his name for safety reasons said he feared that he and other villagers would not be able to return to their homes permanently because the military did not include a time period on the order.

“I think the military is going to turn our homes into a battlefield,” he said. “We don’t know how long their clearance operation will last or how they will conduct this operation. We are also concerned that they will burn the houses.”

Local villagers said they fear that soldiers will confiscate or destroy the property they had to leave behind, including sacks of rice in storage, farming equipment, and cattle.

Prior warning

Civil society groups have objected to the military’s move, saying that it is forcing villagers to flee their homes.

“They have issued an official letter ordering the local people to flee,” said Zaw Zaw Tun, secretary of the Rakhine Ethnic Congress (REC). “The letter said ‘temporarily,’ but did not indicate how long that is or who will take responsibility if it goes on for too long. This is very irresponsible.”

The order makes the current situation even worse for locals who have not been able to plow their fields or hunt because of the fighting between the two forces, which has raged in northern Rakhine since early 2019.

Now, they are being forced to leave their communities amid the annual monsoon season and join the ranks of some other 160,000 displaced civilians living in Buddhist temples and camps in the state.

Khin Saw Wai, a lawmaker from Rathedaung township, said the prior warning from the army can be viewed as a positive development if it minimizes the casualties among villagers in a war in which about 260 civilians already have died — many from military shelling of their homes and farms.

“This clearance operation could lead to full-scale battle, so they’ve asked the local people to evacuate,” she told RFA. “We should think positively no matter what. If the fighting occurred all of a sudden, only the local people would get injured.”

More than 8,000 civilians displaced by the armed conflict took shelter at 25 temporary camps in Rathedaung township as of June 8, according to the REC.

Naing Swe Oo, founder and executive director of the Thayninga Institute for Strategic Studies, a pro-military think tank based in Naypyidaw, said that the government issued similar orders in the past to evacuate local populations ahead of military clearance operations.

“When civilians are not aware of an upcoming military operation, they can be affected more,” he said. “This prior warning can lessen the severity of reports and allegations of civilians being killed by military actions.”

RFA was unable to reach a military spokesman in Naypyidaw for comment on the operation and its impact on the uprooted villagers.

In Mrauk-U, which is only about 30 miles (50 kilometers) from Rathedaung, residents in three different locations told RFA on Friday that uniformed soldiers camped out atop hills with pagodas could be seen from the Yangon-Sittwe highway.

Mrauk-U has been mooted as a possible UNESCO World Heritage Site because of its array of historic temples and stupas. According to Buddhist tradition, such sites are regarded as places of peace and reflection. Cultural and religious etiquette also demands that visitors to a temple or stupa take off their shoes before entering.

Accounts match videos

The accounts from villagers squared with videos the AA posted that it said were recorded on June 17 and 20 showing Myanmar soldiers stationed at the Thin Kyt Taung pagoda near Pauktawpyin village in Mrauk-U township and at the Thone Sat Tabone pagoda in nearby Buthidaung township.

Though RFA could not independently confirm the authenticity of the videos, villagers who live near the pagodas said they still can see the troops there.

“At night, I can see them moving around with flashlights on,” said a local civilian who lives near Thin Kyt Taung. “During the day, they used to come down the mountain. Whenever I drive a motorbike or vehicle along on the road, I can see them moving on the mountain.”

The villager, who declined to provide his name out of fear for his safety, said the soldiers first engaged in a battle on the mountain a few months ago, then remained there to patrol the area.

Locals said that neither they nor the pagoda’s guardian now visits the site because of the soldiers’ presence.

Myanmar military spokesman Zaw Min Tun told reporters Tuesday in Naypyidaw that government forces were not stationed there.

A Rohingya resident of Buthidaung township said military troops have been stationed in makeshift huts and trenches near the Thone Sat Tabone pagoda on a mountain for more than a year.

“They are in the Thone Sat Tabone, Nwayone Taung, and Htike Htook Pauk mountains,” he said. “We can see them from a distance.”

Monks weigh in

Buthidaung township's Buddhist Monk Council appealed to the Rakhine state government in October 2019 to stop the military from stationing soldiers at Thone Sat Tabone pagoda and from firing guns there.

Locals said there was a similar case in adjacent Kyauktaw township in March 2019, when military troops withdrew from the area near the ancient Kyauktaw Taung pagoda after the township’s monk council appealed to state officials.

Similarly, residents of Pan Myaung village in Minbya township said Myanmar soldiers have been stationed on the Aung Mingalar pagoda hill since last year.

Colonel Win Zaw Oo, commander of the military’s Western Command responsible for Rakhine state, told RFA in September 2019 that the army had stationed troops on pagoda hills to support its ground troops by aiming weapons at advancing AA soldiers.

“Pan Myaung village is bread basket for AA troops,” he said. “We stationed our troops on the hill to control the strategic advantage against AA troops.”

RFA could not reach military spokesmen on Friday for an update on the situation and to address the contradictory reports.

Myanmar Army Says it Has Convicted Three Troops For 2017 Massacre of Rohingya (Radio Free Asia)
July 1, 2020

Myanmar’s military said Tuesday that it tried and convicted three soldiers in a secret court-martial for the massacre of hundreds of Rohingya villagers during an army-led crackdown in Rakhine state in 2017, only the second case in which troops have been held accountable for atrocities against the Muslim minority.

The verdict on the massacre near Gu Dar Pyin village came as the Myanmar military faces legal action in three international courts over its expulsion of more than 740,000 Rohingya to Bangladesh in late 2017, in which thousands died in indiscriminate killings, mass rape, torture, and village burnings.

In the massive displacement camps in Bangladesh, the refugees told rights groups about atrocities committed against them by soldiers, including the Aug. 27, 2017, massacre near the Buthidaung township village, where hundreds of bodies were dumped in five mass graves and burned with acid.

According to a statement by the army on the court martial, a high-ranking officer, a second officer, and an infantry soldier, whose identities and ranks were not disclosed, were convicted for the mass killing of civilians.

The investigation began in late November 2019, said the statement, which did not disclose details of the sentences or the number and names of witnesses called to testify by both the plaintiff and the defendants.

RFA could not reach Myanmar military spokesman Brigadier General Zaw Min Tun for comment on the statement.

The Myanmar military faces genocide-related charges at the International Court of Justice (ICJ), and legal action involving individual criminal responsibility for alleged war crimes at the International Criminal Court (ICC) and in an Argentine court over the 2017 mass expulsion of the Rohingya in response to attacks on guard posts by Muslim militants.

Myanmar in testimony to the ICJ last year denied its troops committed genocide and pointed to military trials as examples that show the country can achieve accountability without outside interference.

Rights groups, however, say the military trial process has delivered no justice for the Rohingya and has been marred by procedural flaws and a lack of transparency.

‘Whole world is watching’

Military authorities did not allow villagers and others related to the case to observe and participate in the court-martial process, said Aung Thaung Shwe, a lower house lawmaker from Buthidaung township. He said he was invited to attend the final day of the tribunal, but was not able to go.

Human rights attorney Kyee Myint, who lives in Yangon, said details about the trial should be issued to the public because the military will have to present credible information to the international community.

“According to the law, the trial should have been conducted in a transparent manner,” he told RFA.

“The whole world is watching this process, [so] it should not be based on military secrets,” he added.

Nickey Diamond, a Myanmar human rights specialist with the Southeast Asia-based NGO Fortify Rights, lamented the secrecy, despite international scrutiny of Myanmar’s pledges to hold the military to account for abuses.

“The entire process has been done without any transparency,” he said.

No justice for the Rohingya

Rohingya activists said they have deep doubts about the court martial process and the outcome.

“This court-martial trial does not bring any justice,” said Khin Maung, an activist who lives in a displacement camp for Rohingya refugees in southeastern Bangladesh.

Soldiers should be sentenced by a civil court under the civilian government administration, he said.

“Only then can we say that justice has been served,” Khin Maung said.

Tun Khin, president of the London-based Burmese Rohingya Organisation UK, said he had no confidence in the sentencing of the guilty soldiers.

“These military court martial trials are just superficial actions to alleviate international pressure, so we don’t trust court-martial or the judicial system of Myanmar as a whole,” he said.

Tun Khin said the extent of the military’s crimes against the Rohingya will not be revealed until an independent international investigative commission conducts probes inside Myanmar.

But Aye Lwin, a Muslim community leader, said the court-martial of the three soldiers is better than not holding anyone to account.

“They have admitted that the massacre happened,” he told RFA.

“As I have observed their procedures, they have taken strong and concrete steps,” said Aye Lwin, who once sat on a government advisory commission on resolving the religious and ethnic divisions in Rakhine state.

Military authorities conducted the court of inquiry before the hearing and the prosecutor presented evidence to support the accusations, he added.

“So, we should welcome this as positive sign, but it would be much better if there were transparencies,” Aye Lwin said.

Convicted, but pardoned

During the first court-martial in March 2018, four officers and three soldiers were each sentenced to 10 years in prison for killing a group of Rohingya men in Rakhine’s Inn Din village. The Inn Din incident resulted in Myanmar’s arrest of two Reuters news agency reporters whose photo essay of the killings went viral.

The troops convicted for the killings in Inn Din were later pardoned after serving less time in jail than the journalists.

This February, the military said it would probe a government-appointed commission’s findings on killings in Maung Nu and Chut Pyn villages, where about 300 civilians are believed to have died at the hands of soldiers during “clearance operations.”

As for legal action in the international courts, the ICC in November 2019 authorized the opening of an investigation into alleged war crimes within the tribunal’s jurisdiction committed against Myanmar’s Rohingya.

The ICJ issued provisional measures in January ordering Myanmar to protect the Rohingya from genocidal acts and refrain from destroying evidence of alleged crimes that could be used in later hearings.

The country also must submit periodic reports on its compliance with the measures until the ICJ issues a final decision on the case.

The Argentine court in early June requested more information from the ICC to ensure that its case would not duplicate other judicial efforts.

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AMERICAS

North & Central America

Human rights groups turn their sights on Trump's America (Politico) By Nahal Toosi

July 1, 2020

The Trump administration was in panic mode.

The United Nations Human Rights Council was debating launching a special investigation of racism in America after the killing of George Floyd, a Black man who died in police custody. And the United States was determined to derail any such probe.

That the Trump administration cared so much was surprising: It had quit the council two years ago, calling it an anti-Israel “cesspool of political bias” and denouncing its membership for including human rights abusing countries.

Publicly, U.S. officials kept their cool as the mid-June discussions played out. Behind the scenes, however, the State Department was scrambling to avert a public relations disaster, dispatching its diplomats to pull strings and call in favors.

Lana Marks, the U.S. ambassador in South Africa, reached out to top officials there, telling them a probe aimed squarely at the U.S. “would be an extreme measure that should be reserved for countries that are not taking action in response to human rights issues, which is clearly not the case in the United States,” according to a diplomatic cable obtained by POLITICO. South Africa isn’t on the council, but it chairs the African Union, and South African officials assured Marks that they’d use their diplomatic heft to help the U.S. avoid embarrassment.

The pressure worked — the 47-member council didn’t order a U.S.-focused probe, instead requesting a broader report on anti-Black racism worldwide. But that it came so close to doing so illustrates how international activists, groups and institutions are increasingly focusing on the United States as a villain, not a hero, on the subject of human rights. While the U.S. has never fully escaped such scrutiny — consider the post-9/11 fury over torture, Guantanamo Bay and drone strikes — former officials and activists say that, under President Donald Trump, American domestic strife is raising an unusual level of alarm alongside U.S. actions on the global stage. Some groups also flag what they say is an erosion of democracy in a country that has long styled itself as a beacon of freedom.

The enhanced scrutiny comes as Secretary of State Mike Pompeo has created a commission tasked with rethinking the U.S. approach to human rights. Pompeo argues there’s been a questionable proliferation of what counts as human rights. Critics fear the commission, whose report is due this summer, will undercut the rights of women, LGBTQ people and others.

Former U.S. officials say that, above all, what has put America’s human rights record in question is Trump’s disregard for the issue and his affinity for authoritarian leaders. When Trump has condemned human rights abuses, it’s generally been in select situations that cost him little political capital or when it can bolster his electoral base — as in the case of Iran and Venezuela.

The void has exasperated advocates from both parties.

“The Trump factor is huge, if not the determinative factor” in the battered U.S. reputation, said David Kramer, a former assistant secretary of State for human rights in the George W. Bush administration. “People advocating and fighting for democracy, human rights and freedom around the world are disillusioned by the U.S. government and don’t view the current administration as a true partner.”

‘The indispensable nation’

In early June, the International Crisis Group did something its leaders said was a historic first: It issued a statement on an internal crisis in the United States. The ICG, an independent organization headquartered in Belgium, analyzes geopolitics with the goal of preventing conflict. It is known for issuing authoritative, deeply sourced reports on war-torn countries — say, how to end the brutal conflict in Yemen.

The ICG’s statement detailed the peaceful protests, occasional violence, police crackdowns and political reactions that followed the killing of Floyd, who died May 25 after a Minneapolis police officer knelt on his neck for nearly 8 minutes. In language similar to how it might describe fragile foreign states, the ICG cast the “unrest” as a crisis that “put the nation’s political divides on full display.” And it chided the Trump administration for “incendiary, panicky rhetoric that suggests the U.S. is in armed conflict with its own people.”

“Over the long term, the nation will need to take steps to end the police’s brutality and militarization as well as structural racial inequality if it wants to avoid similar future crises,” the ICG said. “At present, however, what the country’s leadership most needs to do is insist that those culpable for Floyd’s killing are brought to justice, stand in support of those local officials and community leaders who are calling for calm and reform, abandon its martial rhetoric and stop making the situation worse.”

Rob Malley, ICG’s president and CEO, was an aide to former President Barack Obama, but he said the idea for the statement came from colleagues. The ICG decided it saw a confluence of factors in America that it sees in far more troubled countries. One appeared to be growing militarization of the police. Another was the seeming politicization of the military. Also key: Some U.S. political leaders, including Trump, seem determined to exploit racial divisions instead of pushing for unity. The ICG is now debating whether to launch a program that focuses on U.S. domestic issues in a systematic way, Malley said.

Malley stressed that past U.S. administrations, Republican and Democrat, all had credibility gaps when it came to promoting human rights while protecting U.S. interests. Obama, for instance, was criticized for authorizing drone strikes against militants that often killed civilians.

But under Trump, those credibility gaps have turned into a “canyon,” Malley said. “I think there’s a qualitative difference with

this administration, for whom human rights seems to be treated purely as a transactional currency,” he said.

The ICG’s statement came after head-turning moves by similar institutions.

In 2019, Freedom House released a special essay titled “The Struggle Comes Home: Attacks on Democracy in the United States.” The Washington-based NGO, which receives the bulk of its funding from the U.S. government, was established in 1941 to fight fascism. Its report, which ranks how free countries are using various indicators, described a decline in U.S. democracy that predated Trump and was fueled in part by political polarization. Freedom House warned, however, that Trump was accelerating it.

“No president in living memory has shown less respect for [U.S. democracy’s] tenets, norms, and principles,” the report said. “Trump has assailed essential institutions and traditions including the separation of powers, a free press, an independent judiciary, the impartial delivery of justice, safeguards against corruption, and most disturbingly, the legitimacy of elections.”

Other groups have slammed the Trump administration’s dismantling of much of the U.S. refugee resettlement program, its aversion to accepting asylum-seekers, its travel bans on people from several Muslim-majority countries, and its treatment of migrants in general. Groups like Amnesty International’s U.S. section have substantially increased their work on such migration issues under Trump, including hiring more staff and conducting more research missions along the U.S.-Mexico border, said Joanne Lin, Amnesty International USA’s national advocacy director. Amnesty is one of the few international human rights organizations that has a programmatic focus on the United States.

The international furor against the Trump administration was especially intense in mid-2018, as the U.S. was separating migrant children from their parents at the southern border, then putting the children in detention camps.

The U.N. high commissioner for human rights called the U.S. actions “unconscionable.”

Floyd’s death recently spurred more than 30 human rights and related groups, many of which tend to focus their work outside the United States, to take out a full-page advertisement in the Minneapolis Star Tribune to show solidarity with the Black Lives Matter movement.

“The public is not an armed opposition group. Everyone has the right to speak up and to demonstrate peacefully,” the ad says. The signatories include groups such as Save the Children, Mercy Corps and Refugees International.

Human rights leaders acknowledge that America’s troubles are nowhere near as worrisome as what they see in many other countries. They argue, however, that the U.S. deserves outside attention.

“There is intense racism and law enforcement abuse of human rights in China, in Russia, in Brazil and a lot of other countries that the United Nations has a hard time mustering the will to condemn,” said Rep. Tom Malinowski (D-N.J.), a former senior human rights official under Obama. “But none of those countries is the indispensable nation. What human rights organizations and institutions are saying by focusing on the United States is something that they cannot explicitly admit, and that is that they believe in American exceptionalism. They understand that America falling short of its ideals has a far greater impact on the world than a Russia or a China doing what we all expect those authoritarian states to do.”

‘What do they want?’

Trump was clear from the outset that he would not prioritize human rights. He used his 2016 campaign to call for bringing back torture and killing the family members of terrorists. He also showed little regard for international institutions meant to serve as a check on the behavior of governments. If he says anything meaningful in support of human rights, it’s often in a scripted format such as in a speech.

But abroad, those statements often are not taken as seriously as Trump’s impromptu comments on Twitter and beyond.

Trump’s about-face on North Korea is instructive. Early on, he repeatedly slammed country’s human rights record, calling its totalitarian leader, Kim Jong Un, a “madman who doesn’t mind starving or killing his people.” But once Kim agreed to meet with Trump for historic nuclear talks, the U.S. president stopped raising human rights. After their first meeting in June 2018, Trump declared that Kim “loves his people.”

Activists hoped that if Trump didn’t care about human rights, his subordinates might. On that front, they’ve found a mixed picture.

Trump’s first secretary of State, Rex Tillerson, said the United States should not let values — including views on how other governments treat their people — create “obstacles” to pursuing its national interests. Tillerson was nuanced in his statement, but his comments upset many U.S. diplomats.

A top State Department official, Brian Hook, later wrote a memo to Tillerson arguing that the U.S. should use human rights as a weapon against adversaries, like Iran and China. But repressive allies, such as Egypt and Saudi Arabia, should get a pass, it said. “Allies should be treated differently — and better — than adversaries. Otherwise, we end up with more adversaries, and fewer allies,” Hook wrote.

In hindsight, the memo appears to have laid out the policy approach the Trump administration has taken on human rights, even after Tillerson was fired in early 2018. His successor, Mike Pompeo, frequently weighs in on human rights but almost exclusively to bash governments hostile to the United States or, occasionally, ones with which the U.S. has limited strategic interest.

It’s a notable change from previous administrations. Whether Republican or Democrat, top officials in the past would offer at least lip service — a condemnatory statement or maybe a small move, like limiting weapons sales — to express frustrations with abuses in U.S. partner countries. The Trump team rarely does even that minimum. If it does, it’s usually because of public pressure. Instead, it sometimes goes to great lengths to protect abusive U.S. partners, as it has done by pressing ahead with arms sales to Saudi Arabia despite its assassination of a writer for The Washington Post.

“The current administration doesn’t think most of its supporters care about international violations of human rights broadly,” said Sarah Snyder, a human rights historian who teaches at American University. “And it rejects the idea that the U.S. needs to be a good citizen on these issues. ... There’s just a wholesale rejection of the idea that the U.S. should be bound by any of these international agreements.”

Trump aides dismiss such criticisms as unfair and unrealistic, routinely defending the president regardless of his own past comments on human rights.

“Whether it’s freedom for the people of Hong Kong, human rights for the Rohingya, all across the world, @realDonaldTrump has understood that it’s important for America to be a true beacon for freedom and liberty and human rights around the globe,” Pompeo tweeted June 23.

Privately, administration officials say they do a lot of excellent human rights work that doesn’t get attention. They note that Congress has kept up funding for much of that work, even though Trump has tried to slash that funding. They also argue that the Trump team’s objectives and priorities are clearer than those of past administrations, especially when distinguishing friend from foe. While Obama tried to engage Tehran and Havana, the Trump administration casts those regimes as irredeemable, and it’s willing to attack them on human rights to weaken them. On the other hand, while Obama kept Hungary’s leader at a distance, Trump has welcomed him to the White House. Critics may see that as another example of Trump liking dictators, but his aides say it is a way to limit Russian and Chinese influence in Eastern Europe.

“Human rights are a part, and an important part, of American foreign policy. But they are a part,” one senior State Department official said. “National security is critical. Economic and commercial factors are also vital.”

Trump administration officials also say human rights activists are never satisfied, no matter who is in the White House. This is not an unfair argument: The groups routinely criticize even administrations most friendly to their cause. Bush was eviscerated over his handling of the war on terrorism, especially his decision to invade Iraq, even though he and his aides asserted that they were liberating and protecting people. Obama’s human rights legacy was declared “shaky.” For U.S. officials who must make choices between bad and worse options every day, the endless criticism is frustrating.

“The international human rights community — what do they want?” a second senior State Department official asked. “Do they want to make a symbol, in which case they can all feel good and go home? Or do they want to get down in trenches where we are and work?”

Pompeo’s disdain for the human rights community is one reason he created what’s known as the Commission on Unalienable Rights. The secretary asserts that activists keep trying to create categories of rights, and that “not everything good, or everything granted by a government, can be a universal right.”

Rights activists worry the panel will craft a “hierarchy” of rights that will undermine protections for women, LGBTQ people and others, while possibly elevating religious freedom above other rights. They’ve organized letters, testified before the commission and even sued to try to derail its work.

Asked if the panel will craft a “hierarchy” of rights, the first senior State Department official downplayed the possibility but didn’t rule it out. “If there’s any one idea to which every member on the commission is clearly committed, it’s the idea that the country is properly dedicated to human rights. Human rights are the rights that are inherent in all persons. The commission takes that as our starting premise,” the official said.

Sanctions and sacraments

Human rights leaders say there are two noteworthy bright spots in the Trump administration's record.

It has put significant resources into promoting international religious freedom — routinely speaking out on the topic, holding annual ministerial gatherings about it, and launching an international coalition of countries to promote the ideal. A few weeks ago, Trump issued an executive order instructing Pompeo to further integrate the promotion of religious freedom in U.S. diplomacy.

The administration also has used a relatively new legal tool, the Global Magnitsky Act, to impose economic sanctions on numerous individuals implicated in human rights abuses abroad. The sanctions have fallen on people ranging from Myanmar military officials suspected in the mass slaughter of Rohingya Muslims to an allegedly abusive Pakistani police official.

Human rights activists have welcomed such moves by the Trump administration, saying they have brought needed notice to people and areas that often don't get it.

"In comparison to the remainder of its human rights record, the Trump administration's use of the Global Magnitsky sanctions has exceeded expectations," said Rob Berschinski, a senior official with Human Rights First.

Still, rights activists say the initiatives appear somewhat politicized. The religious freedom alliance, for instance, includes countries such as Hungary, whose government the U.S. is trying to court but which traffics in anti-Semitic rhetoric. The religious freedom push also dovetails with a priority of Trump's evangelical supporters, who have long pushed for greater protection of Christian communities overseas.

As far as the Magnitsky sanctions, the administration has mainly kept the penalties limited to people in countries it considers adversaries or where the U.S. has limited interests. And because the sanctions target individuals, they're less likely to cause friction with governments. Under intense outside pressure, the administration imposed Magnitsky sanctions on more than a dozen Saudis for the murder of Washington Post columnist Jamal Khashoggi; but it spared the man the U.S. intelligence community considers responsible for the killing, Saudi Crown Prince Mohammed bin Salman, whom Trump has defended.

The dire situation of Uighur Muslims in China illustrates how both the Magnitsky effort and the religious freedom effort have collided with Trump's own priorities.

The Trump administration has long seen China as a U.S. foe, and relations with the ruling Communist Party have hit new lows since the coronavirus pandemic began. But Trump has sought to maintain a good personal relationship with Chinese leader Xi Jinping, in part because he's been trying to strike trade deals with Beijing. In recent years, the Chinese government has detained more than a million Uighur Muslims, putting them in camps from which ugly reports of abuse have emerged. China claims it is "reeducating" the Uighurs to stamp out terrorist thinking in the population. Republican and Democratic lawmakers in Congress are furious over the detention of the Uighurs.

Pompeo, meanwhile, has raised the Uighurs as an example of why the U.S. must promote religious freedom. But Trump has been unwilling to use the Magnitsky sanctions on Chinese officials involved in the mistreatment of the Uighurs. He told Axios he doesn't want to impose the penalties because it might derail trade talks with Beijing, the success of which he sees as critical to his reelection. According to a new book by former national security adviser John Bolton, Trump even expressed support for the mass internment of the Muslims in talks with Xi. Trump denies this.

Some foreign governments have seen the mixed U.S. messaging on human rights as a green light to pursue oppressive policies. Trump's diatribes against journalists — and his claims that many legitimate media outlets are "fake news" — are believed to have inspired some countries to impose tougher laws curtailing press freedoms.

U.S. adversaries also have used Floyd's death and its fallout as propaganda to try to convince their people that Washington has no business lecturing them on human rights when it can't solve its own problems. When the State Department spokesperson recently tweeted out criticism of Beijing's treatment of pro-democracy activists in Hong Kong, a Chinese official tweeted back at her with some of Floyd's last words: "I can't breathe."

Who's the hypocrite?

Rival countries have long sought to capitalize on racial strife inside the United States.

In 1957, when Arkansas' governor used the National Guard to block nine Black students from attending an all-white high school, the Soviet Union mocked the U.S. with headlines like "Troops Advance Against Children!" And when President Dwight Eisenhower sent troops from the 101st Airborne to escort the Black students into the school, he invoked America's Cold War struggle to justify the move. "Our enemies are gloating over this incident and using it everywhere to misrepresent our whole nation," he said.

Publicly, the Trump team has shown little patience for international human rights criticism directed at the United States, especially when it comes from or U.N. bodies or rivals like China. Instead of ignoring the criticism, it often fires back.

In 2018, a U.N. envoy, Philip Alston, unveiled the findings of an investigation into poverty in the United States. Alston has said he was initially invited to study the topic under the Obama administration, but that the Trump administration — under Tillerson — had reextended the invite. Alston's report minced few words. The United States, he reported, was home to tens of millions of people in poverty, and that was likely to be exacerbated by Trump's economic policies.

Nikki Haley, then the U.S. ambassador to the United Nations, fought back. She called Alston's work "misleading and politically motivated," insisted that the Trump administration's plans would lift people out of poverty, and argued that the U.N. should focus on poverty in less-developed countries.

More recently, the Trump administration has lashed out at the International Criminal Court over its efforts to investigate war crimes in Afghanistan, a probe that would cover actions by U.S. troops. The United States is not a member of the ICC, with many Democrats as well as Republicans unwilling to subject Americans to its jurisdiction. The Trump administration did more than refuse to cooperate: It threatened to impose economic sanctions on ICC staffers and warned it may bar them and their families from entering the U.S.

The Geneva-based Human Rights Council's consideration of an investigation into U.S.-based racism saw the Trump administration work multiple levers, even though it had walked away from its council membership.

The discussion was held at the behest of several African countries on the council and was backed by numerous human rights groups as well as Floyd's brother Philonise. It was unusual in that it was called an "urgent debate" — a format the council doesn't often use. The initial request was for the council to establish a "commission of inquiry" — its most powerful tool of scrutiny — into the United States. U.S. rivals such as China and Russia, meanwhile, used the occasion to decry racism in America. In quotes sent to reporters, U.S. envoy Andrew Bremberg acknowledged "shortcomings" in the United States but insisted that, unlike some of its autocratic rivals, the U.S. government was being "transparent" and responsive in dealing with racism and police brutality.

When Marks, the U.S. ambassador in Pretoria, sought South African officials' influence in shaping the council's debate, she was repeatedly reassured, according to the diplomatic cable. One senior South African official emphasized that his country's leadership "was committed to further strengthening and consolidating its partnership with the United States." The official said South Africa would — presumably through its relations with African countries on the council — "seek to redirect the conversation away from a specific focus on the United States and towards a more general, universal discussion of racism."

Ultimately, the African countries relented. The council instead requested a broader, more generic U.N. report on systemic racism and police brutality against Black people and also asked for information on how various governments worldwide deal with anti-racism protests. The resolution did, however, mention the Floyd death and the report is expected to cover the United States, among other countries.

That was too much for Pompeo.

In a statement titled, "On the Hypocrisy of U.N. Human Rights Council," the secretary of State pointed out that dictatorships like Venezuela were members of the multilateral body and said the results of the urgent debate had made the United States even more confident it was right to quit the council.

"If the council were serious about protecting human rights, there are plenty of legitimate needs for its attention, such as the systemic racial disparities in places like Cuba, China, and Iran," Pompeo said.

"If the council were honest," he added, "it would recognize the strengths of American democracy and urge authoritarian regimes around the world to model American democracy and to hold their nations to the same high standards of accountability and transparency that we Americans apply to ourselves."

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South America

Colombia's Other Pandemic: Unchecked State Violence in the Time of COVID-19 (Council on Hemispheric Affairs) By Danny Shaw

June 24, 2020

The human rights group Indepaz reports that 800 activists have been killed in the past three and a half years in Colombia, since November 24, 2016, the date the government signed "the Peace Accord" with the FARC.[1] Taking advantage of society's fear and distraction, and the demobilization caused by the novel coronavirus, state and paramilitary actors have intensified their violence against organizers and their communities. Human rights activists refer to themselves as "sitting ducks," explaining that they are pinned down by the pandemic and cannot as easily flee and hide from the forces of repression.[2]

While state and non-state military actors are notorious for violence in Colombia, the police are also guilty of human rights crimes. On May 19, Anderson Arboleda, a 21-year-old Afro-Colombian was beaten to death by the police for supposedly "violating the quarantine" in the Pacific department of Cauca.[3] The police killing of Arboleda — which many compare to the Minneapolis Police Department murder of George Floyd — was not an isolated act. Journalists have found that black and indigenous Colombians have suffered the highest rates of institutional discrimination and police violence.[4]

Human Rights Watch conducted an investigation into Colombian police violations of the rights of peaceful protesters the past year as hundreds of thousands of Colombians took to the streets against budget cuts and political assassinations. They found 72 cases of extreme police brutality. No officer was ever held responsible.[5] One of these cases was that of 17-year old Dilan Cruz. On November 23, Cruz was at a protest when he was killed by the Escuadrón Móvil Antidisturbios (the ESMAD or Mobile Riot Squad) which fired live ammunition at him from a close distance.

COVID-19: double down crisis on poor Colombians

Colombia now has more than 71,000 cases of COVID-19 and has experienced 2,300 deaths.[6] In Latin America, Colombia trails only Brazil, Chile, Ecuador, Peru and Mexico in terms of the total number of cases and deaths from COVID-19.[7] At El Cumbe Internacional Antiimperialista, Afrodescendiente y Africano (The International Gathering Ground of Antiimperialists, Afro-descendants and Africans) on June 14th, former Colombian senator and lawyer Piedad Córdoba stated: "COVID-19 lays bare the moral, medical and political infrastructure of our country, especially in the poorer Afro-Colombian regions of the Pacific and the Caribbean. Our people have been the most beaten down by the pandemic." [8] Senator Córdoba went on to speak about the "hurtful image of a young Black man from Quibdó in the Pacific department of Choco who died on a stretcher in front of a hospital without receiving care for the coronavirus." [9]

Despite this unprecedented public health crisis, president Iván Duque and his government seem to be more concerned with suppressing the freedom of speech of activists, criminalizing resistance and encircling its neighbor Venezuela than seriously confronting the pandemic.

War as state strategy

The negotiations in Havana, Cuba from 2012 to 2016 resulted in a historic peace deal meant to end a 50-year war that cost over 220,000 lives and left 7 million displaced.[10] The centrist presidency of Juan Manuel Santos received a Nobel Peace Prize in 2016 for his role in the negotiations, though none of the peasant organizations on the other side of the war who endured decades of displacement, torture and death were ever mentioned as a candidate for the prize or in the ceremony. The government promised a Truth and Reconciliation Committee, land reform, reintegration of former guerrilla fighters, demilitarization of the conflict zones and political openings for the left. The June 2018 electoral victory of Iván Duque, a protégé of far right wing Alvaro Uribe, spelt immediate doom for the Havana peace accords. The government reneged on all of its promises and the areas where the FARC once commanded saw the highest rise in politically-motivated assassinations.[11] According to the United Nations, more than 170 former fighters have been murdered since the peace deal was signed.[12]

In response to these charges, Duque and the Colombian media dismissed the FARC dissidents as "narco terrorists," despite their legitimate status as demobilized non-belligerents.[13]

Analyst, surgeon and the founder of Pueblos en Camino (The People in Motion), Manuel Rozental explains that the rich in Colombia do not want the military conflict to end because war has always been their cover for appropriating land and resources.[14] Colombian elites and transnationals, such as British Petroleum, Occidental Petroleum Corporation, Exxon Mobil, Coca Cola, Drummond and hundreds of others, use the war as a pretext to clamp down on social movements across Colombia.[15] War is their strategy to displace and dispossess. Any peasant or social organizations who stand in their way can easily be dismissed as coercive or criminal elements. Joel Villamizar is one example. Villamizar was a leader of La Asociación

de Autoridades Tradicionales y Cabildos U'wa – ASOU'WA. When he was ambushed and murdered earlier this year the media and authorities simply dismissed him as a guerilla terrorist.[16]

“A War on Drugs?” or a “War on Sovereignty”?

According to all reputable data, Colombia is the main supplier of cocaine in the world and the U.S. is the main consumer.[17] The U.S. allegations that Nicolás Maduro oversees a narco government are politically motivated and not backed up by facts on the ground. Approximately 70 percent of cocaine that arrives in the U.S. comes from Colombia via different supply routes, many through the Pacific ocean.[18] The U.S. Navy is surrounding and blockading Venezuela, not to stop the flow of cocaine into the streets of the U.S., but rather to stop the progress of the Bolivarian process.

It is also worth pointing out that the drug epidemic in the U.S. is not caused principally by cocaine but rather by opioids, many of which are legally prescribed by doctors. According to the Center for Disease Control, over 70 percent of the 67,000 overdoses in 2018 were from opioids.[19]

On March 26th, Attorney General William Barr formerly accused the Venezuelan government of “narco terrorism” without even clarifying which drugs are killing Americans and where they come from.[20] This spoke to the political motivations behind the claims which were really trumped up charges designed to provide the legalese to ratchet up the war on Venezuela. Meanwhile, Washington takes no action against the government of Honduras, accused by even U.S. courts of being involved in drug related crimes, including Juan Orlando Hernández’s family and the president himself.[21]

The US Navy sent ships to further blockade Venezuela’s Caribbean coast on April 1[22] and the Southern Command deployed 800 more special force soldiers to Colombia on June 1.[23] This ignited a national debate in Colombia about the question of sovereignty. The Colombian Congress never agreed to allow foreign soldiers into their homeland.[24] Aida Avella, senator of the Patriotic Union party, stated: “The U.S. military cannot enter Colombian territory above Congress to advise the fight against drug trafficking. We reject the use of the country for wars and invasions of other countries.”[25] Lenin Moreno ceded “a new airstrip” in the Galápagos Islands of Ecuador for use by the U.S. military.[26] The U.S. military currently has nine bases in Colombia, twelve in Panama and 76 total in Latin America.[27] The US has deployed between 500 and 1,500 troops to Soto Cano air base in Honduras under the guise of humanitarian and drug-fighting operations.[28] There is also some evidence that the Colombian military may have supported the mercenaries who trained in Colombia before launching incursions into Venezuela in early May in a botched attempt to capture the Venezuelan president.[29]

Resistance is everywhere

Distrustful of the government’s commitments, thousands of government opponents have returned to the mountains or sprawling slums of Colombia’s cities.[30] Calling for a second Marquetalia Republic, in reference to the autonomous zones armed peasants held after La Violencia in 1948, rebel commanders like Iván Marquez and Jesús Santrech and their soldiers have taken back to the mountains.

Not all social actors embrace this strategy however. Warning that war is a trap, social movements drafted a letter to the FARC discouraging them from playing into the hands of the state. Around 70 percent of all casualties in the 50-year and running civil war have been civilians.[31]

In an interview on June 16 with Colombia’s Caracol Radio, representative of the Ejército de Liberación Nacional (ELN) [32] and the head of the Dialogue Delegation of the guerilla army, Pablo Beltrán, explained their perspective. Beltrán said the ELN desires a cease fire but not as long as Duque brings in more U.S. soldiers, making a clash with those troops inevitable in Norte de Santander and Arauca on the border with Venezuela. The ELN has expressed that the priority should be alleviating poverty and keeping people safe from the coronavirus.

As the coronavirus impacts the poorest and most vulnerable sectors of Colombian society, there is little trust that Trump’s faithful partner, the notorious anti-Bolivarian Iván Duque, will respond in a comprehensive way to the health and economic needs of the population. Three national strikes convulsed Colombia between November and December last year because of the neoliberal cuts implemented by Duque. Unable to resolve the needs of their own population, the Colombian elites participate in the destabilization of one of its neighbors. The external and internal contradictions of Colombian society continue to sharpen, promising the playing out of a 50-year national liberation struggle Washington has always feared and sought to contain.

Colombia horrified by military gang rape of 13-year-old indigenous girl (Colombia Reports) By Adriaan Alsema
June 26, 2020

Less than a week after Colombia’s Congress approved a controversial bill allowing life imprisonment for child rapists, seven soldiers plead guilty to gang-raping a 13-year-old indigenous girl.

The soldiers plead guilty to raping the girl on Thursday amid broadly felt horror over the incident in Pueblo Rico, a town in the Risaralda province.

The rape took place on Monday amid increased tensions between the military and native Colombians, who demanded the soldiers be surrendered to indigenous authorities and tried under indigenous law before being tried under common criminal law.

“The regrettable fact that what is in the news today constitutes a serious violation of the rights of the minor, and collectively victimizes her family, the Embera Katío people and the indigenous peoples of the country, and adds to a long list of atrocious acts on the part of the military that, by action or omission, constitutes a risk factor instead of a guarantee of security for the indigenous peoples and nations.”

National Indigenous Organization of Colombia

The National Army refused to cooperate with the indigenous authorities and jailed the soldiers at a military compound on Thursday after closing a plea deal with the Prosecutor General’s Office in record time.

The military and Prosecutor General Francisco Barbosa have denied that the security forces, unlike guerrilla and paramilitary groups, used sexual violence systematically.

The Prosecutor General’s Office surrendered 206 cases of sexual violence involving the security forces to the war crimes tribunal, which is investigating the use of sexual violence in the country’s armed conflict.

Indigenous organization ONIC reiterated, however, that the latest rape which took place “in the context of the genocide we find ourselves in, constitutes a strategy of intimidation and division at the community level with which they seek to undermine our autonomy.”

National Army commander Eduardo Zapateiro traveled to the victim’s reserve on Wednesday to personally meet with the regional indigenous leaders.

The Dictatorship Ushered in an Era Organized, Violent Repression that Went Unpunished (Folha de S. Paulo) By Bruno Boghosian
June 29, 2020

Two days after the 1964 coup, the government arrested ex-sergeant Gregório Bezerra in Recife. A leader of the PCB, he was tied by the neck and pulled through the city streets, while an official beckoned people to the road.

The scenes, displayed on local TV, symbolized the inauguration of a regime that adopted violent repression as a method. Researchers point to Bezerra as the first torture victim of the period.

The cases recorded in the early months of the dictatorship have been referred to by members of the military government as the "heat of the hour."

The military regime, however, adopted the practice as a tool for interrogating and fighting opponents, especially people considered subversive.

Beginning in 1968, the violent repression established a structure dedicated to torture, deaths, and disappearance that lasted until the second half of the 1970s.

The repression numbers are not very precise because the dictatorship never recognized these episodes. Military justice auditors received 6,016 reports of torture.

Estimates made by the third National Human Rights Program, approved by the government Dilma Rousseff (PT), point to 20 thousand cases.

Prisoners reported being hung from macaw sticks and submitted to electric shocks, strangulation, attempted drownings, paddling blows, punches, kicks, and other assaults. In some cases, the torture session led to death.

In 2014, a National Truth Commission (CNV) listed 191 deaths and disappearances of 210 people. Officials located the bodies of another 33 missing people totaling 434 people.

Dictatorships that dominated neighboring countries surpassed Brazilian data. In Chile (1973-1989), the government recorded

more than 3,000 deaths. In Argentina (1976-1983), there were over 30 thousand victims.

"This is sometimes taken as proof that the Brazilian dictatorship was less ferocious or absolute. It is not true. The reason for this number is the government's absolute control over the repressive process," said lawyer Pedro Dallari, who coordinated the CNV in 2013 and 2014.

When the first cases of torture were registered, still in 1964, the leaders of the regime adopted a tolerant attitude.

That year, President Castelo Branco (1964-1967) ordered the investigation. The head of the military cabinet, Ernesto Geisel, noted that the violent repression occurred in small numbers and had stopped. Nobody suffered punishment.

"The more lenient the command was, the more this practice was consolidated," said historian and political scientist Heloisa Starling. "It wasn't crazy; it was a method."

The violent acts were attributed to "hardline" officers who worked deep in the dictatorship, especially in the State Departments of Social and Political Order (Dops) of state police.

The regime created an apparatus to carry out repression. The National Information Service (SNI), established in 1964 for coordinated intelligence activities, executed espionage, and monitored subversive activities. The prisons and torture stayed with the Army Information Center (CIE) of 1967.

To increase violence, AI-5, in the following year, suspended the guarantee of habeas corpus for suspects of political crimes against national security. It facilitated the work of torturers, who managed to keep their enemies in custody.

Colonel João Batista Figueiredo, who would be the last president of the dictatorship (1979-1985), summarized the following act: "The errors of the revolution have accumulated and, now, the only thing left is for the government "to leave from the violence."

The government also inaugurated in 1969, a nucleus to coordinate security actions. Created in São Paulo, an Oban (Operation Bandeirante) received financial support from São Paulo entrepreneurs.

General Emílio Médici (1969-1974) expanded the apparatus. In 1970, the government founded Information Operations Detachments (DOIs) and Center for Internal Defense Operations (Codi).

The binomial DOI-Codi symbolized repressive combat and enhanced torture. There were prison cells that were subjected to low temperatures or loud music. The detainees were immobilized on the "dragon" chairs for an electric shock application.

Militant of Popular Action (AP), lawyer Rita Sipahi was imprisoned in 1971. At the DOI-paulista code, officials attacked her, stripped her naked, and she received shocks in the vagina. The interrogators wanted her to reveal the location of the members of the leftist movements.

Hanging on the macaw stick, she said the address after a few days. "I was already getting purple fingers. I dragged myself because I couldn't speak. But the people had already left, and that gave me strength."

The use of torture and violence was one of the pillars of the regime after 1968. Repression grew as the government saw guerrilla outbreaks spread across the countryside and cities, with terrorist acts by radicals.

The dictators justified the repression because they saw it as a war on terrorism.

Left-wing violence claimed the fewest victims, according to retired colonel Carlos Alberto Brilhante Ustra, head of the São Paulo DOI in the 1970s, and accused of torture and murder.

He listed 119 victims of these groups, including police and military personnel killed in the conflict, civilians shot in shootings, and even cases in which the participation of opponents of the regime was not proven.

"Even if we accept that there was an unconventional war, there are at least three violating procedures: torturing prisoners, disappearing with guerrilla bodies, and unleashing terror on the population," Starling said.

The repression machine specialized in annihilating guerrilla and terrorist actions. In 1969, he killed Carlos Marighella, of the National Liberation Action, a group that participated in the kidnapping of the American ambassador Charles Elbrick.

The regime also attacked emblematic people, such as the ex-captain Carlos Lamarca. After defecting from the Army, he became the protagonist of the armed struggle. He was shot in 1971 while establishing a base in Bahia.

The dictatorship wiped out most of the armed groups. In 1972, the Army discovered a guerrilla focus of the PC do B in the Araguaia River region.

In two operations, the military defeated the combatants two years later. Sixty-three people were killed or went missing, including guerrillas and peasants in the region.

The repression continued with Ernesto Geisel (1974-1979). A month before assuming the presidency, he invited General Dale Coutinho to the Ministry of the Army. In a conversation revealed decades later by journalist Elio Gaspari, the two discussed the fight against political subversion.

"The business has improved a lot. Now, it improved, here between us, that's when we started killing," said the future minister. Geisel agrees: "Look, Coutinho, this killing thing is barbaric, but I think we have to do it."

The regime deepened the fight against leftist organizations to the point of filling the DOI São Paulo prison. In October 1975, journalist Vladimir Herzog, a member of the PCB, was taken there. Hooded, beaten, and subjected to electric shocks, he died the next day.

The military said Herzog hung himself with the prisoners' "girdle strap," even though DOI overalls had no girdle.

According to accusations made years later, this version of the story covered the murder during torture, with the participation of a coroner who defrauded his death certificate.

The repercussions of Herzog's death increased the demand for openness. The US government's position, the church's campaign, and opposition from entities such as the OAB put pressure on the dictatorship.

The gradual opening was conducted under the military command, with rules established by the 1979 Amnesty Law. Leftist militants had their crimes forgiven, but the legislation also protected agents from repression.

"It is a legacy of impunity present in our institutions today," said Lucas Paolo, from the Vladimir Herzog Institute.

Outrage in Colombia over alleged soldier abuse of Indigenous (Washington Post) By Manuel Rueda
July 1, 2020

Accusations that a group of soldiers sexually assaulted two young Indigenous girls in rural Colombia have sparked protests outside army bases and rekindled fears about the military's human rights record, especially in parts of the country still recovering from decades of armed conflict.

"The armed forces are supposed to be protecting us, and instead they have become a threat," said Kuiru Castro, whose ancestors from the Huitoto tribe suffered similar violence at the hands of rubber tappers in the 1920s.

In one case which came to light last week, authorities say seven soldiers from an army garrison in western Colombia acknowledged abducting an 11-year-old girl from the Embera tribe and sexually assaulting her. The soldiers were arrested and are being held at a military base while the case is investigated, though Indigenous groups are demanding they be sent to jail.

On Monday, the Peace and Reconciliation Foundation, a Colombian think tank, revealed details of an alleged second rape case that occurred last September in the southern Guaviare province. According to the foundation, a group of soldiers from a local army base abducted a 15-year-old girl from the Nukak Maku tribe and held her inside the base for five days, where she was repeatedly sexually assaulted.

A Colombian army general confirmed on Tuesday that six soldiers undertaking compulsory military service were involved in the incident as well as two officers, and that an investigation is underway as well as a probe led by local prosecutors. No arrests have been made so far.

"Soldiers took advantage of one of the most powerful institutions in Colombia to abuse some of the most vulnerable women in the country," said José Miguel Vivanco, director of Human Rights Watch's Americas division.

Army Commander Eduardo Zapateiro said Wednesday that 118 people – including military-employed civilians, soldiers and officials – are under investigation for sexually abusing minors. He said 45 have been removed from the institution.

He said Colombia's chief prosecutor has been informed about every case, but provided no information on whether criminal charges have been filed.

"These abuses are not systemic conduct," he said. "Understand that we are 241,000 men, who every day give everything for the

Colombian people.”

Colombian President Ivan Duque spoke about the first case last week and asked for life imprisonment for the soldiers who authorities say confessed to raping the 11-year-old Embera girl.

“I will always be a defender of our armed forces,” Duque said in a television address. “But we cannot allow a few rotten apples to smear our reputation with that type of atrocity.”

Gimena Sanchez, Andes director of the Washington Office on Latin America think tank, said exemplary punishment will not be enough to stop these crimes.

“There needs to be education and consciousness raising within the armed forces on how to treat and how to engage with ethnic minorities. Not just with Indigenous but also Afro-Colombians,” she said.

Colombia’s army has long been at loggerheads with Indigenous communities who have often attempted to keep armed groups like the military, leftist rebels and drug traffickers away from their territories. The military has sometimes accused Indigenous leaders of trying to interfere with efforts to crack down on drug traffickers and insurgent groups.

“This is a new low point in the relationship,” Sanchez said.

Human Rights Watch said the assault cases are not isolated incidents, and that it has credible information of cases involving at least nine more victims from Indigenous tribes.

Some of these cases have occurred among Indigenous groups in Guaviare that only emerged from voluntary isolation in recent decades. These groups are semi-nomadic and many of their members don’t speak Spanish which makes documenting cases more difficult, human rights workers in the area told the Associated Press.

Advocates in Guaviare have made authorities aware of at least two other incidents in which soldiers are suspected of sexually abusing young girls.

In one case, in 2018, two drunken soldiers allegedly sexually abused two young girls in a school. Last year, advocates learned of another case involving a soldier accused of offering a child under the age of 13 cash in exchange for sex. In both cases soldiers were abruptly transferred to other areas but no charges filed.

Both incidents were verified by independent human rights investigators.

Colombia’s military was applauded around the world in recent years for signing a peace deal with the nation’s largest rebel group to end five decades of war that cost the lives of more than 260,000 people. But smaller guerrilla groups continue to operate in the country and the military has been recently dogged by scandals.

Human rights advocates like Sanchez argue that the U.S. congress must do more to influence the behavior of Colombia’s army. Colombia is the largest recipient of U.S. military aid in the hemisphere and is expected to receive more than \$180 million this year, to fight drug trafficking groups.

Indignation in Colombia Amid Spree of Assassinations and the Rape of an Indigenous Girl by Soldiers

(News Click) By Tanya Wadhwa

July 1, 2020

A series of assassinations of social leaders shook Colombia this weekend. In less than 24 hours, 4 Indigenous, peasant and social leaders were killed in the departments of Chocó, Guaviare and Meta, North Santander and Sucre. The news of the rape of a 13-year-old Indigenous Wayuu girl by 7 soldiers has also sparked mass outrage. Despite the national lockdown due to the coronavirus pandemic, the Colombian people continue to suffer at the hands of security forces and far-right armed groups.

Extrajudicial Executions Continue

On June 27, peasant leader Salvador Jaime Durán was shot dead allegedly by the national army soldiers in the village of Aserrio, Teorama municipality, Catatumbo region, North Santander department.

The Catatumbo Peasant Association (ASCAMCAT), through a communiqué, denounced that after hearing gunshots, the community members rushed to the site and saw “four uniformed people running from the scene.” The association also said that the uniformed people, after running a few meters, joined the national army patrolling team. When the members spoke

with the officer in-charge of the BATOT-11 patrol security, he denied that those uniformed men were from his team.

The Social Integration Committee of Catatumbo (CISCA) and the Association for the Promotion of Social Alternative MINGA denounced Salvador's murder as a case of extrajudicial execution. The organizations demanded impartial investigation and justice for Durán.

Additionally, in the early hours of June 28, 68-year-old Ovidio Baena, a former leader of the oil workers union Unión Sindical Obrera, was attacked by unknown men with sticks in his farm in the Macayepo village, Montes de Maria, in the Sucre department. His relatives took him to a municipal hospital, where he died a few hours later due to the fatal injuries suffered from the attack.

Ovidio was also a member of Colombia Humana, a coalition of progressive forces and social and youth movements. Gustavo Petro, opposition leader and founder of Colombia Humana, rejected Ovidio's assassination and tweeted that "the army refuses to acknowledge that Montes de Maria is being taken over by paramilitaries from Clan de Golfo group."

The same day, 22-year-old Javier Uragama, Indigenous governor of Agua Clara, was found dead and with signs of torture, in Bajo Baudó municipality, Chocó department, after disappearing on June 25.

The National Indigenous Organization of Colombia (ONIC) condemned Uragama's homicide and demanded protection for social leaders and human rights defenders in the region.

Likewise, Yohanni Yeffer Vanegas, a peasant leader and an ex-member of the Revolutionary Armed Forces of Colombia (FARC), was found dead with gunshot wounds in the Guayabero region located between the departments of Guaviare and Meta.

Vanegas was one of the peasant leaders who carried out peaceful demonstrations from May 20 to June 16 in the region, demanding implementation of crop substitution plans without forced eradication. Despite being well aware of the identities of the organizers, the military and departmental authorities had alleged that these mobilizations were organized by guerrilla groups.

Senator Victoria Sandino, from the Common Alternative Revolutionary Force party, condemned these assassinations and held the national government responsible for them. "The State is responsible for these crimes as it has failed to guarantee the lives of those who exercise social leadership in the country. Seeing these crimes only as numbers dilutes the importance for communities. We need to know what happened, who gave the order and (make sure) that history doesn't repeat itself," wrote Sandino in a tweet.

Latest Atrocities by National Security Forces

Apart from brutally assassinating Salvador Jaime Durán, earlier last week, a group of soldiers committed another dreadful crime.

On June 22, a 13-year-old Indigenous girl was kidnapped and raped by seven soldiers on a sidewalk in the Pueblo Rico municipality, in the Risaralda department. On June 25, the soldiers admitted their crime before a judge in the departmental Attorney General's office, but they have not been arrested yet.

The distressing incident exacerbated tensions between the military and Indigenous communities. The ONIC demanded that the soldiers be surrendered to Indigenous authorities and tried under indigenous law before being tried under common criminal law. However, the national army refused to cooperate with the Indigenous authorities and detained the soldiers in a military compound.

Armando Valbuena, spokesperson of the ONIC, told the BBC that the sexual harassment of Indigenous girls by soldiers and paramilitaries has become a widespread problem in rural areas of the country.

Only three days later, a 15-year-old boy was ruthlessly murdered at the hands of the Mobile Anti-Disturbances Squadron (ESMAD). On June 25, ESMAD were forcefully evicting unarmed poor homeless locals and migrants from a settlement on vacant lots in the municipality of Soacha, to the south of Bogotá. In an attempt to intimidate the population, the ESMAD officials fired several shots at the people, who were protesting the eviction highlighting that evictions amid the COVID-19 pandemic is inhumane. One of their shots hit young Duván Mateo Aldana in the neck and killed him.

Progressive leader Gustavo Petro also condemned Aldana's assassination and questioned the evictions amid the pandemic. "ESMAD murders a child in Soacha. It is a war against the poor. While indifferent President Iván Duque delivers public money to the owners of banks, big companies, and large estates," he wrote in a tweet.

Several social activists, human rights defenders and lawyers denounced his murder as a act of police brutality and demanded immediate investigation and justice for him.

On June 28, the Attorney General's Office announced to start a criminal investigation for the events surrounding Aldana's death.

Response of the People

In order to draw the government's attention to these serious structural issues and to establish dialogue with the victims of political violence and social injustice, a group of 14 social leaders and human rights defenders from 40 social organizations and movements from southwestern Colombia, is carrying out a "March for Dignity" from the city of Popayán in the Cauca department to the capital city Bogotá.

On June 25, the group began walking to demand respect for life, territory and rights of the Indigenous people, Afro-descendants and peasants and take measures to stop their genocide. During their 15 to 20 days long journey, they are expected to visit 22 municipalities.

The main objective of this peaceful protest is to generate effective actions to protect life against the genocide of social leaders as well as human rights defenders in the country by means of effective communication. The group also seeks to demand that the government advance towards the comprehensive implementation of the peace agreement signed between the former government of President Juan Manuel Santos and the guerrilla group FARC in 2016, in Havana, Cuba.

Additionally, on June 28, at 18:00, a virtual candle march was held in solidarity with the communities of Catatumbo and in rejection of the possible return of the "false positives". People shared photos of candles on their social media accounts using hashtag #ElRegresoDeLosFalsosPositivos (#TheReturnOfFalsePositives).

In Colombia, "false positives" refer to the kidnapping and murder of civilians by the Colombian National Army, presented to authorities as guerrilla fighters killed in combat. Between 2006 and 2009, during the Democratic Security program of the Álvaro Uribe government, the military officials were rewarded with promotions or other benefits for the capture of dead or alive guerrilla fighters.

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Venezuela

Hybrid Criminal Cartel Note 1: Former Venezuelan National Assembly Member Adel El Zabayar Indicted on Charges of Narcoterrorism and Links to Hezbollah (Small Wars Journal) By Alma Keshavarz and Robert J.

Bunker

July 1, 2020

On 27 May 2020, Acting DEA Administrator Timothy J. Shea and United States Attorney for the Southern District of New York Geoffrey S. Berman charged Adel El Zabayar—a former Venezuelan National Assembly member—in a Manhattan federal court with narcoterrorism, a cocaine importation conspiracy, a series of weapons related charges, and money laundering. The charges were based on a DEA agent's testimony and his broader investigation into El Zabayar's links to Venezuelan *Cártel de los Soles*, *Fuerzas Armadas Revolucionarias de Colombia (FARC)*, *Hezbollah (Hizballah)*, and *Hamas*.

"As alleged, Adel El Zabayar was part of the unholy alliance of government, military, and FARC members using violence and corruption to further their narco-terrorist aims," said U.S. Attorney Berman.

"El Zabayar was allegedly a key part of the apparatus that conspired to export literally tons of cocaine into the U.S. We further allege today, for the first time, that the *Cártel de Los Soles* sought to recruit terrorists from *Hizballah* and *Hamas* to assist in planning and carrying out attacks on the U.S., and that El Zabayar was instrumental as a go-between. Allegedly, El Zabayar

obtained from the Middle East a cargo planeload of military-grade weaponry. With today's charges, El Zabayar joins the rouges' gallery of defendants we charged two months ago, and he faces the possibility of life in a U.S. prison if and when he is apprehended."

The *Cártel de Los Soles* has worked in coordination with designated Foreign Terrorist Organizations, including the FARC, Hizballah, and Hamas. El Zabayar, in particular, has, among other things, participated in weapons-for-cocaine negotiations with the FARC, obtained anti-tank rocket launchers from the Middle East for the FARC as partial payment for cocaine, and recruited terrorists from Hizballah and Hamas for the purpose of helping to plan and organize attacks against United States interests.

During the course of El Zabayar's activities on behalf of the *Cártel de Los Soles*, El Zabayar also acted as a liaison between the Venezuelan government and Syrian president Bashar Hafez al-Assad, fought in Syria on behalf of Assad's Hizballah-backed forces in or about 2013, and appeared in at least two interviews released by Al Manar, Hizballah's terrorist-designated propaganda arm, in or about 2013 and 2014.

A former Venezuelan lawmaker tweeted Thursday it was an "honor" to be charged in Manhattan Federal Court on charges he participated in a conspiracy to recruit Middle Eastern terrorists to attack the United States.

"It's an honor that the great enemies of my native country, Venezuela and my ancestral Syria, have invented such rage," Adel El Zabayar tweeted of the U.S. "This means that we're doing well."

Maduro's "Cartel of the Suns" – named after the suns depicted on uniforms of top-ranking Venezuelan military officers – used El Zabayar as a go-between with Hezbollah and Hamas to obtain weapons from the Middle East, federal prosecutors say.

El Zabayar, 56, remains at large, as does Maduro. The U.S. is offering a \$25 million reward for information leading to the arrest of Maduro, Diosdado Cabello, head of the ruling socialist party, and other accused Venezuelan officials.

...Besides the "weapons-for-cocaine negotiations," the most striking part of the indictment is that El Zabayar sought to "recruit terrorists...to plan and organize attacks on US interests." Yet no details are provided about how El Zabayar's alleged recruitment ring worked and whether any militants actually trained in Venezuela or to what specific purpose.

To be sure, coming on the back of multiple US drug trafficking charges against Maduro's inner circle, the El Zabayar indictment seems to be more of a calculated attempt to turn up the heat on the Venezuelan government.

The charges against Adel El Zabayar come two months after the Justice Department unsealed a sweeping indictment against Venezuelan President Nicolas Maduro and several politicians, accusing them of taking a leading role in an international drug trafficking network.

New York federal prosecutors say El Zabayar, acting under the direction of the president of the Venezuelan assembly, traveled to the Middle East in 2014 to obtain weapons and recruit members of Hezbollah and Hamas to train at hidden camps in Venezuela.

U.S. authorities say the *Cartel de Los Soles*, or the *Cartel of the Suns*, is a criminal organization focused primarily on exporting cocaine to the U.S. The Justice Department has previously said the cartel works with the Revolutionary Armed Forces of Colombia (FARC) and other designated terror groups.

Prosecutors said El Zabayar was one of several cartel members that received a planeload of military grade weaponry from Lebanon. "The men received a Lebanese cargo plane that was full of weapons, including rocket-propelled grenade launchers, AK-103s, and sniper rifles, that El Zabayar had obtained while he was in the Middle East," the criminal complaint said.

Court records described a 2014 meeting at the presidential palace in Caracas during which El Zabayar, Maduro and others "discussed, among other things, and in substance and in part, arranging a meeting between the leaders of the FARC and the leaders of Hizballah and Hamas."

U.S. Attorney Geoffrey S. Berman stated, "Today we announce criminal charges against Nicolás Maduro Moros for running, together with his top lieutenants, a narco-terrorism partnership with the FARC for the past 20 years." The indictment charges Nicolás Maduro Moros; Diosdado Cabello Rondón, head of Venezuela's National Constituent Assembly; Hugo Armando Carvajal Barrios aka "El Pollo," former director of military intelligence; Clíver Antonio Alcalá Cordones, former General in the Venezuelan armed forces; Luciano Marín Arango aka "Ivan Marquez," a member of the FARC's Secretariat, which is the FARC's highest leadership body; and Seuxis Paucis Hernández Solarte aka "Jesús Santrich," a member of the FARC's Central High Command, which is the FARC's second-highest leadership body...

Since at least 1999, Maduro Moros, Cabello Rondón, Carvajal Barrios and Alcalá Cordones, acted as leaders and managers of

the *Cártel de Los Soles*, or Marín Arango and Hernández Solarte are leaders of the FARC. Beginning in approximately 1999, while the FARC was purporting to negotiate toward peace with the Colombian government, FARC leaders agreed with leaders of the *Cártel de Los Soles* to relocate some of the FARC's operations to Venezuela under the protection of the Cartel. Thereafter, the FARC and the *Cártel de Los Soles* dispatched processed cocaine from Venezuela to the United States via transshipment points in the Caribbean and Central America, such as Honduras.

In his role as a leader of the *Cártel de Los Soles*, Maduro Moros negotiated multi-ton shipments of FARC-produced cocaine; directed that the *Cártel de Los Soles* provide military-grade weapons to the FARC; coordinated foreign affairs with Honduras and other countries to facilitate large-scale drug trafficking; and solicited assistance from FARC leadership in training an unsanctioned militia group that functioned, in essence, as an armed forces unit for the *Cártel de Los Soles*.

Analysis

On 26 May 2020, the US Department of Justice announced criminal charges against Nicolás Maduro, among other Venezuelan government officials, in New York City, Washington, DC, and Miami. U.S. Attorney Geoffrey S. Berman stated, "Today we announce criminal charges against Nicolás Maduro Moros for running, together with his top lieutenants, a narco-terrorism partnership with the FARC for the past 20 years." According to the press release, the individuals were charged with: 1) participating in a narco-terrorism conspiracy; 2) conspiring to import cocaine into the United States; 3) using and carrying machine guns and destructive devices during and in relation to, and possessing machine guns and destructive devices in furtherance of, the narco-terrorism and cocaine-importation conspiracies; and 4) conspiring to use and carry machine guns and destructive devices during and in relation to, and to possess machine guns and destructive devices in furtherance of, the narco-terrorism and cocaine-importation conspiracies.[1]

The indictment established a timeline of Maduro Moros, Cabello Rondón, Carvajal Barrios, and Alcalá Cordones and their links to the *Cártel de los Soles*, or Cartel of the Suns, dating back to 1999. Cartel of the Suns members are identifiable by the sun insignias on their Venezuelan military uniforms; it is usually seen among high-ranking officials. The indictment furthers that FARC leaders Marín Arango and Hernández Solarte also in 1999, negotiated with the Cartel of the Suns to move some FARC operations to Venezuela with Suns oversight.[2]

The next day, on 27 May 2020, a prominent Venezuelan National Assembly Member, Adel El Zabayar, was indicted on charges of narcoterrorism and links to designated terrorist organizations. These indictments serve as a significant setback to Maduro's financially starved Venezuela as he tries to hang on to power. Severe unemployment, shortage of basic resources like food and household supplies, a historic oil shortage, and COVID-19 have together crippled Venezuela. These indictments only continue the narrative of a corrupt government with unconventional ties, such as with Syria, Hezbollah (Hizballah), and Hamas. According to the unsealed indictment, El Zabayar is charged with working on behalf of the Cartel of the Suns, which is known to have worked with the FARC, Hezbollah (Hizballah), and Hamas.[3]

The narrative by the Department of Justice links El Zabayar and the Cartel of the Suns with Hezbollah (Hizballah) and activities in Syria's civil war, which stems back as far as 2013. These links are worth noting as Hezbollah (Hizballah) has long been suspected of establishing training camps in Venezuela; these camps are used for recruiting, militia training, and also facilitating weapon and drug trades. Since Maduro has not been able to rely on oil revenue, drug trafficking has been Maduro's primary source of financial capital. In fact, the situation has become so desperate that oil tankers from Iran have had to be dispatched to bolster Venezuela's failing economy which has been facing gasoline shortages. Both Venezuela and Iran have been suffering severe economic effects due to punishing US sanctions which, as a result, have driven these pariah states closer together.[4]

Thus, as sanction second-order effects, it should not be surprising that illicit economy revenue 'work-arounds,' cartel and authoritarian regime collusion, and terrorist plots hatched in the shadows and directed at the US should transpire. In response, these indictments of key political and military figures are another avenue towards discrediting the Maduro administration and shifting focus towards the US recognized Venezuelan government led by Juan Guaidó for the purposes of liberal-democratic political change in that country.

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TOPICS

Truth and Reconciliation Commission

NYC Mayor de Blasio looks to South Africa for inspiration for new racial justice commission (NY Daily News) By Shant Shahrigan
June 21, 2020

A new city commission on racial justice will be "just like" South Africa's famous Truth and Reconciliation Commission, Mayor de Blasio said Sunday.

"We are naming a city commission, a Racial Justice and Reconciliation — just like the Truth and Reconciliation Commission in South Africa," Hizzoner said. "That got to the whole impact that apartheid had on that society, and then talked about everything and acted on everything that needed to be different. Well, that's what we are going to do here in New York City."

The remarks were pretaped and shared at an online service held by Brooklyn-based Brown Memorial Baptist Church.

The mayor said the commission would focus on "the history of racism in this city" and "get at some larger truths about how people can actually get what they deserve like ... affordable housing" — one of the top priorities of his administration, which ends next year.

He and the city's first lady Chirlane McCray announced the creation of the Racial Justice and Reconciliation Commission last week. She and Deputy Mayor Phil Thompson were already heading a task force charged with ensuring racial equity during the city's coronavirus response.

South Africa's Truth and Reconciliation Commission was formed in 1994 in the wake of apartheid, and has since inspired similar undertakings around the world.

Contrary to McCray's Friday assertion that the city's Racial Justice and Reconciliation Commission marked the "first" municipal or state entity to undertake a "comprehensive truth and reconciliation process," Mississippi's governor and the Clinton administration launched a similar effort in 1997.

5 years after Truth and Reconciliation, Indigenous athletes say sports programs have not done enough (CBC) June 22, 2020

Five years after Canada's Truth and Reconciliation Commission (TRC) recommended sports programs reduce barriers and become more inclusive of Indigenous athletes, a panel of experts say not enough has been done to reach that goal.

"We have to stop seeing sport as a recreational pastime," said Mohawk Olympian Waneek Horn-Miller, of Kahnawake, Que.

"In the Indigenous world, it's far more important. It is a suicide preventer. It's leadership building. The TRC included [sports] because they understood their community-building capacity."

The online panel, hosted by CBC's Duncan McCue and released on Monday, was a collaborative production by CBC Sports and CBC Indigenous.

The TRC's results released in 2015 included 94 "calls to action." Nos. 87 to 91 call upon governments, national and international sporting officials to collaborate with Indigenous Peoples on several fronts. Those include:

- Funding for community-based and professional sport initiatives.
- Providing education on the history of Indigenous athletes.
- Developing policies for cultural awareness and anti-racism training.

Horn-Miller was part of a panel discussion that also included:

- Spencer O'Brien, an Olympic snowboarder of the Haida and Kwakwaka'wakw Nations.
- Trina Pauls, a fourth generation Arctic Winter Games athlete from the Tahltan and Tlingit Nations.
- Serene Porter, the executive director of partnerships and marketing with the 2021 North American Indigenous Games (NAIG).
- Dr. Lynn Lavallée, an Anishinaabe/Métis instructor at Ryerson University, whose research focuses on Indigenous sport, health and fitness.

At the age of 14, Horn-Miller spent months on the front lines of resistance during the 1990 Oka Crisis and was stabbed in the

chest by a soldier's bayonet. She won a gold medal at the 1999 Pan American Games and co-captained the first Canadian women's water polo team in the 2000 Olympic Games in Sydney, Australia.

Horn-Miller said developing as an athlete was "a cornerstone" in rebuilding her self-confidence while facing discrimination in Canadian and international sport institutions. Implementing the TRC's calls to action can become a way to address systemic racism in other areas, she said.

"I think sport has this incredible capacity to make change."

'Hope and enthusiasm'

The discussion also explored the impacts that organized sport can have on Indigenous youth and the ripple effects on their communities.

Call to Action No. 87 calls on governments and sport-related organizations to provide education on the history of Indigenous athletes in Canada. Pauls, 15, whose family has participated in the Arctic Winter Games as athletes and officials, said it's important for young athletes to have role models and examples of success.

"[Indigenous youth] don't really get taught the history, unless you have first-hand knowledge from your family or friends," she said.

"Sports make me feel happy and it makes me feel good about myself ... and seeing all the athletes [on the panel] gives me inspiration to try to be the best athlete I can and continue in being an Indigenous athlete."

Encouraging healthy living and teamwork in Indigenous youth is central to the North American Indigenous Games, Porter said.

The 2020 games were originally scheduled to take place in K'ijipuktuk/Halifax, N.S., July 12-18, but were postponed until 2021 because of the COVID-19 pandemic.

Porter said the NAIG team was concerned about the impact the postponement would have on the mental health of young athletes. They're planning a virtual event to take place during the same week in July to provide athletes and communities an opportunity to connect.

Man killed in weekend shooting in Ontario linked to Liberian war crimes (The Globe and Mail) By Michael Petrou and Rodney Sieh

June 22, 2020

Bill Horace, a Toronto man shot in London, Ont., in the early hours of Sunday morning, died without facing justice for crimes he allegedly committed nearly three decades ago during Liberia's devastating civil wars.

London Police Service say four men forced their way into a home in a quiet middle-class neighbourhood, where a struggle took place and Mr. Horace was shot. The assailants fled. Mr. Horace made it outside and reached at least one neighbour's home to ask for help. Blood covered the steps of a nearby house Sunday morning.

"We do believe this was a targeted event, and we believe Bill Horace was the target of that attack," said Detective Superintendent Chris Newton of London Police.

Police have provided few details about Mr. Horace's background. Evidence seen by The Globe and Mail, including information provided by a source close to the victim, confirmed he was the same Bill Horace who was a commander in the National Patriotic Front of Liberia, a rebel militia led by Charles Taylor. Mr. Taylor eventually became president of Liberia but was indicted by the United Nations-backed Special Court for Sierra Leone and is now serving a 50-year sentence for war crimes and crimes against humanity. The Globe has agreed to keep the source confidential.

"Yes, I was with NPFL. Of course I was NPFL," Mr. Horace told Maclean's magazine in 2009.

He subsequently rebuffed all attempts to speak to him about his past. However, testimony of those once close to Mr. Horace and Mr. Taylor, eyewitness accounts and witness statements provided to Liberia's Truth and Reconciliation Commission implicate Mr. Horace and men under his command in war crimes, including murder, torture and rape.

In Liberia, Mr. Horace's death has resurrected old wounds from the brutal civil war and fuelled new debate over the long-sought establishment of a war crimes court to help address the government's failure to implement the findings of the Truth and Reconciliation Commission. He is one of several key figures from the civil war who have recently died without facing

justice.

Jerome Verdier, the former chairman of Liberia's Truth and Reconciliation Commission, said the pursuit of justice in Liberia will continue even after Mr. Horace's death. "The death of Mr. Bill Horace is a horrific form of justice we neither condone nor welcome," he told The Globe in an interview. "Our hope is that the Liberian people will have justice in a comprehensive way."

Witness statements provided to Liberia's commission in 2006 describe a massacre carried out by Mr. Horace's men at an abandoned palm oil plantation outside the Liberian town of Pleebo, near Ivory Coast, in 1993.

"General Bill Horace and his men were passing," one witness testified. "They entered the plantation and accused us of looting the place. He then ordered his men to arrest people. They started chasing us, and everybody was running all over the place. They then started firing at us. I first saw one woman fall. The bullet hit her on the head. Her husband was crying. Then one of the other fighters shot him also. Both of them died instantly."

Detective Superintendent Newton at London Police did not directly address possible motives for the attack but said anything related to Mr. Horace's alleged past in Liberia is "not an investigative priority at this time." The Globe has not uncovered evidence to show that Mr. Horace was targeted for this reason.

Police say Mr. Horace was 44 at the time of his death. The Globe understands he was likely a few years older than that.

Mr. Horace fled Liberia for Ivory Coast in 1993 or 1994. He was living in a refugee camp in Accra, Ghana, in 1994. At some point, Mr. Horace made it to Germany, possibly from Cameroon. The Globe understands he came to Canada in about 2001 using a false name and Dutch documents. Once in Canada, Mr. Horace made a refugee claim.

Mr. Horace was never indicted for the crimes he is said to have committed in Liberia, despite substantial evidence of such crimes being on the public record for more than 10 years.

In 2012, he was under investigation by Canada's crimes against humanity and war crimes program, which involves the RCMP, the Department of Justice, Immigration, Refugees and Citizenship Canada, and the Canada Border Services Agency. No charges were laid.

His immigration status at the time of his death was unclear. An online Federal Court summary of a February, 2020, filing quotes a letter from Immigration, Refugees and Citizenship Canada that reads, in part: "... Please be advised that, to this date, no decision has been rendered on the applicant's application for permanent residence."

Massa Washington, one of the former commissioners of Liberia's Truth and Reconciliation Commission, said the deaths and illnesses of many former warlords and ex-combatants are making it even more important for Liberians to push for the implementation of the commission recommendations.

"The passing away of rebel general Bill Horace is a sad day for the quest for justice for war victims," Ms. Washington told The Globe.

"We would rather that alleged perpetrators were alive to face justice and account for their crimes, and the unimaginable horrors inflicted upon their hapless victims. The longer it takes to get justice, the more elusive justice seems. At no time has the quest for the establishment of a war crimes court been more essential than now. Justice delayed is justice denied."

On social media in Liberia on Monday, victims of wartime atrocities said they were shocked that Mr. Horace had been allowed to live in Canada in peace. "Such people killed so many innocent souls," Chisom Praise Kizeku wrote. "I can't even believe he was still allowed to live in such a country."

Congo commission: apologies are not enough (The Brussels Times) By Alan Hope
June 22, 2020

Patrick Dewael, speaker of the federal parliament, spoke at the weekend about his thoughts on the parliamentary commission planned to discuss Belgium's colonial past in Congo.

Parliament decided last week to hold hearings on the troubled history of Belgium in the Congo, at the time of King Leopold II and after. The proposal obtained the support of all parties but Vlaams Belang.

The details still have to be worked out, including whether the matter will be dealt with by the standing committee on foreign affairs or by a special committee, and party presidents and officials will work on the set-up over the summer.

However Dewael (Open VLD) went on the VRT's Sunday politics show De Zevende Dag yesterday to reveal his own thinking as

a former party president and Flemish minister-president, current elder statesman and someone with experience of standing and special committee procedure.

Since the idea was first floated, the planned commission has been likened to the Truth and Reconciliation Commission established in South Africa in 1996 to help the country transition from apartheid to free democratic government.

The comparison is not particularly apt. The TRC held more than 1,000 sessions in public and private, and was principally concerned with events in living memory involving witnesses who were still alive.

The Belgian commission, however, needs to have elements of both truth and reconciliation if it is to achieve any worthwhile goal, Dewael said.

At the moment, the emphasis has been on the need for Belgium – and specifically King Philippe – to apologise to Congo for the horrors of colonial rule there. The call for an apology has been most recently raised by Pierre Kompany, the Congolese-born mayor of Ganshoren and father of the Red Devil captain Vincent.

But for Dewael, “gratuitous apologies” do not go far enough.

“The truth is shocking, and there has never been an extensive debate in parliament. That is essential before there are apologies,” he told the programme.

The details still have to be worked on, and Dewael was reluctant to get ahead of the party presidents, including his own, who will have the job of creating the terms of the commission.

“I’m not going to anticipate what it should look like, but I think that, apart from any apologies or excuses, there should be a number of framing measures,” he said.

“The committee should also consider how any reparations will be dealt with if the government acknowledges an error. Anyone who makes a mistake, says our legal code, must compensate for the damage.”

Liberia: “He Was A Very Notorious War General” – Massa Washington Describes Bill Horace Recently Gunned Down in Canada (Front Page Africa) By Lennart Dodoo

June 24, 2020

Massa Washington, a veteran journalist who covered Liberia’s civil war and a commissioner of the defunct Truth and Reconciliation Commission (TRC) says throughout the TRC hearing, William Bill Horace who was recently killed in his home in Canada by unknown men, was described as one of the “very notorious NPFL war generals” of convicted President Charles Taylor.

Horace was never prosecuted for the crimes he allegedly committed during the war.

Horace, according to Ms. Washington, carried out most of his war activities in the southeastern region of Liberia and allegedly committed some of the most atrocious crimes in that part of Liberia during the conflict.

“He murdered whole families, shot people to death, behead people; he and his men were involved in the rape of women, opening pregnant women’s stomach; he was allegedly involved with the massacre of people. I specifically remember one massacre in River Gbeh which is now River Gee County – his name was also mentioned as one of the key perpetrators involved in that massacre,” Ms. Washington told the BBC Focus on Africa.

Not Good News for Liberians

According to her, the killing of the Horace does not come as a welcoming news to many Liberians who suffered untold sufferings at his hands or command. She said he was listed in the TRC report to face justice and his demise without prosecution is justice denied for hundreds of Liberians.

“His passing – I don’t think it’s a very good news for Liberians, especially his victims because justice is not being served in this case. He’s dead and gone, he’s not going to face the war crimes court, he’s not going to account on this earth for the wickedness that he’s done,” she said.

TRC Report Caught up in Politics

The former commissioner believes the warlords like Horace did not face justice because the TRC report was caught up in politics, noting that former President Ellen Johnson Sirleaf served her for two terms without being true the implementation of

the report. She hoped that though President Weah is serving his third year of presidency, he would consider the implementation of the report.

The TRC report comprised over 500 pages and called for the accountability, the establishment of a war crimes court to try notorious perpetrators who bore the greatest responsibilities for atrocities that occurred during the war.

“Unfortunately, the report has been caught up in the politics of President Ellen Johnson Sirleaf who was there – she had a two-term presidency. She was there for six [12] years, she saw the report she didn’t implement it; President Weah has arrived on the scene, this is his third year so, we’re hoping that he would look beyond the politics and will be able to work with civil society leaders and work with people like us who are calling for an end to impunity.”

She remains optimistic that the Weah-led government would work on the implementation of the report and ensuring justice for victims of war crimes.

Perpetrators as Bigwigs in Government

Ms. Washington said the excuse of Liberia moving on with its developmental drive, letting bygones be bygones is a perfect excuse for the perpetrators of war crimes – most of whom are currently serving in different government capacities.

“This is a very good excuse for perpetrators who now find themselves the new leaders of Liberia. You guys would know that we do have some alleged perpetrators who are bigwigs in government – they’re running the country. Some of them are in the House of Representatives, some of them are in Senate and some of them are in major areas of leadership in the country. So, it’s easy for them not to want the war crimes court,” she said.

She explained that at the community level, it is easy to realize how traumatized people are and how the victims – most of them are ordinary citizens are yearning for justice for the atrocities committed against them, especially so when the perpetrators are those currently enjoying the country’s wealth.

“There will be no true reconciliation or healing if we do not address the concerns of victims,” she said.

Philadelphia, Boston, San Francisco DAs launch commissions for victims of unjust policing (SF Gate) By Tom Jackman
July 1, 2020

The district attorneys of Philadelphia, Boston and San Francisco on Wednesday announced the launch of local "Truth, Justice and Reconciliation" commissions to hear from people who feel they were victimized by unjust or racist policing or prosecution.

The prosecutors devised the project as civil rights protests continue in cities throughout the country, as a way to address past injustices and determine ways to prevent similar occurrences in the future. Philadelphia District Attorney Larry Krasner, Suffolk County, Mass., District Attorney Rachael Rollins and San Francisco District Attorney Chesa Boudin announced the commissions in a virtual news conference, joined by civil rights activists Shaun King and Lee Merritt, who will assist the process.

The commissions were inspired by the Truth and Reconciliation Commission established in South Africa after the end of apartheid, in which victims were able to testify to the abuses they endured, and those who committed such abuses were able to seek amnesty for their actions. The South African commission was not initially focused on prosecuting violators, though charges eventually were pursued in some cases.

It was not clear Wednesday if the American version of the commissions will seek to create or revisit prosecutions of cases, or create different paths to justice. A spokeswoman for the group did not respond to a request for comment Wednesday.

The news release announcing the restorative justice-style project said that it was in its early stages, and that each city will begin as pilot projects to enable "district attorneys and their communities to hear from victims of police and prosecutor misconduct and find ways for those victims to heal." The group expects more prosecutors to join later this year.

Boudin said in a news release that "prosecutors have a special responsibility to promote justice and reconciliation with the communities whose needs have historically been neglected. In San Francisco we are working to not only enact changes and create policies that hold police accountable going forward, but also to build trust with those who have been hurt by the lack of police accountability in the past."

Each local commission "will develop processes and plans," Rollins said, "to allow persons who have experienced current and

former instances of harm at the hands of law enforcement to raise concerns, share experiences, and achieve justice in a process that will be built with marginalized and oppressed groups at the center. We will begin to pursue justice while giving District Attorneys an opportunity to demonstrate that we care about the wrongs of the past, and we want to prevent them in the future."

Krasner, whose office has helped free 14 men wrongly convicted of murder by his predecessors, said that "As a civil rights lawyer, I watched how this community suffered from law enforcement and prosecutorial overreach, and I know that these harms went unaddressed for many if not most. We cannot go back to fix that, but we can give a voice to those who experienced injustice for years."

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Terrorism

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Piracy

Piracy Surges in Gulf of Mexico, Prompting U.S. Warning (New York Times) By Kirk Semple
June 18, 2020

The pirates appeared out of the darkness, leaping aboard the Italian-flagged supply ship off the coast of Mexico. Weapons drawn, the eight attackers worked swiftly, taking crew members hostage while they ransacked the vessel and snatched personal belongings and equipment.

Shots were fired, according to the United States Office of Naval Intelligence, and a security video showed a pirate gesticulating wildly with a pistol before the robbers sped away with their loot.

The attack in April was part of a stunning surge of piracy in the southern Gulf of Mexico, a threat that prompted an American government security alert on Wednesday.

There have been scores of attacks, thefts and other criminal acts in the area in the last few years, according to the Mexican Navy Ministry. Other estimates suggest the number may be far greater.

The attacks — mainly on vessels and offshore platforms associated with the Mexican oil industry — have added another hefty burden to Mexico's overstretched security forces and threatened to chill foreign investment in Mexico's oil sector.

On Wednesday, the American government issued a special security alert about the danger of pirates in Mexican waters of the Gulf, particularly in a vast bight called the Bay of Campeche, where offshore oil wells are concentrated.

"Armed criminal groups have been known to target and rob commercial vessels, oil platforms and offshore supply vehicles," the alert said.

Pirates have not only robbed crew members of their money, phones, computers and other valuables but have stripped vessels and oil platforms of big-ticket items to be sold in the region's thriving black markets, including sophisticated communication and navigation equipment, fuel, motors, oxygen tanks, construction material and, in several cases, the lights from helicopter landing pads.

While the sharp rise in attacks in the Bay of Campeche over the last three and a half years seems to have caught the maritime industry and the Mexican government by surprise, this modern-day piracy has historical antecedents in the region.

From the 16th to 19th centuries, privateers, freebooters and buccaneers prowled the waters off the Yucatán Peninsula, attacking Spanish trading vessels carrying goods bound for Spain, particularly silver from the interior of Mexico and present-

day Bolivia, said Antonio García de León, who wrote a book about the history of piracy in the Gulf.

In recent decades, Mexico's territorial waters in the Gulf were mostly spared the kind of piracy that afflicted criminal hot spots like the waters off the coast of Somalia and the heavily congested seas off Southeast Asia, officials said.

But something changed in 2017, officials said. That year, there were at least 19 successful or attempted robberies or thefts of oil platforms, supply vessels and fishing boats in the Bay of Campeche, up from only four in 2016 and one in 2015, according to Mexico's Navy Ministry, also known as Semar. In 2018, according to ministry records, there were 16 such incidents in the Bay of Campeche. Another 20 were recorded last year and 19 so far this year, the ministry said.

But these tallies are almost certainly undercounts, maritime experts said.

The American Naval Intelligence office said that globally "many incidents" of piracy go unreported for a variety of reasons, including a desire to avoid notifying an insurer or to avoid an investigation by law enforcement.

The International Transport Workers' Federation, which represents seafarers, estimates that there were about 180 thefts and robberies in the Bay of Campeche last year alone. Enrique Lozano Díaz, the federation's inspector for the Gulf of Mexico, said the estimate was based on accounts from seafarers, local media coverage and emergency radio calls from vessels under attack.

The sudden increase in crime in the Bay of Campeche has come as the Mexican government has sought, without much effect, to arrest soaring violence on the mainland.

The escalation has also dovetailed with a growth in foreign investment in Mexico's oil sector after sweeping reforms in 2013 allowed the government to auction exploration and production rights to investor-owned businesses.

There are now more than 200 oil platforms dotting the Bay of Campeche, the source of most of Mexico's oil. Hundreds of vessels crisscross the bay ferrying supplies and workers to and from platforms. More exploration and more activity has led to more opportunity for criminals, analysts said.

Piracy and sea robbery are "viewed as a growth opportunity for the international criminal organizations," said Rockford Weitz, director of maritime studies at the Fletcher School at Tufts University. "With the kind of economic troubles we're seeing globally, it's only likely to increase."

The pirates — armed with assault rifles, shotguns and other weapons — typically move in small groups of 5 to 15 people and attack at night, using the lights of ships and platforms to guide them, according to American and Mexican officials.

They travel in small boats that often resemble local fishing vessels but are equipped with powerful outboard motors that enable them to surprise their prey and flee before government security forces can respond.

"They are plenty aware of Semar's reaction time and lack of resources to tackle this crime," said Lee Oughton, chief operating officer of Fortress Risk Management, a Mexico-based security consultancy, referring to the Mexican Navy. "Bad actors know that resources are strained and offshore is particularly vulnerable."

The assault on the Italian-flagged supply ship in April, in which no one was injured, was among at least six attacks that month in the Bay of Campeche, according to documents from the Mexican and American government and representatives of the Mexican merchant mariners.

Among the other targets were vessels registered in Gibraltar, Denmark, Panama and the United Arab Emirates, officials said. In two instances, the vessels' captains thwarted the attacks, but in the other cases, the pirates managed to board the ships and steal equipment and other valuables before escaping.

For the Italian-flagged vessel, the Remas, it was the second time in five months that it had been hit. In November, armed men forcibly boarded the ship in the Bay of Campeche, wounding two crew members, including one who was shot and required evacuation by the Navy. Calls and emails seeking comment from the ship's owner, the Italian company Micoperi, were not returned.

There have been few arrests in any of these pirate attacks in recent years.

"There's impunity," said Antonio Rodríguez Fritz, a representative of the Order of Naval Captains and Officers, a merchant mariner trade union in Mexico. The criminals, he continued, "evidently know that they can keep committing crimes."

Leaders of Mexico's merchant mariners have implored the government to do more to control the Bay of Campeche.

The Mexican government has acknowledged the problem and has taken steps to strengthen its antipiracy capabilities,

particularly since the spate of attacks in April.

In recent weeks, the Navy has expanded its surveillance, beefed up its patrols of the bay and provided a guarded, offshore anchorage for ships not docking in harbors.

These efforts appear to be having some effect: The ministry said it has received no confirmed reports of robberies in the Bay of Campeche this month and received three last month.

But industry experts say it is too early to tell whether the decline is sustainable, or whether criminals will simply adapt to the government's new strategies. "I think the attackers — the modern pirates, as we call them — are adjusting to how the Navy is operating," Mr. Lozano of the transportation workers' union said.

Government officials have also foisted some of the blame for the rise in maritime criminality on the merchant mariners and other civilian workers on ships and platforms, insisting that some attacks have benefited from inside help from crew members.

"There is collusion," Adm. José Rafael Ojeda Durán, Mexico's navy minister, said at a news conference in April.

That assertion enraged merchant mariners.

In a letter to Mr. Ojeda Durán, representatives of 10 maritime organizations demanded an apology and turned the accusation against the government itself, suggesting that if there were any collusion, it might be among elements under the command of the Navy.

"They are always late to respond to the emergency calls," the letter said. "We are the victims because of the failure to patrol this zone."

Nigeria begins trial of pirates under new law (The Nation) By Robert Egbe

June 23, 2020

Nigeria will this week begin the prosecution of suspected pirates under the Suppression of Piracy and Other Maritime Offences (SPOMO) Act.

Nigerian Maritime Administration and Safety Agency (NIMASA) Director-General, Dr. Bashir Jamoh, said this was part of efforts to rid the country's waterways of criminalities and reassure the global community of security issues in its maritime domain.

The Nigerian Navy arrested the suspected pirates recently, with intelligence support from NIMASA, and their trial will be the first under the anti-piracy law signed last June by President Muhammadu Buhari.

The law made Nigeria the first in West and Central Africa to have a standalone antipiracy legislation.

Jamoh, who spoke with reporters in Lagos, said the agency was mounting "a spirited campaign" to root out piracy and armed robbery in the country's waters. He said Nigeria's waters were now safer for navigation, as NIMASA's "proactive approach" to safety and security at sea had started yielding fruits. This is evidenced by the multiple arrests of suspected pirates in the second quarter of the year, he said.

He disclosed that NIMASA had sent a proposal to the Federal Government on the issue of providing incentives for stakeholders in the maritime sector. He noted that the Federal Ministry of Transportation is also putting final touches to arrangements for the disbursement of the Cabotage Vessel Financing Fund (CVFF), adding that operators in the maritime industry would soon begin to access the fund.

According to Jamoh, fighting crime with intelligence and technology had been the hallmark of his administration in the battle against piracy since it came on board three months ago.

Jamoh, who, on assumption of office, launched a three-point agenda on Maritime Safety, Maritime Security, and Shipping Development, with the acronym 3s, said: "Collapsing our agenda into security, safety and shipping development has given us a bird's-eye view of the challenges inherent in our sector. Our strategy of nipping piracy in the bud is yielding positive fruit and that is why the Navy and the Police have arrested a total of 27 suspected pirates in the last two months."

He added: "Our findings have revealed that these criminals work with the cooperation of international allies and that is what makes them sophisticated.

We have set out to tackle them through intelligence gathering and collaboration with relevant stakeholders. Our recent arrests have shown the international community that we are not handling illegalities in our waters with kid gloves."

Jamoh expressed delight in the changing international opinion on safety and security in Nigerian waters, as seen in a recent congratulatory letter by the International Maritime Organisation (IMO) to Nigeria for its zeal to make the country's waters safe and secure.

On incentives for the maritime sector, he said: "We have made proposals to President Muhammadu Buhari through the Honourable Minister of Transportation, Rt. Honourable Chibuike Rotimi Amaechi, for approval to grant different kinds of incentives that would help us grow the industry.

We are also working to ensure the disbursement of the CVFF. We believe that other sectors, like manufacturing and aviation, have leveraged on this sort of incentive to grow and that is the reason we are also looking in that direction."

Jamoh also spoke on the Nigerian Seafarers Development Programme (NSDP), saying it is being redesigned to make it more effective.

Pirates kidnap six off Benin: authorities (Yahoo! News)

June 25, 2020

Pirates kidnapped five South Koreans and a Ghanaian after boarding their fishing vessel off Benin, Seoul's foreign ministry and the International Maritime Bureau said Thursday.

The Ghanaian-flagged Panofi Frontier with 30 crew on board was attacked on Wednesday about 60 nautical miles south of the Beninese capital Cotonou, they both said.

Seoul's foreign ministry said five of its nationals were seized along with a Ghanaian, and that the vessel had 24 more crew members on board.

"Currently, the identity and the whereabouts of the kidnappers have not been identified," it said in a statement, adding it was working with the relevant organisations and countries to secure the Koreans' release.

The International Maritime Bureau confirmed the attack by "armed pirates" and issued a warning to seafarers.

"All vessels are advised to maintain a vigilant anti-piracy watch and measures including at anchorages," it said in an alert.

Noel Choong, head of the IMB's Kuala Lumpur-based piracy reporting centre told AFP it appeared the pirates had headed "into Nigerian waters with the kidnapped crew".

The remaining sailors and the vessel were safe, he added.

The incident comes about a month after eight foreign crew members kidnapped from a Singapore-owned container ship off Cotonou were freed. Benin lies at the heart of the Gulf of Guinea, which stretches 5,700 kilometres (3,500 miles) from Senegal to Angola.

Coastal waters in the centre of the vast region have become an epicentre of pirate attacks, lootings and kidnappings for ransom. Many of the pirates come from Nigeria.

The perpetrators are "increasingly seeking to target vulnerable vessels in waters beyond the traditional heartland of the Southern Niger Delta," said Dryad Global, a British maritime intelligence firm.

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WORTH READING

Border Crimes as Crimes against Humanity

Itamar Mann

Forthcoming in *Oxford Handbook for International Refugee Law*, Cathryn Costello, Michelle Foster and Jane McAdam, eds.

June 29, 2020

What does it mean to cast border violence as a crime against migrants, specifically as an international crime? Some instances of border violence satisfy the legal definition of crimes against humanity. However, so far, almost no investigations or prosecutions have been brought forth to hold the perpetrators of such crimes accountable. The Chapter therefore elucidates the moral and political assumptions required for international criminal law to do just that. These are divided into three groups: (1) interpretations focused on the way that border policies employ violence against migrants to send a message to other would-be migrants; (2) interpretations revealing that prosecuting border crimes allows criminal law to address 'structural violence'; (3) interpretations stressing the social desirability of porous borders and the harms of hermetic separations between national groups. The Chapter concludes by a call to make explicit the moral and political commitments undergirding advocacy through international criminal law.

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