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UNIVERSITY

War Crimes Prosecution
Watch

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Volume 15 - Issue 12
August 1, 2020

PILPG
A Global Pro Bono Law Firm

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

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AFRICA

NORTH AFRICA

Libya

Kremlin denies Russia military's involvement in Libya (CGTN Africa) By Jerry Omondi

July 16, 2020

The Russian military is not involved in any military activities in Libya and there is no data on any organized groups of Russian nationals there, Kremlin Spokesman Dmitry Peskov told reporters on Thursday.

"The Russian military is not taking part in any processes in Libya," TASS news agency quotes Peskov. "We are unaware of any organized Russian nationals, who could take part in them," he said.

Libya has been dogged by a civil war for years, sparked by the killing of former long-serving president Muammar Gaddafi.

The war has killed thousands and displaced hundreds of thousands as each faction claims legitimacy.

Reports indicate that the war in the North African country has been fueled by foreign forces with interests there.

Forces loyal to Tripoli-based Government of National Accord (GNA) under Fayeze al-Sarraj and those under eastern commander Khalifa Haftar have been receiving support from various countries in their quest to take control of the country.

Russia is one of the countries that have been reported to have been involved in the Libyan conflict, with some reports indicating a presence of the Russian military.

But Peskov on Thursday denied the reports.

During a June Security Council meeting on Libya, Stephanie Williams, the head of the United Nations Support Mission in Libya (UNSMIL), briefed that Libyans had to deal with almost constant bombardment, and frequent water and electricity outages during the holy month of Ramadan.

The International Criminal Court (ICC) Prosecutor, Fatou Bensouda, later said she would open investigations into possible war crimes and crimes against humanity following the discovery of multiple mass graves in Libya.

The UN and other actors have been urging the warring factions to engage in dialogue as a means of ending the conflict which threatens to reduce the entire country to rubble.

Recently, multiple mass graves have been discovered in the Libyan town of Tarhuna, prompting the UN Secretary-General Antonio Guterres to call for a "thorough and transparent investigation", and for the perpetrators to be brought to justice.

Macron's Selective Indignation over Libya (Human Rights Watch) By Bruno Stagno Ugarte

July 17, 2020

In recent days, President Emmanuel Macron has repeatedly castigated Turkey for its "dangerous game" and "historical and criminal responsibility" in Libya, calling for an "end to foreign interference and unilateral acts by those who seek to gain an upper-hand in the war." That Macron is only accusing Turkey— which supports the government recognized by the United Nations and, at least officially, by France itself— is perplexing, yet it reveals France's ambiguities regarding Libya.

In singling out Ankara, Macron keeps complicit silence over the repeated interference of Egypt and the United Arab Emirates, and is indulgent vis-à-vis Russia. All three support General Khalifa Hiftar, a disgraced former ally of the late Libyan ruler Muammar Gaddafi who has sought to become the new strongman in Libya, even at the price of a devastating civil war. His military offensive against Tripoli, initiated on April 4, 2019— the same day the United Nations secretary-general was to inaugurate a national dialogue in which Hiftar was expected to participate— lurched Libya into a crisis more dire than in 2011.

Macron sidesteps the many violations committed by armed groups and militias affiliated with Hiftar, as well as his foreign allies, most notably the disproportionate and indiscriminate bombings that have killed and wounded hundreds of civilians and the use of cluster munitions and landmines banned by the laws of war. The discovery, in June 2019, of four Javelin anti-tank missiles in possession of forces allied to Hiftar, originally purchased by France from the United States, was already deeply embarrassing for Paris. Although France insisted that the missiles were "damaged and unusable," they constituted uncomfortable evidence of military support that Paris had sought to keep secret as it most likely violated the 2011 arms embargo imposed by the United Nations Security Council, of which France is a permanent member.

Macron has remained strangely silent too over the fact that all parties to the conflict do not respect the arms embargo on Libya and that all the foreign parties mentioned support armed groups that have committed grave human rights violations. The two camps– the Government of National Accord, based in Tripoli, and the Libyan National Army, led by Hiftar and based in Benghazi– are both supported by foreign combatants, notably from Syria and Sudan. Syria has also intervened and sent a military plane to support Hiftar, probably at Russia's request.

On June 22, the United Nations Human Rights Council established a fact-finding mission to collect information, document human rights violations committed by all parties to the conflict in Libya since April 2016, and preserve evidence to bring those responsible to justice. Concurrently, the government in Tripoli discovered at least eight mass graves in an area that was until recently under the control of the Al-Kani militia, allied to Hiftar since April 2019. France tried to add a reference to the International Criminal Court to the text of the resolution establishing the fact-finding mission, yet remains indulgent vis-à-vis Hiftar, who has refused to arrest his deputy, Mahmoud Al-Werfali, a renegade of the court with two arrest warrants, from 2017 and 2018, for war crimes.

Macron also remains silent over the repeated interference in Libya of his ally, President Abdel-Fatah al-Sisi, of Egypt, who was defense minister during the massacre of protesters in Rab'a Square in Cairo on August 14, 2013 (Human Rights Watch documented at least 817 deaths). Al-Sisi put an end to the first democratically elected government in Egypt and then perpetuated himself in power until, potentially, 2030. Supported by Paris under the pretext of fighting terrorism and an important client for French arms sales, al-Sisi embodies the brutal repression of the Arab Spring of 2011 and has presided over the worst crackdown on civil society in Egypt in decades. Al-Sisi has interfered in Libya since, at least, the aerial bombing of Derna in February 2015, which killed seven civilians, including three children.

Even if he has recently condemned the activities of the Wagner militias in Libya, Macron has likewise been extremely indulgent over Russia's interference and seems willing to accommodate Vladimir Putin over any responsibility for the deployment of these Russia-based mercenaries. The United Arab Emirates, which has been providing weapons to Hiftar in violation, like Turkey, of the arms embargo, also escapes Macron's condemnations. Yet as a permanent member of the United Nations Security Council, France is supposed to insist on a strict observation and verification of the embargo, and not promote a selective application based on its strategic alliances and arms sales. The United Arab Emirates are among its most important military clients, with a record 1.5 billion euros in contracted sales in 2019 alone.

In their speeches on the international stage, President Emmanuel Macron and Foreign Minister Jean-Yves Le Drian proudly pronounce their will to make respect for international law and defense of multilateralism cardinal principles of French diplomacy. But their deeds don't match their nice words: their political support for Sisi and, at least indirectly, for Hiftar despite the abuses committed by forces under their command; their continuing cooperation in the "war against terrorism" despite both generals using this war to repress all political opposition to their rule; and at least in the case of al-Sisi, France's multi-billion-euro arms sales.

France needs to overcome the void between its words and deeds, as is the case with Libya. France should cease turning a blind eye to grave violations there for the sake of preserving its strategic or economic interests. Macron's selective indignation over Libya harms both his credibility and the values that he claims are cardinal principles of his diplomacy, as well as the fight against impunity and the return to stability in a country that has already mourned many atrocities and wars.

7 more bodies found in Haftar's mass graves in Libya (Daily Sabah)

July 23, 2020

The Libyan Army on Wednesday unearthed seven more bodies from mass graves in Tarhuna, a city recently liberated from militias loyal to the putschist Gen. Khalifa Haftar.

Libya's internationally recognized Government of National Accord (GNA) said the bodies were found during an ongoing excavation works to expose the extent of war crimes committed by Haftar forces in the region. The bodies were sent to forensics for autopsy, GNA officials said.

The Libyan Army liberated Tarhuna on June 5. Prior to that, it was being used as an operation and supply center by the Haftar militias.

Reports at the beginning of July suggested that a total of 208 bodies were discovered between June 5 and June 28.

Hundreds of corpses were found in the city hospital, in a container belonging to the hospital and water well near the city.

The most tragic part in Tarhuna came to light when the mass graves were excavated, as part of investigations opened by the Libyan government.

The Libyan government has repeatedly called on the United Nations, the International Criminal Court (ICC) and other human rights groups to demand an international investigation into the mass graves.

On July 7, the Libyan Foreign Ministry announced that the ICC agreed to dispatch an investigation team to the country to look into the crimes Haftar militias have been accused of in southern Tripoli and Tarhuna, in the west of the country.

A probe, into the crimes allegedly committed during a 14-month siege on the capital, is expected to begin later this month. The charges against Haftar's militias include crimes against humanity, including massacres, kidnapping, torture and the disposal of bodies. War crimes such as the bombardment of civilian areas, as well as targeting of hospitals and medical personnel, are also among the accusations.

As the militias retreated from south of the capital Tripoli and from the city of Tarhuna, they also left behind mines, boobytraps and improvised explosive devices (IEDs) that prevented civilians from returning to their homes.

Most recently, Libyan demining experts cleared 10 tons of explosives and mines planted in residential areas in southern Tripoli.

On June 16, the Libyan Center for Mine Clearance and War Remnants said landmines planted by the militias had killed 39 civilians and injured at least 100 others, including women and children.

Since April 2019, Haftar's illegitimate forces have launched attacks on the capital Tripoli and other parts of northwestern Libya, resulting in thousands of deaths.

However, the Libyan government has recently achieved significant victories, pushing Haftar forces out of Tripoli and Tarhuna.

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CENTRAL AFRICA

Central African Republic

**Official Website of the International Criminal Court
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Sudan & South Sudan

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ICC Public Documents - Situation in Darfur, Sudan**

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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**

Over 220 civilians killed in eastern DR Congo last week (Anadolu Agency) By Rodrigue Forku
July 21, 2020

More than 220 people were killed in the eastern part of the Democratic Republic of Congo last week, UN-run Radio Okapi reported Tuesday.

The attacks -- attributed to Gumino and Twigwaneho militia groups -- occurred last Thursday in Kipupu village of Mwenga territory, South Kivu province, provincial members of parliament were quoted as saying.

They expressed concern over the region's security, and asked authorities to set up army bases to bring peace.

In a joint statement, the lawmakers asked the UN peacekeeping mission in DR Congo "to fully play its role in the pacification and stabilization of peace, and review its deployment in the South Kivu province.

The Congolese government have yet to comment on the recent killings.

Attacks on civilians in eastern DRC have increased in recent months, triggering anger against the UN peacekeeping force in the country.

In January, the army launched an offensive against militants in the gold-rich province of Ituri as part of a wider offensive launched last October.

Since December 2017, violence in the province has left nearly 1,000 people dead and half a million displaced, according to the International Crisis Group.

The UN stabilization mission has 18,553 personnel in the Central African country.

Most militia groups have set aside their political demands, and are involved in mineral trafficking.

Twelve Killed in DR Congo Militia Attacks (The Defense Post)

July 21, 2020

Twelve people were killed in 48 hours in the troubled Ituri province of the Democratic Republic of Congo, an official said on Tuesday, where militia attacks have left more than 1,000 dead in recent years.

Five were killed on Monday and another seven on Tuesday in the villages of Mayolo and Andasia, local official Innocent Madaku Ndala told AFP.

"We have just buried all of them" in their respective villages, he said.

Like most recent killings, the attacks were blamed on a militia named the Cooperative for the Development of Congo (CODECO).

CODECO is drawn from the Lendu ethnic group, a predominantly farming community who have historically clashed with the Hema, a group of traders and herders.

Hundreds of people have died in the North and South Kivu and Ituri provinces since last October when the armed forces launched a crackdown on armed groups in the troubled east of the vast country.

Eastern DR Congo has been chronically unstable for a quarter of a century, its population terrorized by militias that are chiefly the legacy of two major wars.

The International Crisis Group (ICG) said last week that 500,000 people have been displaced in the violence since late 2017, and international observers have spoken of "crimes against humanity" committed in the region.

It is unclear why the violence restarted then, with the ICG arguing that local Lendu leaders do not support the militia.

Former war chiefs from the previous period of ethnic clashes in 1999-2003 have been in the region for several days, attempting to open peace talks at the request of President Felix Tshisekedi.

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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**

Party of Ivory Coast ex-President Gbagbo ask him to run in Oct polls (Nasdaq) By Loucoumane
Coulibaly, Ange Aboa, Aaron Ross and Edwin McAllister
July 22, 2020

The party of Ivory Coast's former president Laurent Gbagbo, who was acquitted of war crimes by the International Criminal Court last year, on Wednesday called for him to run for president in the October elections.

It was not yet clear if Gbagbo, who resides in Belgium, will accept the FPI party's recommendation and return to Ivory Coast.

But a candidacy of Gbagbo, who refused to step down from office after a disputed 2010 election, sparking a civil war that killed about 3,000 people, would be a twist in a tense build-up to polls that many fear could spark more violence.

The Oct. 31 election is seen as a key test of Ivory Coast's stability and its ability to shake off a turbulent past. But an old guard of politicians remains in the race in the world's top cocoa producer.

Octogenarian former President Henri Konan Bedie last month said he will be running.

Current President Alassane Ouattara, who had said he would run in October if Bedie and Gbagbo did, announced in March that he would not seek re-election. His opponents say running again would violate constitutional limits.

Still, his RHDP party said Monday that it had asked Ouattara to stand again after his hand-picked successor, Prime Minister Amadou Gon Coulibaly, died suddenly, leaving the ruling RHDP party scrambling to choose a replacement.

Marcel Amon-Tanoh, a longtime ally of Ouattara and until recently his foreign minister, declared on Wednesday he would run in the elections, breaking with the ruling party.

Amon-Tanoh resigned in March as foreign minister after Ouattara announced that Gon Coulibaly would be the RHDP's candidate. Amon-Tanoh had been widely seen as angling to be the candidate.

"We have built bridges, but we have forgotten to construct bridges between men," he said in a speech announcing his candidacy, an implicit rebuke to Ouattara's record on reconciling Ivorians after the civil war.

Sources close to Amon-Tanoh said he would create his own political party in the coming days.

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Liberia

Liberia: Charles Taylor's NPP Welcomes 'Founding Mother' Agnes Taylor; Months After War Crimes Charges Dropped in UK (Front Page Africa) By Rodney Sieh

July 19, 2020

Seven months after her release from a UK prison, Agnes Reeves-Taylor, ex-wife of the jailed former Liberian president Charles Taylor, is back in Liberia.

Taylor was freed in December 2019 after an Old Bailey judge dismissed a series of torture charges against her, relating to offences allegedly committed during the Liberian civil war in 1990.

Taylor, 55, resided in Dagenham, East London and had been working as a senior lecturer for Coventry University. She was charged in 2017 but denied all wrongdoing. She was held in Bronzefield women's prison.

Trumpeting 'The Real Mother' Return

The return of Madam Reeves, who arrived last Friday on an SN Brussels Flight, is already being trumpeted by NPP party stalwarts as the return of the "Real Mother" of the party, currently embroiled in an internal wrangle within the ruling Coalition for Democratic Change.

Mr. George Mulbah, who was expelled from the party in 2014, posted on Facebook Saturday: "The National Patriotic Party welcome the founding mother of the party Mrs. Agnes Reeves -Taylor to Liberia. She was recently arrested and charged for war crimes and crimes against humanity in a British Court. After two years of intensive legal battle the court handed down a non guilty verdict in her favor. She is a University Professor in Great Britain. Mrs. Agnes Taylor arrived in the country on Friday from London . Join me to welcome Agnes to Liberia."

Charlene Taylor touted: "The real mother is back!!! #AgnesReevesTaylor, Ghankay Jr., What a might God we serve."

During her trial ordeal in London, the court one count related to the alleged torture of a pastor's wife by tying her up and her witnessing the shooting of her two children.

A further three of the eight torture charges related to "severe pain or suffering" allegedly inflicted on a 13-year-old boy. A conspiracy to torture charge related to allegations of rapes by National Patriotic Front of Liberia forces in a village.

She was also accused of committing the crimes while serving as a public official or acting in an official capacity.

Former President Taylor, who served as President of Liberia from 1997 to 2003, is currently serving a 50-year sentence in a British prison after being convicted in 2012 at an international tribunal in The Hague of aiding and abetting war crimes in Sierra Leone. Up to 250,000 people are believed to have been killed during the conflict in west Africa, partially over "blood diamonds", between 1989 and 2003.

Mr. Taylor appealed to the UN-backed tribunal to be allowed to serve his sentence in Africa. Taylor has been held in Frankland prison, near Durham.

Mrs. Reeves' acquittal came as a blow to advocates for war crimes in Liberia. Charlie Loudon, an international legal adviser at the charity Redress, which intervened in the supreme court proceedings, was quoted by the Daily Mail as saying: "This is a difficult result, principally for the victims of the alleged crimes, who will be denied the chance to have the allegations tested at a trial. In terms of the broader legal consequences, the supreme court has made clear that members of other armed groups that exercise sufficient control, such as Isis and the Taliban, can be prosecuted for torture under UK law. And similar alleged

crimes that have occurred more recently than this case, anytime since 1991, if proven could also be prosecuted as war crimes. The priority is that the UK continues to invest in prosecuting cases like this. The British public does not want suspected torturers and war criminals walking on its streets. And for many victims across the world, their only hope for justice is through a British court.”

At the end of her trial, the judge said Madam Taylor could not be charged with torture as a crime against humanity or a war crime because the alleged offences took place in 1990 – before the relevant sections of the International Criminal Court Act were introduced in 1991.

Agnes and Charles met when Taylor was head of the General Services Agency in the mid 1980s during the reign of former President Samuel Kanyon Doe.

Doe appointed Mr. Taylor to the position of Director General of the General Services Agency (GSA), a position that left him in charge of purchasing for the Liberian government. He was sacked in May 1983 for embezzling an estimated \$1,000,000 and sending the funds to another bank account.

Mr. Taylor fled to the United States but was arrested on May 21, 1984 on a warrant for extradition to face charges of embezzling \$1 million of government funds while head of the GSA.

Taylor Takes Flight

Mr. Taylor fought extradition with his lawyers arguing that his alleged acts of lawbreaking in Liberia were political rather than criminal in nature and that the extradition treaty between the two republics had lapsed. At the time, Assistant United States Attorney Richard G. Stearns argued that Liberia wished to charge Taylor with theft in office, rather than with political crimes. Stearns’ arguments were reinforced by Liberian Justice Minister Jenkins Scott, who flew to the United States to testify at the proceedings. Mr. Taylor was detained at the Plymouth County Correctional Facility.

He and four other inmates escaped the prison on September 15, 1985.

In July 2009, Taylor claimed at his trial that US CIA agents had helped him escape from the maximum security prison in Boston in 1985. This was during his trial by the UN-backed Special Court for Sierra Leone in The Hague. The US Defense Intelligence Agency confirmed that Taylor first started working with US intelligence in the 1980s but refused to give details of his role or US actions, citing national security.

Agnes, a visible presence in Taylor’s NPFL left Liberia in 1992, before the end of the civil war.

Prosecutors alleged during her trial that she was acting in a de facto official capacity on behalf of armed NPFL but in her defence case statement following her arrest in 2017, Ms Taylor said that at no time did she act in an official capacity for the NPFL and disputed that the NPFL was the de facto governmental authority in the relevant areas at the relevant times.

Ms Taylor applied for indefinite leave to remain in the UK in 2013, which was turned down in 2016 on the basis that there were concerns she may have committed a war crime.

It is unclear what role Madam Reeves-Taylor will play in the NPP, now that she has returned but it does appear that she is already being drawn into an ongoing saga within the party, with persons headed by expelled Chairman, James Biney, pushing for Vice President Jewel Howard-Taylor, the former First Lady to be ousted from the party.

FrontPageAfrica has learned that the “Real Mother” reference may be an indirect jab from former President Taylor, who is said to be unhappy that he is not getting the support he deserves and Jewel has been silent about his benefits, prompting the ongoing quest to have her the Vice President removed.

VP Howard-Taylor was selected by President George Manneh Weah in the run-up to the 2017 Presidential elections and was crucial in delivering vote-rich Bong County for the ruling Coalition. The ticket was elected for six years and is up for reelection in 2023. Howard-Taylor’s term as NPP standard bearer expires in 2022.

The NPP, left for dead after the departure of former President Taylor, was rejuvenated following the 2017 elections with the number two slot on the coalition- and Howard-Taylor as Vice President. Now, ahead of the Midterm Senatorial elections, the party appears to be in danger of self-destructing amid lingering fights and entanglements over the party’s direction and specific seats within the coalition.

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Uganda

**Official Website of the International Criminal Court
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Kenya

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

Kenya's Indigenous Complain of Forceful Eviction from Forests (Voice of America) By Mohammed Yusuf
July 23, 2020

The Ogiek and Sengwer ethnic groups in Kenya say authorities have forcefully evicted them from the Mau and Embobut forests, burning hundreds of homes and leaving families homeless in the middle of the COVID-19 pandemic. The Kenyan government began the evictions last year, saying communities living in the forests were damaging the environment. Rights groups say the ethnic groups were protecting the forests from illegal logging and poaching.

In a media briefing held over Zoom Thursday, Kenya's indigenous communities complain of harassment and constant evictions from forests they have called home for centuries.

Milka Chepkorir represents the Sengwer community. She says the COVID-19 pandemic has not stopped Kenyan authorities from evicting her people.

"This is one of the evictions that have really hit us differently because it's an eviction during COVID times. It's evictions when children are not in school and from nowhere they are just being rendered homeless and it's during the coldest season of the year up in the mountains," she said.

Last week Ogiek community families were evicted from their forest homes. Daniel Kobei says he and 50,000 Ogiek people have known evictions all their lives.

"We want to be very clear that the Ogiek has become a subject of eviction," he said. "The recent one, 300 families, are now homeless they are being housed by their neighbors... One of the issues is that the Ogiek community, with people refusing to honor their ancestral ownership of Mau, have let them every time being said they have become a subject of eviction."

According to Human Rights Watch, 50,000 families in all have been evicted from the Mau forest, and 6,000 families have been removed in recent months.

The rights group also notes that in some instances, security officers used force to push people out of the forest. It says several people were injured in beatings and homes were burned down.

Kenyan government spokesman Cyrus Oguna dismissed the Human Rights Watch allegations, saying via text message that their concerns "are emotionally driven by certain acts of activism and not research."

He also said the government will protect Kenyan forests for the good of the country, but in a humane manner.

Peter Kitelo, the chairman of Community Land Action Now (CLAN), a network representing pastoral and forest communities, said evictions have been going on for decades in the name of conservation.

"Most of the lands that we were evicted from were the ones where we had the best forests," he said. "At the moment for the Ogiek community of Mount Elgon the community is pushed up and the real forest is on the lower side. What has happened with those forests? Over the years there has been logging, and today there is no forest. The only natural forest is only found where the community is at the moment."

The government wants Kenya to have 10 percent forest cover by 2022, up from 7 percent now.

Chepkorir of the Sengwer community says the best way forward is for the government to recognize the rights of the Ogiek and Sengwer communities to live in the forests and work with them to achieve conservation.

Kenya Arrests Two Police After 'Shooting Incident,' Launches Enquiry (Reuters) By Duncan Miriri
July 26, 2020

Kenya's national police service has arrested two police officers and opened an investigation after "a shooting incident" in the eastern county of Garissa, the police service said on Sunday.

The Independent Policing Oversight Authority (IPOA), a body set up to investigate cases of police brutality, has also sent its investigators to Garissa, it said late on Saturday.

The national police service said two officers had been arrested "over a shooting incident at Soko Ng'ombe market within Garissa Township" and that the inspector general had ordered an investigation.

"The inspector general has equally directed the directorate of criminal investigations to carry out forensic analysis on the firearms used by the officers," it said.

Garissa member of parliament Aden Duale said in a Twitter post police had shot dead Aden Abdi Madobe and Muhiyadin Adow Shibin on Saturday during an "arrest mission". He did not give further details.

International campaigners have raised concerns about police behaviour in the East African nation, including during lockdown restrictions.

Rights group Amnesty International said Kenyan police had killed at least 100 people in 2020, with 21 related to COVID-19 lockdown infractions, such as curfew or mask violations.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

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Somalia

In Somalia, Iran Is Replicating Russia's Afghan Strategy (Foreign Policy) By Muhammad Fraser-Rahim
July 17, 2020

Iran has established covert ties with the Somalia-based al-Shabab terrorist group

well known for its attacks in the Horn of Africa. Following Russia's playbook in Afghanistan and the surrounding regions, Tehran is allegedly using al-Shabab to attack the U.S. military and other foreign forces in Somalia and in the region, according to senior Somali government and security officials familiar with intelligence and briefed on the matter.

Using financial inducements as their means for recruitment, Iran has a proxy network in Somalia and uses facilitators to provide support to violent extremist organizations to counter the influence of the United States and Persian Gulf states, including using Somalia to funnel weapons to Houthi rebels in Yemen and to transit weapons to other countries such as Kenya, Tanzania, South Sudan, Mozambique, and Central African Republic.

Iranian engagement on the African continent is not new. In particular, Iranian religious groups and intelligence agencies have worked for decades to establish missionary and influence operations on the African continent. These include providing religious scholarship opportunities throughout sub-Saharan Africa and in the Horn region competing and countering Gulf states' influences.

Furthermore, these educational efforts have allowed Africans to study in Shiite religious centers such as Qom in Iran, and then go back to their countries to engage in both direct and indirect proselytizing in favor of Tehran's activities, making many of them witting or unwitting accomplices to those pursuing Tehran's intelligence objectives in the region.

The Islamic Revolutionary Guard Corps is the main Iranian organization in Somalia, and its Quds Force has established relations with extremist groups and criminal networks, according to Somali officials. Somali police and finance ministry officials claim the Quds Force uses these networks to smuggle Iranian oil into Somalia and then sell cheap oil across Africa to subvert U.S. sanctions, with some of the proceeds used to support militants in Yemen and Somalia.

Somali military officials maintain that Iran has been running secret operations to undermine the United States in Somalia, providing sophisticated weapons, improvised explosive devices, mortars, and chemicals used to make bombs. The military officials allege that Iran and its proxies are complicit in al-Shabab attacks on the U.S. military, Somali forces, and the African Union Mission in Somalia. A senior military official involved in operations against al-Shabab in south-central Somalia alleges that al-Shabab has received financial and material support from Iran and may have paid bounties to militants to attack U.S. forces in Somalia and the region.

According to Somali defense ministry and security officials, Iranian money, weapons, and ammunition may have been used in 2019 and 2020 al-Shabab attacks on U.S. military bases in Somalia and northern Kenya, as well as the European Union military convoy in Mogadishu.

Security forces involved in operations against al-Shabab in south-central Somalia discovered weapons as well as bomb-making materials and chemicals from Iran. These officials claim that al-Shabab attacks since 2017 have become more lethal and attribute the group's increased capabilities to foreign-sourced weapons, with the majority coming from Iran and Yemen.

On Jan. 5, al-Shabab carried out a pre-dawn attack at Manda Airstrip on Camp Simba in northern Kenya. The attack killed three Americans (one soldier and two contractors) and destroyed U.S. military equipment, including surveillance equipment used to support intelligence operations in the region.

Al-Shabab attacked Camp Simba two days after a U.S. drone strike killed Qassem Suleimani, the commander of Iran's Quds Force, and Abu Mahdi al-Muhandis, a senior Iraqi politician and the deputy chairman of Popular Mobilization Units, an Iraqi paramilitary force. (Although the group claimed there was no link between Suleimani's killing and its attack, the timing and al-Shabab's history of opportunistic strikes suggests that the two events may have been linked.)

On Sept. 30, 2019, al-Shabab carried out a large car bomb and gun attack on the Baledogle facility, wounding a U.S. service member at the base, according to news reports. The Baledogle base, about 60 miles northwest of Mogadishu, hosts hundreds of U.S. military and civilian personnel supporting Somali government operations against al-Shabab. The U.S.-trained Somali forces and U.S. military repelled the coordinated attack and inflicted heavy casualties on al-Shabab.

Also on Sept. 30, an al-Shabab car bomb hit the European Union military convoy in Mogadishu. The Italian military convoy was part of the European Union Training Mission in Somalia. The attack damaged convoy vehicles, but did not result in any injuries.

Despite U.S. and Somali counterterrorism operations, al-Shabab remains the largest active al Qaeda network in the world, and the Iranian Quds Force's financial and material support to the militant group represents a new escalation and a morphing threat to U.S. and Western interests in Somalia and the region.

Although the number of U.S. forces in Somalia has increased over the past three years, there has been a steady increase in

attacks by al-Shabab and the Islamic State in Somalia in south-central Somalia, Puntland, and increasingly in northern Kenya. According to Gen. Stephen Townsend, “After a series of complex attacks targeting Somali and U.S. bases last year,” the leaders of al-Shabab “publicly identified Americans and U.S. interests worldwide as priority targets,” a stance similar to Osama bin Laden’s 1996 declaration of war against the United States.

In addition to Iran, Russia has expanded its contact and influence in Somalia, sending an ambassador for the first time in 30 years and establishing ties with extremist groups in the fragile state to pressure and bleed U.S. forces and Western allies in the region.

According to senior defense ministry and national and regional security officials in Somalia, Russia’s intelligence service and the Wagner Group—a paramilitary mercenary company with ties to the Kremlin—are active in Somalia, where they have established ties with al-Shabab while also trying to offer the Somali government and regional governments training and equipment, without oversight or accountability and avoiding compliance with U.N. sanctions.

Over the past two years, Russia and Iran have shown renewed interest in the Horn of Africa, and, according to a senior Somali military official, Russia has been working with Iran to push the United States out of Somalia—especially Baledogle, a base built by the Soviet Union that formerly served as Moscow’s main hub in the region.

According to officials, Russians have expressed interest in Baledogle and the port of Berbera. The officials are concerned that the 2019 attack on Baledogle was influenced and supported by Iranian or Russian proxies seeking to force the U.S. military out of the base.

Given that Iran has engaged with and supported violent extremist groups in Somalia and across the region, it’s not surprising that Tehran and its proxy agents are supporting al-Shabab. The reality is that Tehran has on countless occasions in recent years engaged with a wide range of Islamist elements in Somalia. Iran uses these actors in Africa to project its influence and spread its extremist doctrine wherever and however it can. Tehran continues to use proxy allies and violent extremist groups in Somalia, undermining the U.S. administration’s counterterrorism strategy in Somalia and international efforts to stabilize the country.

To counter this threat, the U.S. government should first focus on reducing al-Shabab’s access to financial and material support from foreign sources such as Iran. This can be done by expanding the use of sanctions to identify and target individuals or groups in Somalia and the region facilitating Iranian proxy activities in Somalia, as well as identifying how violent extremist organizations in Somalia procure weapons and chemicals used to attack civilians, government institutions, and security forces in Somalia and the region.

It should then use the Combined Task Force 150 and the European Union Capacity Building Mission to focus on disrupting the flow of weapons and chemicals to Somalia, while helping the federal government of Somalia and federal member states to build naval, coast guard, and other maritime capabilities to protect Africa’s second-longest coast.

Second, the U.S. government should work toward reducing Iranian influence in the Horn of Africa, making it challenging for Iran and its proxies to operate. The U.S. government can reduce Iranian influence by increasing intelligence collection on proxy allies of Tehran, their facilitators, and support structures, as well as by monitoring Iranian trade with countries in the region. Additionally, the United States can use sanctions to go after individuals and organizations engaging with sanctioned elements of the Iranian regime.

Finally, to counter Iran, Russia, and other rogue states, the U.S. government should increase military, security, and economic assistance to Somalia, supporting the Somali government’s efforts to increase the size and capabilities of Somalia’s security forces as they wage counterterrorism and counterinsurgency operations to dislodge al-Shabab and other violent extremist groups from areas they control.

Al-Shabab’s aspiration to attack the United States in the region and beyond poses a direct threat to the United States’ national security and foreign-policy interests. To defeat al-Shabab and limit Iran’s and other foreign agents’ involvement in Somalia requires the U.S. government to use all instruments of national power—including economic, military, security, and financial tools, to defeat the world’s most active, effective, and enduring al Qaeda affiliate.

Pentagon Admits to Civilian Casualties in Somalia for a Third Time (The New York Times) By Thomas Gibbons-Neff
July 28, 2020

The Pentagon has admitted for the third time that its bombing campaign against terrorist groups in Somalia, which has been underway for more than a decade, had caused civilian casualties there, a military report said on Tuesday.

The announcement, by United States Africa Command, substantiated reports by Amnesty International that a U.S. airstrike on Feb. 2 in the Somali town of Jilib killed Nurto Kusow Omar Abukar, 18, and injured her two younger sisters and grandmother. The strike was targeting members of the Shabab, an extremist group linked to Al Qaeda.

“Our goal is to always minimize impact to civilians,” Gen. Stephen J. Townsend, the commander of Africa Command, said in the report. “Unfortunately, we believe our operations caused the inadvertent death of one person and injury to three others who we did not intend to target.”

As is common with almost every U.S. airstrike in Somalia, a military statement released after the Jilib bombing said an “initial assessment concluded the airstrike killed one (1) terrorist. We currently assess no civilians were injured or killed as a result of this airstrike.”

Africa Command’s admission of the death comes in the wake of its slow move toward better accountability after years of criticism from human rights groups and lawmakers who frequently accused the command of covering up civilian deaths and, at the least, not investigating claims from local residents.

Last year, Africa Command pledged to review all military operations in Somalia since 2017. After the review, it admitted to the deaths of four other civilians in two different airstrikes in 2018 and 2019.

“Now that there has been an acknowledgment of their actions, there must be accountability and reparations for the victims and their families,” Brian Castner, the senior crisis adviser for arms and military operations at Amnesty International, said in a statement.

The U.S. military has carried out more than 180 airstrikes in Somalia since 2017, 42 of them in 2020. Amnesty International has assessed that more than 20 civilians have been killed in a small number of those strikes.

The increase in air attacks and ground raids has been attributed to more lax rules of engagement under the Trump administration, giving commanders more leeway to find and attack Shabab and Islamic State targets.

The military campaign there, like most American conflicts since the Sept. 11 attacks, has been locked in a stalemate as Shabab fighters continue to hold and influence territory in the hinterlands while U.S. and allied forces try to train and empower local troops to fight for themselves.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

>Bones Found Near Bosnian Serb War Criminal’s House (Balkan Insight) By Albina Sorguc
July 21, 2020

The suspected remains of a Bosniak war victim have been found close to the house of former Bosnian Serb paramilitary leader Milan Lukic, who is already serving a life sentence for war crimes.

The Missing Persons Institute of Bosnia and Herzegovina said on Tuesday that human remains, believed to be those of a Bosniak war victim killed in 1992, were found on July 21 during an exhumation at Rujiste near Visegrad in eastern Bosnia.

“The remains were found on the surface of the terrain near the house of the convicted war criminal Milan Lukic, and their

exhumation or removal is in progress,” said Missing Persons Institute spokesperson Emza Fazlic.

“Along with the remains, on which crosses have been drawn, shoes were also found,” she added.

The remains will now be taken to the Autopsy and Identification Centre in Gorazde for DNA analysis so the identity of the victim can be established.

Lukic, a former leader of the White Eagles or Avengers, a Bosnian Serb paramilitary group, was sentenced to life imprisonment by the Hague Tribunal for participating in the murders and expulsions of Bosniak civilians in Visegrad in 1992 and 1993.

He was convicted of involvement in two of the war’s most notorious massacres, in which a total of 120 women, children and elderly people were burned alive in June 1992 in Pionirska Street in Visegrad and in the town’s Bikavac neighbourhood.

He is currently serving his sentence in Estonia.

Lukic was also indicted last year for crimes against 20 passengers who were abducted from a train at Strpci station near Visegrad in February 1993 and then murdered.

Ten former Bosnian Serb soldiers are currently on trial at the Bosnian state court in Sarajevo for the Strpci abductions and massacre. Five more are on trial for the same crime in Belgrade.

According to the Missing Persons Institute, 920 people went missing from the Visegrad area in wartime, and so far the remains of 445 of them have been found and identified.

Bosnian Serb Ex-Soldier Jailed for Killing Bosniak Family (Balkan Transitional Justice) By Marija Tausan
July 16, 2020

The Bosnian state court’s appeals chamber found Sretko Pavic guilty of war crimes on Thursday for participating in the murders of five civilians, all members of the Causevic family, in the village of Rizvanovici near Prijedor in July 1992.

Pavic, who was serving with the Volarska Company of the Bosnian Serb Army’s Sixth Ljubija Battalion when the crime was committed, was sentenced to 11 years in prison.

The court found that that the members of the Causevic family were detained in a building next to a checkpoint in Rizvanovici when Pavic and another Bosnian Serb soldier called Pero Stevandic took them out and killed them. Stevandic has since died.

Pavic was being retried after last June’s first-instance verdict which found him guilty of crimes against humanity and sentenced him to 13 years in prison, was quashed because of a “flawed explanation of [what constituted] persecution”, said presiding judge Dragomir Vukoje.

Thursday’s verdict is final and cannot be appealed.

Police Arrest Fugitive Bosnian Serb War Rape Convict (Balkan Transitional Justice) By Albina Sorguc
July 17, 2020

The Banja Luka Police Administration told BIRN on Friday that its officers have arrested Dusko Solesa, a former Bosnian Serb Army soldier who has been convicted of war crimes.

The interior ministry in Bosnia’s Republika Srpska entity said that police officers discovered that Solesa was living in the Laktasi municipality and went to detain him.

“After spotting police officers at that address, the person started running away. The person was successfully caught and deprived of their liberty,” the ministry said in a statement.

In 2014, the Cantonal Court in Bihac sentenced Solesa to six years in prison for repeatedly raping a minor.

The presiding judge at the trial, Jasminka Karabegovic, said the victim “described the rape clearly and in details” and identified Solesa as the person who raped her several times.

The verdict was upheld by the Supreme Court in Bosnia’s Federation entity the following year.

Acquitted Serb Policeman Sues Bosnia for Compensation (Balkan Transitional Justice) By Albina Sorguc
July 22, 2020

Former Bosnian Serb policeman Radenko Marinovic's lawyer told the state court in Sarajevo on Wednesday that his client is seeking 50,000 Bosnian marks (around 25,500 euros) to compensate for his arrest, detention and restrictions imposed on his movement during his trial, as well as the longer-term impact that the proceedings have had on him.

Lawyer Sinisa Dakic said that during the proceedings, Marinovic was prevented from working as a judo trainer at two clubs and as a judge for the Judo Association of Republika Srpska, Bosnia's Serb-dominated entity.

Marinovic, a former member of an intervention squad at the police Public Security Station in Prijedor, was found not guilty in November 2018 of participating in the persecution of the Bosniak population of the Prijedor area as part of a widespread and systematic attack by the Bosnian Serb Army and police force in July and August 1992.

His alleged role in the persecution was hitting and killing a Bosniak man. Two other defendants in his trial were convicted and jailed.

Fahreta Delic of the Bosnian Attorney General's office objected to the amount of compensation that Marinovic is claiming.

Delic said the restrictions imposed on him served the rule of law and "do not represent retaliation or illegal measures".

The next hearing is scheduled for December 10.

BIRN reported in 2018 that over 40 former defendants had successfully sued Bosnia and Herzegovina for damages after being acquitted of war crimes in various cases and received a total of over 1.5 million euros in compensation

Bosnia Acquits Wartime Police Chief of Illegally Detaining Serbs (Balkan Transitional Justice) By Emina Dizdarevic
July 24, 2020

The appeals chamber of the Bosnian state court on Friday acquitted Ibro Merkez, the chief of the police's Public Security Station in Gorazde, of unlawfully detaining and mistreating Serb civilians from mid-July to August 4, 1992.

The prosecution alleged during the trial that, acting through subordinates, Merkez detained more than 70 civilians in four apartments in Gorazde across from the Public Security Station.

It claimed that the civilians were deprived of food and received a minimal quantity of water, while those who were sick did not get medical assistance.

But judge Mirko Bozovic said that witnesses who were detained at the time "did not associate Merkez with them having been taken away" and police officers who testified did not identify Merkez as the person who was controlling the detentions.

"No evidence about the defendant's effective control over the policemen who took the civilians away has been presented. The appeals chamber has carefully assessed the testimonies by policemen who personally escorted the civilians. Although they participated in it, they did not say they did it under Merkez's control," Bozovic said.

"As no evidence has been presented to prove, beyond reasonable doubt, that the defendant is responsible for the crimes with which he is charged, the chamber has passed down a verdict of acquittal," the judge concluded.

Merkez was being retried after the appeals chamber quashed the first-instance verdict from last October which had found him guilty.

Two other former policemen who were tried alongside him, Predrag Bogunic and Esef Huric, were acquitted of all charges in the original trial.

Friday's verdict cannot be appealed.

Bosnian Court Urged to Clear Serb Ex-Soldier of Rape (Balkan Transitional Justice) By Marija Tausan
July 24, 2020

In closing arguments at the Bosnian state court in Sarajevo on Friday, ex-soldier Sasa Curcic's defence called for a not guilty verdict, insisting that the allegations of rape and sexual abuse were not proved during the trial.

Curcic is accused of crimes against humanity for raping a Bosniak woman in a house in the village of Gornje Polje in the summer of 1992.

The defence however claimed that the victim had given different versions of what happened in Gornje Polje during the investigation and at the trial.

Defence lawyer Slavisa Prodanovic also said that when the victim testified at the Hague Tribunal trial of another Bosnian Serb ex-soldier, Dragan Zelenovic, she mentioned 52 names, but not Curcic's.

Prodanovic also cited another statement given by the witness before the Supreme Court of the Federation of Bosnia and Herzegovina in 2002, in which she did not mention Curcic.

He said that two other witnesses, who the victim said were brought to Gornje Polje with her, confirmed that Curcic was not in the house.

Neither Zelenovic nor Bosnian Serb ex-soldier Milomir Davidovic, who were also both at the house, mentioned Curcic either, the defence lawyer added.

Zelenovic was sentenced to 15 years in prison by the Hague Tribunal for the rape and abuse of several women and girls in Foca, while Davidovic was sentenced to seven years by the Bosnian state court for raping one woman.

The verdict will be handed down on September 14.

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

Official Website of the ICTY

Lawyers for Bosnian War strongman seek court delay in appeal (Washington Post) By Mike Corder
July 24, 2020

Former Bosnian Serb military chief Gen. Ratko Mladic said Friday that his health is bad and getting worse, as his lawyers sought another delay for a United Nations hearing in the appeal of his genocide, war crimes and crimes against humanity convictions.

One lawyer warned judges that there are unanswered questions about Mladic's mental fitness to participate in the appeal hearings, citing a doctor as saying the 77-year-old may have early stage dementia. The one-time Bosnian War strongman may have experienced medical malpractice while receiving treatment for anemia, lawyer Dragan Ivetic said.

Ivetic urged the U.N. International Residual Mechanism for Criminal Tribunals to delay a hearing that was scheduled for Aug 25-26 until after medical experts can assess Mladic's capacity to participate in the proceedings.

"How low does it go before he is not fit, legally competent? We do not know," Ivetic said at a status conference.

"We wish to avoid a miscarriage of justice," he added. "We would rather support rescheduling the appeals hearing after competency is determined."

A U.N. tribunal convicted Mladic in 2017 of masterminding crimes throughout the 1992-95 Bosnian War, including the murder by Bosnian Serb forces of more than 8,000 Muslim men and boys in Srebrenica, in eastern Bosnia. He was sentenced to life imprisonment.

Mladic appealed, but the case has been repeatedly delayed by his ill health and, more recently, by the coronavirus pandemic. At the public hearing late next month, his defense attorneys were expected to set out their arguments for overturning his convictions and sentence.

Prosecutors also have appealed against Mladic's acquittal on a second genocide count linked to so-called "ethnic cleansing" campaigns early in the 1992-95 conflict.

But Mladic's health could now again delay the case.

"My health condition is very bad indeed, and it is only deteriorating," Mladic said at Friday's hearing.

Ivetic cited a report from a doctor consulted by the defense as saying Mladic "has neurocognitive impairment in the stage between mild cognitive disorder and early dementia."

Prosecution lawyers did not comment in court on Ivetic's claims.

In a June 16 ruling on Mladic's complaints about his anemia treatment, the court's president concluded that Mladic had "not demonstrated any error with respect to the medical care provided to him" by court staff.

The U.N. International Residual Mechanism for Criminal Tribunals was set up to deal with appeals and other cases stemming from two U.N. courts, now closed, that prosecuted crimes in the Balkan wars of the 1990s and the Rwanda genocide.

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Grotian Moment: The International War Crimes Trial Blog

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Syria

US condemns deadly car bombing in NW Syria (Anadolu Agency) By Servet Günerigök

July 21, 2020

The US "strongly" condemned on Monday a terrorist attack near a marketplace in Sudju, near Azaz and the Bab al-Salam crossing in northwestern Syria.

At least eight people were reportedly killed and more than 80 others injured after an explosives-laden vehicle blew up in the city of Azaz on Sunday.

"We extend our deepest sympathies to all those harmed in this senseless tragedy," Morgan Ortagus, a spokeswoman for State Department, said in a statement. "As we have stated in the past, such acts are unacceptable by any side in this conflict, and attacks against civilians are never justified."

No group has yet claimed responsibility for the deadly car bombing.

However, according to a security source who asked not to be named due to restrictions on speaking to the media, the YPG/PKK terrorists carry out such attacks but do not claim responsibility as they end up harming civilians.

Ortagus said "violence impedes the hope for a lasting political resolution" to the Syria conflict and Washington backs a nationwide cease-fire in the war-torn country.

The YPG/PKK terror organization, which continues to attack from Syria's Tel Rifaat and Manbij regions, often targets Jarabulus, Azaz and Afrin.

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

In its more than 30-year terror campaign against Turkey, the PKK -- listed as a terrorist organization by Turkey, the US and EU -- 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

'Saudi Arabia is legally responsible for war crimes in Yemen,' insists Nobel Laureate (Middle East Monitor)

July 22, 2020

The Yemeni activist and 2011 Nobel Laureate Tawakkol Karman has said that Saudi Arabia is "legally responsible" for all the crimes of the Arab coalition it leads in her country.

"Saudi Arabia is the one who is leading the coalition formally and practically... This is what the world knows and what has been announced," Karman wrote on Facebook. "Saudi Arabia therefore bears legal responsibility for all the crimes committed by the Arab Coalition, whether the perpetrator is Saudi Arabia or one of the member states. To say that the UAE is guilty of laundering Saudi crimes, on the one hand, and tempting the Saudi army to continue to mess with the Yemenis' lives, on the other, is useless."

The human rights activist made her comment after it was reported that the French judiciary has opened an investigation against Abu Dhabi Crown Prince Mohammed Bin Zayed who is accused of complicity in the torture of prisoners in Yemen detention centres controlled by the UAE armed forces. The French can look into such cases on the basis of universal jurisdiction.

The Yemeni government accuses the UAE of supporting the separatist Southern Transitional Council (STC) to achieve its own goals in Yemen. This is something that the UAE government in Abu Dhabi usually denies.

“They held Saudi Arabia responsible and prepared to make it pay the price... Will they stop? Who will protect our country from their evil agenda?” asked Karman.

On the military level in Yemen, the Coastguard and security forces announced their withdrawal from the island of Socotra, following the intervention of forces loyal to the UAE-backed STC. According to Abd Al-Moein Ghanem, the Coastguard Commander in Socotra port, his forces withdrew as a result of the evasions and arrests conducted by the STC. “We hold the [Saudi] 808 duty forces responsible for the illegal violations that occur, as the Coastguard administration is not responsible for the actions of the Southern Transitional Council,” he explained.

A local government official told Anadolu Agency: “Since controlling Hadiboh, the capital of Socotra, on 19 June, the Southern Transitional Council is trying with all its might to control the port and interfere in the work of the civil, military and security administration of the government, especially with regard to allowing the entry of ships.” The STC militia, he pointed out, has arrested the Coastguard commander on more than one occasion, as well as the security forces in Socotra port in order to put pressure on him to hand over his duties to one of its members, but it failed to achieve this.”

In a related context, a Yemeni security official was killed yesterday in Abyan Governorate, in the south of the country. A military source reported that a senior officer of the government’s Special Security Forces, Abdullah Adqaf Al-Hanashi, was killed in an ambush carried out by unknown assailants. One of Al-Hanashi’s companions was also killed in the attack, and another was wounded.

Yemen: A Torrent of Suffering in a Time of Siege (Common Dreams) By Kathy Kelly
July 29, 2020

When evil-doing comes like falling rain, nobody calls out ‘Stop!’ When crimes begin to pile up they become invisible. When sufferings become unendurable, the cries are no longer heard. The cries, too, fall like rain in summer.” —Bertolt Brecht

In war-torn Yemen, the crimes pile up. And children who bear no responsibility for governance or warfare endure the punishment.

In 2018, UNICEF said the war made Yemen a living hell for children. By the year’s end, Save the Children reported that 85,000 children under five had already died from starvation since the war escalated in 2015. By the end of 2020, it is expected that 23,500 Yemeni children with severe acute malnutrition will be at immediate risk of death.

Cataclysmic conditions afflict Yemen as people try to cope with rampant diseases, the spread of COVID-19, flooding, literal swarms of locusts, rising displacement, destroyed infrastructure, and a collapsed economy. Yet the war rages, bombs continue to fall, and desperation fuels more crimes.

The highest-paying jobs available to many Yemeni boys and men require a willingness to kill and maim one another, by joining militias or armed groups which seemingly never run out of weapons. Nor does the Saudi-Led Coalition, which kills and maims civilians; instead, it deters relief shipments, and destroys crucial relief infrastructure with weapons it imports from Western countries.

The aerial attacks displace traumatized survivors into swelling, often lethal refugee camps. Amid the wreckage of factories, fisheries, roads, sewage and sanitation facilities, schools, and hospitals, Yemenis search in vain for employment and, increasingly, for food and water. The Saudi-Led Coalition’s blockade, also enabled by Western training and weapons, makes it impossible for Yemenis to restore a functioning economy.

Even foreign aid can become punitive. In March 2020, the U.S. Agency for International Development (USAID) decided to suspend most aid for Yemenis living in areas controlled by the Houthis.

Scott Paul, who leads Oxfam America’s humanitarian policy advocacy, strongly criticized this callous decision to compound the misery imposed on vulnerable people in Yemen. “In future years,” he wrote, “scholars will study USAID’s suspension as a paradigmatic example of a donor’s exploitation and misuse of humanitarian principles.”

As the evil-doing in Yemen comes “like falling rain,” so do the cries of “Stop!” from millions of people all over the world. Here’s some of what’s been happening:

U.S. legislators in both the House of Representatives and the Senate voted to block the sale of billions of dollars in weapons and maintenance to Saudi Arabia and its allies. But President Trump vetoed the bill in 2019.

Canada's legislators declared a moratorium on weapon sales to Saudi Arabia. But the Canadian government has resumed selling weapons to the Saudis, claiming the moratorium only pertained to the creation of new contracts, not existing ones.

The United Kingdom suspended military sales to Saudi Arabia because of human rights violations, but the U.K.'s international trade secretary has nevertheless resumed weapon sales, claiming that the 516 charges of Saudi human rights violations are all isolated incidents and don't present a pattern of abuse.

French NGOs and human rights advocates urged their government to scale back on weapon sales to the Saudi-Led Coalition, but reports on 2019 weapon sales revealed the French government sold 1.4 billion Euros worth of weapons to Saudi Arabia.

British campaigners opposing weapon transfers to the Saudi-Led Coalition have exposed how the British Navy gave the Saudi Navy training in tactics essential to the devastating Yemen blockade.

In Canada, Spain, France, and Italy, laborers opposed to the ongoing war have refused to load weapons onto ships sailing to Saudi Arabia. Rights groups track the passage of trains and ships carrying these weapons.

On top of all this, reports produced by Amnesty International, Human Rights Watch, Oxfam, the Norwegian Refugee Council, and the International Commission of the Red Cross repeatedly expose the Saudi-Led Coalition's human rights violations.

Yet this international outcry clamoring for an end to the war is still being drowned out by the voices of major military contractors with well-paid lobbyists plying powerful elites in Western governments. Their concern is simply for the profits to be reaped and the competitive sales to be scored.

In 2019, Lockheed Martin's total sales hit nearly \$60 billion, the best year on record for the world's largest "defense" contractor. Before stepping down as CEO, Marillyn Hewson predicted demand from the Pentagon and U.S. allies would generate an uptick between \$6.2 and \$6.4 billion in net earnings for the company in 2020 sales.

Hewson's words, spoken calmly, drown out the cries of Yemeni children whose bodies are torn apart by Lockheed Martin's bombs.

In August 2018, bombs manufactured by Raytheon, Boeing, General Dynamics, and Lockheed Martin fell on Yemen like summer rain. On August 9, 2018, a missile blasted a school bus in Yemen, killing forty children and injuring many others.

Photos showed badly injured children still carrying UNICEF blue backpacks, given to them that morning as gifts. Other photos showed children helping to prepare graves for their schoolmates. One photo showed a piece of the bomb protruding from the wreckage with the number MK82 clearly stamped on it. That number on the shrapnel helped identify Lockheed Martin as the manufacturer.

The psychological damage being inflicted on these children is incalculable. "My son is really hurt from the inside," said a parent whose child was badly injured by the bombing. "We try to talk to him to feel better and we can't stop ourselves from crying."

The cries against war in Yemen also fall like rain and whatever thunder accompanies it is distant, summer thunder. Yet if we cooperate with war-making elites, the most horrible storms will be unleashed. We must learn—and quickly—to make a torrent of our mingled cries and, as the prophet Amos demanded, "Let justice roll down like waters, and righteousness like a mighty stream."

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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

Israel drafts secret list of hundreds of officials who may stand trial at international court

(Haaretz) By Noa Landau

July 16, 2020

Israel is drawing up a secret list of military and intelligence officials who might be subject to arrest abroad if the International Criminal Court in the Hague opens an investigation into alleged Israeli war crimes in the Palestinian territories.

Haaretz has learned that this list now includes between 200 and 300 officials, some of whom have not been informed. The great secrecy surrounding the issue stems from a fear that the mere disclosure of the list's existence could endanger the people on it. The assessment is that the court is likely to view a list of names as an official Israeli admission of these officials' involvement in the incidents under investigation.

The ICC is expected to rule shortly on whether to approve the request by ICC Prosecutor Fatou Bensouda to investigate Israel and Hamas over suspicions of war crimes in the territories beginning in 2014, the year of Operation Protective Edge.

Given the time frame, experts in international law believe that officials and decision-makers involved in incidents beginning with the war in Gaza that summer would be the first to face the court's scrutiny.

They include Prime Minister Benjamin Netanyahu; former defense ministers Moshe Ya'alon, Avigdor Lieberman and Naftali Bennett; former Israel Defense Forces chiefs of staff Benny Gantz and Gadi Eisenkot, and current Chief of Staff Aviv Kochavi; and the former and current heads of the Shin Bet security service, Yoram Cohen and Nadav Argaman, respectively.

But the length of the list shows that it includes people in much more junior positions, including lower-ranking military officers and perhaps even officials involved in issuing various types of permits to settlements and settlement outposts, since the issue of Jewish settlement in the territories is also within the scope of the requested investigation.

Judges Peter Kovacs of Hungary, Marc Perrin de Brichambaut of France and Reine Adelaide Sophie Alapini-Gansou of Benin will have to decide if the conclusions announced in December by the prosecutor, who found a basis for an investigation, are justified – and if so, whether the court has jurisdiction in the areas in which the alleged crimes were committed: East Jerusalem, the West Bank and the Gaza Strip.

Israel argues that the ICC does not have such authority, in part because the Palestinian Authority is not a sovereign state and therefore cannot delegate its judicial authority, and also because the case involves a political dispute. Bensouda, for her part, believes the court does have this authority, but has asked the judges to determine the scope of its jurisdiction due to the absence of permanent, recognized borders for the territories. For this reason, Israel refuses to recognize the court's jurisdiction in this matter and does not intend to represent officially in any proceedings there. But during the preliminary investigation, there were quiet communications between the prosecutor and Israeli authorities. The state is also considering whether to secretly fund one of the amicus curiae briefs that have been approved to join the proceedings as a kind of proxy defense lawyer.

Israeli officials have said recently the ruling could come at any time, and that an official declaration of annexation of areas in the West Bank could further damage Israel's position in the proceedings. Bensouda even warned of this explicitly in her preliminary investigation.

The judges in the Hague could close the case entirely or allow it to proceed. In the latter event, they could weigh in on the court's jurisdiction in the territories. But they could also leave the question to be decided in the course of the proceedings. A number of experts in international law have said that the latter option is more likely.

In December, after a few warnings, the prosecutor announced that a basis exists for investigating Israel and Hamas for war crimes in the territories since 2014. Among the events she mentioned were Operation Protective Edge, the settlement enterprise and the shooting of protesters along the fence between the Gaza Strip and Israel. In a section of her written statement concerning Operation Protective Edge, she wrote, "There is a reasonable basis to believe that members of the Israel Defense Forces ("IDF") committed the war crimes of: intentionally launching disproportionate attacks in relation to at least three incidents, ... wilful killing and wilfully causing serious injury to body or health [sic]."

In connection to the settlements, Bensouda wrote: “There is a reasonable basis to believe that ... the Israeli authorities ... transfer[ed] Israeli civilians into the West Bank since 13 June 2014.” She added: “Despite the clear and enduring calls that Israel cease activities in the Occupied Palestinian Territory deemed contrary to international law, there is no indication that they will end. To the contrary, there are indications that they may not only continue, but that Israel may seek to annex these territories.” She noted that last year, “Prime Minister Benjamin Netanyahu vowed to annex large parts of the West Bank if reelected.”

Bensouda and her staff also wrote that the investigation could include “crimes allegedly committed in relation to the use by members of the IDF of non-lethal and lethal means against persons participating in demonstrations beginning in March 2018 near the border fence between the Gaza Strip and Israel, which reportedly resulted in the killing of over 200 individuals, including over 40 children, and the wounding of thousands of others.”

In recent months Israel has encouraged the U.S. administration to harshly sanction the ICC in the hope that this would deter the court from the war crimes investigation. And indeed, in June, U.S. President Donald Trump, in coordination with Israel, ordered sanctions on officials involved in the court’s probe into allegations of war crimes committed by the U.S. Army in Afghanistan.

Senior Trump administration officials have said on a number of occasions that they would view a decision to investigate Israel as a “political” move that could prompt additional actions from the United States. The U.S. decision led dozens of countries to issue statements affirming their support for the International Criminal Court.

Israel ‘relieved’ as ICC adjourns war crimes probe (Middle East Monitor)

July 18, 2020

The Israeli government breathed a sigh of relief after a decision by the International Criminal Court (ICC) to adjourn without opening an investigation against Tel Aviv over possible war crimes committed in the occupied Palestinian territories, according to Israeli media, reports Anadolu Agency.

The ICC pre-trial was supposed to assess if the court’s chief prosecutor, Fatou Bensouda, has the authority to open an investigation into war crimes by Israel along with defining the territorial boundaries within which the investigation will take place.

In May, Bensouda said that there is a basis to launch an investigation into war crimes committed in Palestine, including the occupied West Bank, East Jerusalem, and Gaza.

If an investigation were opened, several Israeli officials, including the prime minister, and army heads, would be subject to criminal proceedings and possibly arrest warrants.

According to the rules of the ICC probe procedures, if Israel didn’t cooperate with the court, the ICC could issue secret arrest warrants.

In June, the Trump administration imposed sanctions against the ICC and its officials for launching an investigation on possible US war crimes in Afghanistan and for opening investigations into its allies, including Israel.

According to Walla News portal, Israeli officials believe the ICC will resume work on the case in mid-August, after its summer vacation.

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Gulf Region

Yemen’s Houthis call for committee to investigate Saudi, UAE ‘coalition crimes’ (Middle East Monitor)

July 16, 2020

Yemen's Houthi movement, officially known as AnsarAllah, have called for the formation of an independent and impartial international commission to investigate all "coalition crimes" in the country, in particular by partners, Saudi Arabia and the UAE.

According to a statement issued by the Ministry of Foreign Affairs of the Houthi-aligned National Salvation Government (NSG), the international community, UN Security Council, Human Rights Council and humanitarian organisations were urged to fulfil their moral and humanitarian obligations towards the Yemeni people.

"The crimes of the Arab coalition led by Saudi Arabia against Yemen, on the ground and human rights, will continue as long as the world turns its back on Yemen and does not move a finger," the statement said.

The Foreign Ministry also expressed dismay that the Security Council held a session yesterday to consider the implications of the decaying FSO Safer oil tanker which has been anchored off Yemen's coast of the Al-Hudaydah province for decades and poses a threat to both the livelihood of Yemenis and the environment. The ministry pointed out that "it did not hold any special session to discuss war crimes committed by the coalition forces."

Yesterday the Houthi-affiliated Al-Masirah TV channel, reported that the Saudi-led coalition air strikes had targeted civilians in the village of Al-Masafa, east of Al-Hazm, in the northern Al-Jawf province, where 31 people were killed and wounded.

According to the Sanaa-based Saba news agency, the NSG Information Minister Daifullah Al-Shami condemned the attack which is said to have targeted a wedding party with women and children among the victims. Al-Shami stressed that these war crimes will not go unnoticed and that the response will be painful.

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ASIA

Afghanistan

The mistaken identity that led to Australian soldiers allegedly killing the wrong man (Australian Broadcast Company) By Mark Willacy and Rory Callinan
July 20, 2020

The Australians swept into the village of Nawjoy looking for one man.

His name was Mawlawi Sher Mohammad.

"They had blackened faces, grey guns and red beards," remembers his neighbour Abdul Azim.

By the time the SAS left Nawjoy that day — January 7, 2013 — Mawlawi Sher Mohammad lay dead in his own stable, where villagers say he was taken and shot.

But the Australians had killed the wrong man.

The man left in the hay in the stable was not the SAS's Taliban objective.

ABC Investigations understands the dead man was a civilian who shared the same name as the Taliban target and he was killed in cold blood.

The village Imam, Mawlawi Sher Mohammad, had that morning been teaching the children of Nawjoy.

'My name is Mawlawi Sher Mohammad'

Abdul Azim says the Australians arrived in the morning in helicopters.

"When I heard the [helicopters] I ran to my house," he said.

"I was frightened, so I hid in the well."

Abdul Azim only emerged from the well hours later when the SAS had left.

"We heard that Mawlawi Sher Mohammad had been martyred in the stable next to his house," he said.

Mawlawi's brother-in-law, Ghafoor Jan, also waited until the Australians flew away in their helicopters before emerging.

There, at the stable over Mawlawi's body, the women told him what happened when the SAS confronted him.

"[He] was pulled away from [the women] and they took him to a yard. They asked his name. He told them, 'My name is Mawlawi Sher Mohammad,'" said Ghafoor Jan.

"They took him to the [stable next to his home] and after they had entered, the women said two shots were fired."

Abdul Azim says he was also told by the women that the Imam was asked his name by one of the Afghan interpreters with the SAS patrol.

"He replied, 'My name is Mawlawi Sher Mohammad and I am the Imam of the village,'" says Abdul Azim.

"The women said, 'Do not do this, for God's sake, don't take him away from us.'"

The villagers of Nawjoy said Mawlawi was left lying on the ground where he fell.

"He was lying on his back," says Ghafoor Jan.

"His head in the stable and his feet were in the doorway. He'd been shot with two bullets, in the chest."

"His corpse was in a very disrespected situation, he was dragged in the stable. This is a place for animals," says neighbour Abdul Azim.

"His head was in the stable and his feet were sticking outside."

"Mawlawi was an innocent man, he was the Imam of our mosque. He had no links at all with the Taliban," Ghafoor Jan says.

A complaint about his killing was later made to Coalition forces by the Afghanistan International Human Rights Commission.

Soldiers given 'really simple' descriptions of targets

Braden Chapman was a signals intelligence officer with the SAS when he toured Afghanistan in 2012.

He said the information given to Australian special forces about their enemy targets was sometimes very basic.

"Often when we would get intelligence briefs, they would be saying stuff like, 'Fist-length beard, wearing Afghani clothes,'" Chapman said.

"Just really basic descriptions of people, unless they had a photo, which they didn't always.

"Sometimes they'd say, 'He walks with a gait' and that was about it.

"But most of the time, it was a really simple description of the average Afghani man."

Mawlawi Sher Mohammad's killing wasn't the only crime the villagers accused the SAS of perpetrating that day.

They said 16 villagers were detained and taken to the airbase at the provincial capital Tarin Kowt, before being released days later.

"[The soldiers] burned people's motorbikes and one car," says Ghafoor Jan.

"They burned them because they thought the vehicles belonged to the Taliban. But they were the property of the villagers."

The Inspector-General of the Australian Defence Force is conducting an inquiry into allegations of war crimes committed by Australian special forces in Afghanistan.

The inquiry has heard from more than 330 witnesses.

When contacted for a response to this story, an Australian Defence Force spokesperson said: "It is not appropriate for Defence to comment on matters that may or may not be the subject of the Afghanistan Inquiry."

Taliban Executes Female Prison Guard, and U.N. Raises Concern Over Afghan Violence (The New York Times) By Mujib Mashal and Najim Rahim

July 27, 2020

The Taliban abducted and executed a female prison guard in the eastern Afghan province of Ghazni, officials and relatives said Monday, as the United Nations expressed concern over the war's unending toll on civilians.

Fatima Rajabi, 23, who had trained as a police officer, was pulled out of a civilian minibus on her way to her home village in the Jaghori district two weeks ago. After holding her captive for two weeks, the Taliban executed the young woman and sent her body to her family, her brother, Samiullah Rajabi, said.

"My sister was shot eight times," Mr. Rajabi said. "When we opened the coffin, her hands were behind her, together and stiff — you could tell her hands were first tied and they had only untied them after they sent the body."

The United Nations, in a report released on Monday on civilian harm in the Afghan conflict in the first six months of the year, expressed particular concern about the rise of abductions and executions by the Taliban. There has been an increase of more than a fivefold in civilian casualties tied to abductions since last year, it said.

Nearly 1,300 civilians have been killed and close 2,200 others wounded in the first six months of the year, according to the United Nations, which attributed 43 percent of the civilian casualties to the Taliban and 23 percent to Afghan forces.

It said the insurgent violence had grown deadlier, with a 33 percent increase in deaths caused by the Taliban over the same time period last year.

Women and children made up about 40 percent of the overall dead and injured, with pro-government forces responsible for the death of more children than the Taliban, the United Nations said. Civilian casualties from airstrikes by Afghan forces tripled from the first half of 2019.

"The reality remains that Afghanistan continues to be one of the deadliest conflicts in the world for civilians," the report noted. "Each year, thousands of civilians are killed and injured, abducted, displaced and threatened by parties to the conflict in Afghanistan."

The numbers still marked an overall 13 percent reduction in civilian casualties — which accounts for injuries and deaths — from the same period last year.

That is largely attributed to a major drop in casualties from United State airstrikes and attacks by the Islamic State branch in the country, which has shrunk significantly after major military operations. As part of a withdrawal deal signed with the Taliban in February, the United States is no longer deploying its air power against the group except in extreme cases, such as when their Afghan allies are being routed.

Although the United States has reduced its troops in the country to about 8,600 — it is on schedule to complete a full withdrawal over a 14-month period laid out in the agreement — other elements of the peace agreement, mainly direct negotiations between the Afghan sides over future power-sharing, have stalled as the violence continues.

"At a time when the government of Afghanistan and the Taliban have a historic opportunity to come together at the negotiating table for peace talks, the tragic reality is that the fighting continues inflicting terrible harm to civilians every day," said Deborah Lyons, the U.N. secretary-general's special representative for Afghanistan.

Zalmay Khalilzad, the United States' special envoy for peace in Afghanistan, has begun another trip to meet with the Taliban's negotiating team, based in Doha, and Afghan leaders in Kabul and push for direct negotiations, the State Department said. Those negotiations were expected to begin in March, but were delayed by disagreements over a prisoner swap under which the Afghan government was expected to free 5,000 Taliban fighters in return for 1,000 of its forces.

Jaghori, where Ms. Rajabi was traveling to see her family at the time of her abduction, was long considered one of the safest

districts in a volatile region inhabited by the Hazara ethnic group. But in 2018, the Taliban launched an assault on the area and nearly took control, before being pushed back.

The insurgents have increasingly threatened the highways and main roads across Afghanistan, taxing commercial vehicles and searching buses for anyone suspected of working for the government.

Mr. Rajabi said his sister would often travel home unannounced to reduce the risk of being detained. Her family found out she was taken by the Taliban only after five days had passed.

Zabihullah Mujahid, a spokesman for the Taliban, denied that the group was behind the execution.

But local officials said the Taliban had been using Ms. Rajabi to pressure local leaders into resolving certain outstanding issues, possibly including taxes that the Taliban believe they are owed. “The Taliban were angry that despite repeated notices, the leaders hadn’t reported to them,” said Mohamad Ayub Bahonar, the district governor of Jaghori.

Ms. Rajabi’s 70-year mother, Mariam Akbari, traveled to the Taliban-held area to beg for her daughter’s release. The Taliban told her she must bring 15 district leaders who they wanted to talk to — something that was out of her power, she said.

“I went and begged, I lowered myself at their feet, so my sweet daughter could come back to me alive,” Ms. Akbari said. “They told me ‘You are old, we respect you, but don’t come again.’”

Ms. Akbari had already lost one son, a police officer, to the war about ten years ago. One of her two remaining sons lives with her and has a heart condition, and the other has lived in Iran for years without much contact with the family.

“I really loved my daughter,” she said. “She had joined the police out of poverty. Fatima was my only breadwinner.”

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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

Cambodia: Khmer Rouge Henchman Faces Death Behind Bars – OpEd (Eurasiareview) By Luke Hunt
July 23, 2020

An application by the sole survivor of the Khmer Rouge leadership to disqualify the six appeal judges who sentenced him to life imprisonment twice, for genocide and crimes against humanity, has been dismissed by a special panel at the UN-backed tribunal.

It was a small but important milestone for the tribunal.

At 88, Khieu Samphan is now expected to die behind bars after being found guilty of crimes against humanity in Case 002/01 in 2014 and then genocide in Case 002/02 four years later alongside Nuon Chea, who served as Brother No.2 to Pol Pot. Nuon Chea died almost one year ago.

Their two separate life sentences were later merged by judges in the Extraordinary Chambers in the Courts of Cambodia (ECCC) who were charged by the UN with finding justice for two million people who perished under Khmer Rouge rule between April 1975 and January 1979.

Last October, Khieu Samphan’s defense lodged an application for disqualification, asking the Supreme Court Chamber to disqualify the six appeal judges who adjudicated in Case 002/01.

The ECCC said the special panel established the legal foundations governing the admissibility of an application for

disqualification of a judge and unanimously found Khieu Samphan's application for disqualification was admissible.

It also said that after reviewing all the criteria for disqualification, the special panel found that all judgments of Case 002/02 and 002/01 of the appeal judgment were impartial.

"The attempt to disqualify a judge is a standard arrow in the quiver of any defense attorney, and it is a maneuver that has been employed frequently at the ECCC," said Craig Etcheson, the author of *Extraordinary Justice: Law and Justice and the Khmer Rouge Tribunals*.

"But it is no surprise that Khieu Samphan's attempt failed, as have all previous such attempts at the Khmer Rouge tribunal," he told UCA News.

It was Khieu Samphan's last chance of freedom. His appeal for Case 002/02 is still ongoing and Etcheson added a decision on that was not expected until the fourth quarter of 2022.

He said that was assuming there were no unanticipated exigencies.

"However, unanticipated exigencies are a standard part of the ECCC judicial process," he said.

Even if that conviction is overturned on appeal by the Supreme Court Chamber, the former chairman of the state presidium of Democratic Kampuchea would still remain behind bars on his conviction for crimes against humanity, which also went to appeal and was rejected.

Almost all senior leaders of the dreaded regime died violently or behind bars.

Seniority was defined by those who sat on the central and standing committees, responsible for drafting and implementing policies for the Communist Party of Kampuchea (CPK) as Cambodia was called under their rule.

The commandant of the S-21 torture and extermination center in Phnom Penh, Kaing Guek Eav — who was known as Duch — is also serving a life sentence. However, efforts to prosecute other lower-ranking cadres have stalled in Cases 003 and 004.

Etcheson said both cases remain in limbo before the Pre-Trial Chamber, stranded in a standoff between the national and international judges, awaiting the next move by the recently reinstated International Co-Investigating Judge Michael Bohlander.

The ECCC has had its critics. Allegations of nepotism and political interference, which limited the scope of the tribunal, have been persistent amid heated disputes between the Cambodian and international judges and prosecutors.

But 25 years ago few thought a UN-backed tribunal would happen at all, with Pol Pot — who died under house arrest — and his henchmen living freely in Cambodia's remote west. The tribunal's supporters say it has brought many benefits.

Khmer Rouge history is now written into the school curriculum and their atrocities recorded into international law. Families torn apart by the ultra-Maoist regime and a 30-year civil war have been reunited and one of the darkest chapters of the 20th century consigned to history.

Few doubt the tribunal is winding down. Once done, memorials are planned along with the final cremation of millions of human bones scattered across the country, used as evidence for the ECCC since its inception in mid-2003. They have remained virtually untouched.

"History will judge the tribunal in due course," said one long-time observer who declined to be named. "It was certainly flawed and justice was late. That said, it has been an important asset in getting Cambodia back on its feet. Khmer Rouge atrocities have been laid bare."

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Bangladesh International Crimes Tribunal

Bangladesh war crime convict Mueen sues British home secretary (New Age Bangladesh)

July 19, 2020

Chowdhury Mueen-Uddin, who is facing a death penalty in Bangladesh on charge of war crimes, is suing British home secretary Priti Patel for £60,000 in libel damages, reports the Daily Mail.

Mueen denied claims linking him to the killing of pro-independence activists during Bangladesh's war of independence in 1971 and alleged that he was defamed in a Home Office report last year.

The lawsuit said that the Challenging Hateful Extremism document by the Commission for Countering Extremism was shared on the Home Office's Twitter account, which had almost one million followers.

It was retweeted by Priti and others – including BBC journalist Mishal Husain and the human rights campaigner Peter Tatchell.

Mueen insisted that he had not committed war crimes, was not a link between the perpetrators of the 1971 violence and the leadership of Jamaat-e-Islami party's UK branch, and had never been a senior leader of the Jamaat-e-Islami political group.

Seven years ago, Mueen-Uddin was convicted in his absence of crimes against humanity for leading a militia said to have killed 18 intellectuals while Bangladesh fought for its independence from Pakistan.

He was sentenced to hang by the International Crimes Tribunal in Bangladesh.

But he said that the tribunal had been widely condemned and discredited, citing liberal democrat peer Lord Carlile, who described the tribunal as 'not fit for purpose' and the case against Mueen-Uddin as 'nothing short of farcical'.

In 2012, The Mail on Sunday revealed that Mueen-Uddin, who at the time had a senior role with the NHS, was facing prosecution by the tribunal in Dhaka.

His writ, submitted to the High Court last month, also claimed that the Challenging Hateful Extremism report breached European data protection regulations and that his personal information was unlawfully used.

The lawsuit said that the Challenging Hateful Extremism document by the Commission for Countering Extremism was shared on the Home Office's Twitter account and was retweeted by Priti Patel and others

The report, originally published in October last year, remained on the government's website until March 20 after the commission initially dismissed Mueen-Uddin's complaint. It later removed references to him and deleted his personal data.

Mueen-Uddin, who fled Bangladesh after the war and gained British citizenship, claimed the report's publication caused him severe distress and embarrassment which was aggravated by the commission's failure to contact him before publishing the allegations.

He said that he suffered further when the home secretary's lawyers wrote to him in February, suggesting it was 'fanciful' that the report had seriously harmed his reputation.

A Home Office spokesman said, 'This relates to claims made within a report published by the Independent Commission for Countering Extremism, adding, 'However, given the Home Office is the sponsoring department for the commission, we are unable to comment further while legal proceedings are ongoing.'

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War Crimes Investigation in Myanmar

Myanmar Investigating Soldiers in Shooting Death of Karen Woman (Radio Free Asia) By Roseanne Gerin
July 20, 2020

Myanmar's army said Monday it is holding two soldiers who admitted to shooting dead an ethnic Karen mother of three children in eastern Kayin state last week, a killing the local ethnic army reported as a violation of a fragile nationwide cease-fire pact.

On July 16, two privates went to Poloe Htar village carrying small firearms without permission, drank bootleg alcohol with three villagers, and accidentally shot the woman in the neck and back during a scuffle after one of the soldiers tried to grab a gold chain necklace, the military said in a statement.

Privates Hein Min Htet and Than Soe Lwin, whose gun killed the woman, ran and hid in a forest between the village and their military base, but surrendered on July 17. The two confessed to the shooting and are now being detained in a military prison in neighboring Mon state, the army said.

"The military will further investigate and will take action in a serious, timely, and transparent manner according to military codes of conduct and laws," the military statement said.

"The court martial will also prosecute responsible officers from the base who failed to report the incident in timely manner," said the army, which sent a team of officers to the region on July 19 to investigate the incident because it involved the use of a serviceman's weapon on a civilian.

The Karen National Union (KNU), an ethnic army that controls the part of Hpapun district where the killing took place, identified the victim as Naw Mu Naw, 40, the wife of Poloe Htar village administrator Saw Pu Aye and the mother of three children.

"Two soldiers from the Hla Goon Pyo camp arrived in Poloe Htar village, and then they shot and killed Naw Mu Naw," after she refused to give them the empty rice bags they had asked for, said Major Ae Do from the KNU's Division No. 5.

"This is a violation of the NCA agreement," he said, referring to a 2015 nationwide cease-fire agreement to which the Karen force is a party.

The KNU is one of 10 ethnic armies that have signed the NCA, a pact intended to end decades of conflict that have stymied Myanmar's political and economic development.

Ae Do said the KNU, Myanmar's oldest ethnic rebel army, has filed a complaint about the incident with the state-level Joint Ceasefire Monitoring Committee (JMC), which monitors the implementation of the truce.

The complaint accuses Than Soe Lwin and Hein Min Htet from the 409th Infantry Division under the No. 8 Military Operation Command of murder and theft.

Ae Do said that Section 3 of the NCA mandates that military troops must protect the lives of civilians.

"They have done the opposite, so we have filed complaint to take action against them," he said, adding that the violation of the terms of the NCA has eroded the KNU's trust in the government.

'Killed for no reason'

The KNU Concerned Group, a breakaway hard-line group led by former KNU vice chairwoman Naw Si Phora Sein, issued a statement Monday demanding that two international rights groups be included in the investigation of the killing.

"This innocent woman was killed for no reason," Naw Si Phora Sein said. "We would like to demand that Amnesty International and Human Rights Watch be involved in the investigation to ensure that justice for her is served."

"Only then will these kinds of acts be stopped," she added.

The KNU Concerned Group said Myanmar soldiers have committed many crimes not only in Kayin state, but also in other ethnic areas, and that Myanmar's judicial system does not permit effective legal action against military violators.

Aung Myo Min, executive director of Equality Myanmar, a human rights education group based in Yangon, said he is concerned about the prospects for the NCA because of violations of the truce's terms by the national army.

"This is an apparent violation of the NCA agreement," he told RFA. "Such actions also undermine the direction in which the NCA signatories are heading."

"An insignificant issue could develop into a larger problem, and if there is no security for local civilians, the prospects for

peace would be very concerning,” he said.

Myanmar to Set up Complaint Process For War Violence Against Children (Radio Free Asia) By Roseanne Gerin
July 21, 2020

With scores of children killed and maimed each year in Myanmar’s long-running ethnic wars, and hundreds conscripted as laborers, the government is setting up a national complaint mechanism for reporting violence and sexual crimes against minors in regions under conflict, officials said.

Myanmar, whose military has been at war with ethnic armies fighting for autonomy since the country gained independence from Britain in 1948, has struggled to shed a reputation for the use of child soldiers. It signed an action plan with the U.N. in 2012 to prevent the recruitment and use of children as soldiers.

In 2019, Myanmar’s Ministry of Social Welfare, Relief and Resettlement set up a Committee on the Prevention of Grave Violations against Children in Armed Conflict and enacted a Child Rights Law to align its national policies and regulations with those of the U.N. Convention on the Rights of the Child.

The committee submitted a national action plan for protecting children in armed conflicts from injury, death, and sexual violence to President Win Myint’s office on June 3, said Win Naing Tun, director general of the ministry’s Rehabilitation Department.

“We are waiting for approval,” he told RFA’s Myanmar Service. “If it is approved, we will start accepting complaints. Then, we will make assessments along with relevant organizations.”

Win Myat Aye, Myanmar’s minister of Social Welfare, Relief and Resettlement, will oversee the process, which will include officials from the Home Affairs and Defense ministries, who will take action against the perpetrators of violence against children, Win Naing Tun said.

They also will work with U.N. groups or the Country Task Force on Monitoring and Reporting (CTFMR), co-chaired by UNICEF and the highest U.N. representative in-country, on the implementation phase and awareness-raising campaigns, he added.

The U.N. Convention on the Rights of the Child, which Myanmar ratified in 1991, prohibits all forms of violence against children under the age of 18. It also criminalizes six grave violations against children and grants them legal protections.

CSOs weigh in

Civil society groups from ethnic regions of Myanmar welcomed the creation of a national complaint mechanism, noting the growing numbers of children killed or wounded by shelling, artillery fire, and aerial attacks, and of young adults arrested and detained by soldiers on suspicion of aiding the enemy.

Rights groups, meanwhile, have urged authorities to ensure the process will be effective and will not serve only to whitewash government’s image in order to save its reputation on the international stage.

“We have a lot of sex-based violence cases around here,” said Lway Ku Ku, a spokesperson for the Ta’ang Women’s Organization. “There are many rapes or sexual assaults.”

In rural areas, there are more statutory rape cases in which adults have sex with minors, she added.

Khaing Kaung San, director of the Wun Lark Foundation, a civil society group based in Rakhine state’s capital Sittwe, said the complaint mechanism should ensure that hotline numbers and an address for filing complaints are posted in Buddhist monasteries and internally displaced persons camps where many potential victims of child abuse reside.

“Complaints may be against the military or ethnic armed groups, so the mechanism should be able to guarantee the safety of the families of those making the complaints,” he said.

Several cases in UN report

The U.N. secretary-general’s June 2020 report on children and armed conflict, covering the 2019 calendar year, said investigators had verified that Myanmar had 432 grave violations against 420 children and 67 cases of the military recruitment and use of children aged 12-17, mainly in Kachin and Shan states. Of these, 50 were attributed to armed ethnic groups and 17 to the Myanmar military.

It also noted the use of nearly 200 children by Myanmar forces for camp maintenance, brick carrying, and rice paddy harvesting in Rakhine state, mostly at the end of 2019.

The report said that 18 boys, between the ages of 15 and 17, were detained by the Myanmar Police Force for alleged association with the Arakan Army (AA) in Rakhine state and with the Ta'ang National Liberation Army (TNLA) in Shan state.

In addition, 41 children were killed, and 120 were maimed, primarily in Rakhine and Shan states, resulting mainly from crossfire, anti-personnel mines and explosive remnants of war, shootings, and artillery shellings. The Myanmar military was deemed responsible for 25 of the incidents, the report said.

The report also said that the Myanmar military would continue to be listed in the report's annex for the violations of sexual violence and killing and maiming, but would be delisted for the violation of child recruitment and use following a continued significant decrease in recruitment, ongoing prosecutions, and an agreement to continue to trace and release cases identified in previous years.

After the Myanmar military was removed from the list of armed groups that recruit child soldiers, Win Myat Aye said that the government would work to make sure it does not reappear on the list.

"Children in Myanmar have suffered tremendously from the impact of hostilities, especially in Rakhine, Shan, and Kachin states," said Virginia Gamba, the U.N. secretary-general's special representative for children and armed conflict.

"It is crucial for all parties, including the Tatmadaw [Myanmar military] and other government security forces, to continue their engagement with the United Nations to end and prevent violations against children," she said following a five-day mission to Myanmar in January.

Myanmar Urged to Work With UN Rights Process Rather Than Resist Scrutiny (Radio Free Asia) By Phyu Phyu Khine
July 22, 2020

Rights groups are urging Myanmar to work with international bodies to address allegations of rights abuse and failures to reform rather than rebut the accusations at the U.N. Human Rights Council in the run-up to the Southeast Asian country's next Universal Periodic Review in January 2021.

In a statement issued Monday, New York-based Human Rights Watch (HRW) criticized the Myanmar government for disregarding international legal obligations to provide accountability for military atrocities against the Rohingya Muslims and other ethnic minorities in conflict areas.

Despite a commitment to adopting democratic reforms and respecting civil and political rights in the 2015 UPR review cycle, Myanmar has made little progress and failed to undertake meaningful reforms to bring its rights-violating laws into compliance with international human rights standards, HRW said.

HRW also noted the government's failure to revoke or amend laws that it said undermine the rights to freedom of expression, association, and peaceful assembly.

"Myanmar's unwillingness to provide accountability for rampant rights abuses seems to know no bounds," said Phil Robertson, HRW's deputy Asia director, in the statement.

"U.N. member countries should use Myanmar's U.N. review to demand the government make progress through deeds, not more flowery talk, to achieve genuine human rights improvements," he said.

In a submission to the Human Rights Council on July 9, HRW cited Myanmar's refusal to cooperate with a Council-mandated fact-finding mission to investigate atrocity crimes, its barring of a previous U.N. special rapporteur on human rights from entering the country, and its failure to fulfill a pledge by former President Thein Sein to set up a permanent office of the High Commissioner for Human Rights in the country.

'Running a risk'

Yangon-based rights activists on Wednesday also called on Myanmar leaders to investigate rights violation allegations and to prosecute those responsible if the government is unwilling to resolve them in the international arena and through the UPR reporting process.

Nickey Diamond, a human rights activist with Fortify Rights, said he does not see the government taking effective measures to

rectify the issue.

“Instead, the government is protecting the military for its rights violations,” he told RFA.

“It is running the risk of involving itself in the crime,” Diamond said. “When there are allegations that rights violations occurred, the government is supposed to take measures, such as investigations. The government also should take action to prosecute the violators.”

Aung Myo Min, executive director of Equality Myanmar, a human rights education group based in Yangon, said the government’s lack of cooperation with international bodies over the allegations of rights abuse won’t bode well for Myanmar’s global standing.

“The government’s lack of action is drawing more international pressure,” he said, adding that the situation could reach a point where international judicial bodies take over the cases.

Aung Myo Min noted that the international community has moved from condemnation of Myanmar to efforts to prosecute the country and its military leaders under international law.

The focus of these efforts is the crackdown on Rohingya Muslims in 2017 that left thousands dead and drove more than 740,000 others into neighboring Bangladesh.

“Before, they condemned Myanmar for human rights violations and made demands of the government, but now they are trying to bring the cases before the courts to be prosecuted under international criminal law,” he said.

Myanmar faces genocide-related charges at the International Court of Justice (ICJ), the U.N.’s top court which settles disputes between nations. The International Criminal Court, a separate court that tries individuals, in November authorized an investigation into alleged crimes against humanity perpetrated by Myanmar soldiers against the Rohingya.

At an ICJ hearing last December in The Hague, Aung San Suu Kyi, who led Myanmar's defense, said the violence meted out against the Rohingya — which included killings, mass rape, torture, and village burnings — occurred during army operations to sweep northern Rakhine of Muslim insurgents who had attacked police. She asked the ICJ to drop the case.

‘Different views’

Chan Aye, director general of the Consular and Legal Affairs Department at Myanmar’s Ministry of Foreign Affairs, told RFA that Myanmar would give an oral report on the government’s performance during the UPR session in January.

“The government has expressed concern over these issues,” he said. “We have talked about prosecuting the violators. Actions are being taken to do that. We are also making sure not to stop the flow of humanitarian assistance in the middle of armed conflicts.”

Chan Aye added that Myanmar and the international community may have “different views” on how well the country is doing in this regard.

Under the UPR system, U.N. member states undergo a review of their human rights records every five years under the guidance of the Human Rights Council in Geneva.

Myanmar’s Kachin Army Vows Investigation, Compensation For Two Shan Ni Teenagers Killed in Custody (Radio Free Asia) By Richard Finney
July 24, 2020

The rebel Kachin Independence Army in Myanmar has detained five of its fighters for killing two teenaged boys from the Shan Ni ethnic group after taking them captive on July 6, promising to punish the killers and compensate victim’s families, sources in Kachin State said Friday.

The KIA, which is battling Myanmar government forces for greater autonomy in Kachin State, has admitted its troops killed the two boys and promised to apologize and compensate their families, but denied that the killings were ordered by senior commanders. Family members learned of the killings only 16 days later.

“The persons responsible for killing the two Shan boys are our members, but this does not mean the KIA/KIO [Kachin Independence Organization] ordered the killings,” KIA Colonel Naw Bu told RFA’s Myanmar Service on Friday.

“The KIA is not directly responsible for the killings,” Naw Bu added, saying that an investigation into the deaths is still

ongoing and that the KIA is now trying to return the boys' bodies to their parents.

The two boys, both 17, were identified as Thant Zin Aung, a student at Monywa University, and Zaw My Oo, a student in the 10th grade, and were abducted while vacationing in Hpakant township in northern Myanmar's Kachin state.

They were taken into custody by KIA troops in Hpakant's Sal Zinn village after becoming involved in a fight while gambling, Thant Zin Aung's father Eik Sann told RFA.

"They were taken away in the trunk of a car. They were having a picnic during a farewell party, and wandered off to Sal Zinn village," the boy's father said.

"They were supposed to go back to school on July 7," he added.

Sai Htay Aung from the Tai Leng (Shan Ni) Nationalities Development Party said that the KIA had informed community leaders on July 22 of the killings, with the rebel army adding that a formal apology would be made to the boys' parents and compensation paid for the deaths.

"They said they have detained five soldiers who are responsible for the deaths and have promised to punish them," he said.

Ethnic Shan people have been the targets of frequent abuse by KIA soldiers in recent years, with extortion, forced recruitment, and killings all reported by victims and grieving family members, local activists and rights groups say.

The Shan Ni (also known as the Red Shan) are a subgroup of the Shan, which is Myanmar's second largest ethnic group after the majority Bamar, and live in Kachin State and northern Sagaing Region.

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South America

Argentine 'dirty war' suspect hiding in Berlin: report (DW) By Elliot Douglas
July 17, 2020

A former military commander who is alleged to be responsible for over 150 murders in Argentina is living in Berlin, German newspaper Bild reported Friday. Juan Esteban Kyburg, 73, has apparently avoided at least one extradition attempt, protected by his German citizenship.

Kyburg was the commander of the elite attack swimming unit in the Argentine military during the dictatorship that claimed tens of thousands of lives between 1976 and 1983. Under his command, 152 people opposed to the dictatorship were allegedly

kidnapped and assassinated in the so-called dirty war.

Kyburg has been wanted by Interpol for crimes against humanity since 2011 and Argentina has offered a reward of 500,000 pesos (€6,120, \$6,996) since 2013 for any news of his whereabouts.

Germany protects Kyburg from extradition

"Germany must not be a safe haven for Argentine military dictatorship criminals," Berlin-based non-profit organization the European Center for Constitutional and Human Rights (ECCHR) said in response to the report.

The sister of one of those who "disappeared" under the orders of Kyburg in 1976 traveled to Germany in 2018 to file a criminal complaint against Kyburg.

"In Argentina [Kyburg] would have been sentenced long ago," she said. "I have hope that the German justice system will now ensure he will be justly punished for his crimes."

Argentinian judicial officials first requested Kyburg's extradition in 2015, according to Bild.

Extradition to face trial is impossible in Germany because Kyburg holds German citizenship, thanks to his parents. Kyburg first fled to Berlin in 2013 to avoid facing trial in Argentina.

Bild reported that Kyburg lives a quiet life in the fashionable Friedrichshain district of the German capital.

German authorities have yet to respond to the fresh revelations.

Colombia seeks to end justice system investigating paramilitary crimes: report (Colombia Reports) By
Adriaan Alsema
July 23, 2020

Colombia's prosecution reportedly wants to end the justice system that has revealed the involvement of politicians, military commanders and businessmen in paramilitary war crimes.

According to newspaper El Espectador, multiple sources from the office of the prosecution confirmed that Prosecutor General Francisco Barbosa is looking into ways to end the so-called "Justice and Peace" transitional justice system.

Barbosa told press that "Justice and Peace has to be closed down" before taking office in February and, according to El Espectador, has instructed prosecution officials to see to this.

"We are working to determine the closing date for transitional justice based on technical variables" one anonymous prosecution source told the newspaper, causing concern Barbosa is seeking impunity for war crimes.

The "businessmen" who got away

Justice and Peace came into force in 2005 as part of the demobilization process of paramilitary organization AUC to provide justice to the millions of victims of the most violent of illegal armed groups in Colombia's armed conflict.

The prosecutors and judges, however, also discovered extensive ties between the AUC, politicians, the military and the private sector, which led to the Supreme Court to sentence more than 70 former congressmen and governors to prison.

The war crimes tribunal that took force as part of the peace process with the demobilized FARC guerrilla group is now trying military commanders who allegedly teamed up with the AUC.

Businessmen accused of being involved in or even ordering paramilitary war crimes for profit, a practice called "para-economics," have however enjoyed almost absolute impunity.

Many of these alleged war criminals have been aligned with the far-right Democratic Center party of President Ivan Duque, Barbosa's long-time friend.

Prosecution historically an obstacle

While the Supreme Court has been relatively effective in trying the congressmen and governors falling under their jurisdiction, the prosecution has done virtually nothing to seek justice for paramilitary victims.

Justice and Peace magistrates on multiple occasions have scolded prosecutors for not adhering to court orders to investigate

the military collaborators and private sector masterminds behind the paramilitary terror, according to court documents.

Barbosa's reported attempt to put an end to the paramilitary justice system "sounds like there may also be an interest in not going deeper into issues that can again generate uncomfortable information" according to Angelika Rettberg, a political science professor at the Los Andes University in Bogota and the director of peace organization Conpaz.

Rettberg told El Espectador that "there is still a lot to clarify" and that the prosecution owes it to conflict victims to investigate the "politicians, agents of the security forces and businessmen who have been identified by Justice and Peace as being part of paramilitary structures."

Among these suspects is Barbosa's predecessor, former Prosecutor Luis Camilo Osorio, and countless other (former) prosecution officials.

Ending transitional justice system not that easy

The prosecution's reported intention to put an end to the Justice and Peace system may be more difficult than Barbosa may have thought.

Fifteen years after taking force, 2,700 former members of the AUC are still waiting for their first day in court, according to El Espectador.

Last week alone, the prosecution indicted 246 members of the Central Bolivar Bloc for more than 4,000 crimes, the newspaper reported.

Provisionally granting these former paramilitaries amnesty would be impossible without the approval of Congress.

Furthermore, the International Criminal Court has begun inquiring about the prosecution's failure to try the "businessmen" who financed the AUC not to defend themselves against leftist guerrillas, but embark on a land heist that ended in the dispossession of land the size of Belgium.

FARC leader contradicts child soldiers over forced recruitment (Colombia Reports) By Adriaan Alsema
July 24, 2020

Rodrigo Londoño, the director of the FARC party, caused indignation in Colombia on Thursday by rejecting claims his former guerrilla group forcibly recruited child soldiers under 15 years old.

In an interview with pundit Vicky Davila of weekly Semana, Londoño denied his group recruited children younger than 15, which is a war crime, and denied minors were recruited by force.

Romanticizing child recruitment?

The FARC's former military commander who is also known as "Timochenko," denied that child soldiers were either recruited under 15 or by force.

Additionally, before becoming the FARC's military chief, "Timochenko" was in charge of the guerrillas' recruitment.

"We had a rule that was approved at the seventh conference that was 15 to 30 years, it was even a discussion. At that conference we defined recruitment and it was a long discussion where they said what the age should be and many expressed that the minimum age should be 17, but the issue is to see the field. You know what a 15 year old child is in the field, where he is practically an adult and there are many experiences that he has gone through, so it was approved that between 15 and 30 years old he would be admitted."

FARC director Rodrigo Londoño

If Londoño tells the war crimes tribunal what the former guerrilla chief told Semana, the FARC director could be stripped of his judicial benefits and even be kicked out of the peace process.

What former child soldiers say

Former child soldiers told the National Center for Historical Memory (CNMH) that the FARC, like all other illegal armed groups, recruited children under 15.

"No, I didn't want to be out there but it's just the way it is. You'd be feeling bored but would have to be strong so they don't see

you as bored, because if you are bored suddenly they ask if you are bored, and they'd ask you if you were working for the Army? Or they'd ask if I was demoralized. You are asked about all this. That's why if I was bored I wouldn't show it."

Former child soldier who was recruited at 14

Many of the former child soldiers have confirmed they didn't enter the guerrilla group under the explicit threat of violence, but that the guerrillas used more sophisticated means like making false promises and veiled threats.

Once the children were in the FARC, some testified, the child soldiers learned there was nothing voluntary about their participation in the war.

"I ran away, but not before being very clear that I was not going to be part of another group against them, because that would put my family at risk. So I got out, I went to Medellin, from Medellin I went to Valle del Cauca, to Cali, from Cali I went to Buenaventura. During those months I had very little contact with my people, with my family, because I was afraid that they would find me and kill me."

Former child soldier who was recruited at 14

In some cases, former child soldiers told the CNMH that at least one commander close to Londoño had a habit of raping his recruits.

"I was 13, but I don't know, I don't know if it is the same in all the groups, but that's the hardest thing, the hardest thing, because that's like a permanent stain, one you can't erase, you keep it all the time."

Former child soldier about being raped by the FARC's late #2, "Raul Reyes"

The FARC director and another top commander were scolded by the Special Jurisdiction for Peace (JEP) about painting too rosy a picture of their guerrilla group.

The JEP made it clear to the former guerrilla leaders last year that the war crimes tribunal expects confessions, not excuses.

Brazil medics urge ICC to probe Bolsonaro virus 'crimes' (Jamaica Observer)

July 27, 2020

Brazilian health workers urged the International Criminal Court on Monday to investigate President Jair Bolsonaro's government for crimes against humanity over its handling of the coronavirus pandemic.

A dossier of evidence was handed to the Hague-based court by a group of unions that claim to represent more than one million healthcare staff in Brazil, which has the world's highest virus death count after the United States.

The ICC -- which was set up in 2002 to achieve justice for the world's worst crimes including war crimes, crimes against humanity and genocide -- has no obligation to consider such complaints.

In a statement, the unions accused Bolsonaro's administration of being "criminally negligent in its management of the Covid-19 pandemic -- risking the lives of healthcare professionals and of members of the Brazilian society."

"The unions believe it is the first suit of its kind to be filed against a government for large-scale death and illness due to public health failings," they added.

Far-right leader Bolsonaro has downplayed the pandemic, comparing the virus to a "little flu" and attacking stay-at-home measures imposed by local authorities to contain it.

Bolsonaro tested positive for the virus himself on July 7 but said on Saturday he was now negative -- crediting his controversial use of the anti-malarial drug hydroxychloroquine, whose efficacy against COVID-19 has not been proven.

Brazil has recorded almost 2.42 million cases and more than 87,000 deaths.

Bolsonaro's government "should be held accountable for its callous response to the pandemic", said Marcio Monzane of UNI Americas, the organisation that led the legal action.

"Filing a case with the International Criminal Court is a drastic measure, but Brazilians face an extremely dire and dangerous situation created by Bolsonaro's deliberate decisions," he said.

Venezuela

Why Maduro is relying on Courts to silence dissent more than ever before (The Global Americans) By Will Freeman
July 23, 2020

For years, Venezuelan President Nicolás Maduro and his allies have relied on their control of the judiciary to harass and sideline prominent opposition politicians. However, they have often left the repression of everyday protests up to armed supporters linked to colectivos.

That's changed. A report published last week by the Office of the United Nations' High Commission for Human Rights (OHCHR) reveals that judges and prosecutors are no longer merely turning a blind eye to the repression of ordinary Venezuelans, they are in many cases actively facilitating it.

After last summer's crackdown on mass protests, the United Nations' Human Rights Council (UNHRC) sent a team of investigators to Venezuela to determine how the judiciary had come to permit "extrajudicial executions, enforced disappearances, arbitrary detentions and torture." In its recent report, the team concludes that "the independence of the justice system is considerably undermined." Citing dozens of interviews with judicial authorities, victims, and human rights advocates, the report provides evidence of pervasive political interference at all levels of the judiciary.

As a result, impunity for human rights violations by both state and non-state actors are now the norm. The UNHRC argues the lack of judicial independence explains why judges and prosecutors are unable or unwilling to curtail a variety of rights abuses. These include forced disappearances by security forces to gender-based violence and extrajudicial killings of indigenous leaders in the Arco Minero del Orinoco region, where organized crime groups battle for control of the lucrative illegal gold-mining trade.

Although the report does more to confirm existing allegations of abuse rather than bring to light new occurrences, it underscores an overlooked yet puzzling development: as the Maduro regime grows increasingly repressive and authoritarian, it has come to rely more, not less, on courts and prosecutors to punish everyday dissent and shield the security forces from accountability. The judicialization of repression goes to show that while the ruling coalition may have closely avoided losing power in 2019, Maduro and his allies are now in the process of institutionalizing an authoritarian regime designed to last.

Captured courts, old and new

Political interference in the judiciary is of course nothing new in Venezuela. The country's traditional parties, Democratic Action and COPEI, exercised significant influence over the judiciary during the latter half of the twentieth-century. Still, the courts were far more independent than they later became under Chávez, who made capturing the judiciary his first move. At the start of his first term, Chávez's allies in the National Constituent Assembly declared a "judicial emergency" and replaced hundreds of ordinary court judges with hand-picked provisional appointees, circumventing the very constitutional rules they were busy writing. Then, Chávez packed the Supreme Court of Justice (TSJ), after it rebuffed him in 2004, with allies and relied on it to greenlight further steps to concentrate power in the executive.

The pervasive impunity for human rights violations is in part a product of these years. Venezuela expert Javier Corrales argues that capturing the courts was one of two key conditions that paved the way for the slide toward autocracy in Venezuela, along with the fragmentation of the opposition. "With those two factors in place, it's more or less inevitable that a country will shift towards autocracy if that's what the president aims for," Corrales stated in an interview for Global Americans. As the UNHRC notes, "Since 2002, there has been no open and transparent recruitment of judges." By 2019, less than 25 percent of judges were tenured. This has given Supreme Court magistrates "effective control over lower court decisions nationwide, particularly in the area of criminal law." Most lower court judges refuse to move forward with sensitive cases until they receive instructions on how to rule from top magistrates. Otherwise, they risk losing their jobs or even facing criminal prosecution, like Judge Maria Lourdes Afiumi who was jailed for three years after releasing a Chávez critic from pretrial detention.

However, the current pervasive impunity described in the UNHRC report cannot be entirely explained by events that occurred under Chávez. At least until the mid-2010s, Venezuela's judiciary occasionally functioned as a "double-edged sword": most of the time it helped Chávez and Maduro concentrate power, but judges and prosecutors occasionally challenged the government. For instance, Chief Prosecutor Luisa Ortega—a longtime member of the ruling party—unexpectedly condemned Maduro's attempt to disempower the opposition-controlled National Assembly in 2017, arguing Venezuela was no longer a democracy.

Courts as a tool of repression

Since then, Maduro has effectively tightened his grip over the judiciary—not only ruling out new acts of resistance by judges and prosecutors, but also repurposing parts of the judiciary to help punish everyday dissent. First, as soon as the opposition gained control of the National Assembly in 2015, Maduro and his allies repacked the TSJ with loyal allies. MPs from the ruling United Socialist Party (PSUV) pressured 13 judges to retire early and quickly filled the vacancies with regime loyalists, circumventing the judicial appointment procedures laid out in the constitution. With loyalists in place, the TSJ became a tool for overriding the opposition's electoral victory.

"The moment Maduro knew he lost the National Assembly, he disarmed it using the judiciary," explained Corrales. "The high court has become just another executive ministry—essentially, a set of cabinet positions." According to the UNHRC, the TSJ has now delivered 127 rulings invalidating actions by the National Assembly and removed 29 MPs from office without due process. The TSJ also moved to replace the leadership of competing unelected bodies: first suspending elections to the Venezuelan bar association and then completely replacing the leadership of the National Electoral Council just last month, even though the National Assembly is supposed to choose who fills these positions. Most recently, the TSJ took over the leadership of Juan Guaidó's Popular Will party, as well as two other opposition parties: First Justice and Democratic Action.

In my research, I have shown that autocratic presidents often duplicate institutions they wish to control. Why go to all the work of transforming an existing institution if you could simply create your own parallel organization to get the job done? The strategy of duplication is frequently on display in Venezuela: the National Constituent Assembly has become a de facto parallel legislature and communal councils have long acted as parallel local governments in cities and states formally governed by the opposition. The Maduro regime has followed the same playbook to criminalize dissent. Rather than rewriting the criminal code with new and harsher sentences or monitoring each court case against a protestor, the ruling coalition increasingly shuttles cases against civilians to a parallel system of military tribunals and special anti-terrorism courts set up by a Supreme Court decree in 2014.

Relying on military courts to try civilian protestors is not unusual for authoritarian regimes, but it was unusual for Venezuela—at least until recently. "Under Chávez, there was much less political prosecution of ordinary citizens," stated Corrales. However, as protest in Venezuela shifted from the mass demonstrations of 2014, 2017, and 2019 to a growing number of scattered, local-level demonstrations, more and more civilians are appearing in front of military judges. There are clear incentives for the regime to channel trials to the specialized tribunals: lawyers, judges, and prosecutors are all active duty military members and subject to hierarchical discipline, increasing higher-ups' control over verdicts, and hearings are almost always closed to the public. Over 800 civilians faced trial in the parallel court system between 2014 and 2018, including for obscure crimes such as "outrage against the military"—the charge used to jail prominent labor leader Ruben González since 2019.

Meanwhile, the ruling coalition has essentially shut down the parts of the justice system tasked with monitoring security forces. The unit in the Ministry of the Interior in charge of monitoring the infamous Special Action Forces (FAES) is even alleged to have carried extrajudicial killings of its own. Families that search for victims are denied information—or worse, become victims themselves.

Giving security forces an outsized role in administering justice also serves another function—it helps them maintain a veneer of legitimacy, at least among supporters. According to Corrales, constant corruption scandals and human rights violations actually make security forces more eager to take over the justice system, bureaucratic trappings and all. "Precisely because they are so lawless, they want to give signs of being law-abiding," he explained.

But the damage goes deeper than that. While the Maduro regime won't last forever, its transformation of the judicial system will leave a long-term obstacle for a post-transition government. Research on twentieth-century transitions has shown that it's particularly hard for democratic governments to reform judiciaries if they actively facilitated repression under dictatorship. For instance, Chile's "two-tier" justice system—one set of courts for security forces and another set for everyone else—continues to fuel impunity for human rights abuses even decades after the end of authoritarian rule. For this reason, changes within Venezuela's courts documented by the UNHRC may cast a shadow over the country's politics for years to come.

U.N. report cites atrocities for Venezuelans in mining area (U.S. Embassy in Georgia) By Noelani Kirschner
July 27, 2020

The Orinoco mining arc in Venezuela is rife with human rights abuses, including sexual exploitation and trafficking, and killings, according to a United Nations report.

U.N. High Commissioner for Human Rights Michelle Bachelet released a report on July 15 that collected victim and witness accounts. They detail abuses committed against miners and indigenous people in the arc. The report also addresses extrajudicial killings that continue to occur throughout the country under the illegitimate regime of Nicolás Maduro and his cronies.

“Authorities should take immediate steps to end labour and sexual exploitation, child labour and human trafficking, and should dismantle criminal groups controlling mining activities,” Bachelet said in a statement. “They must also investigate, prosecute and punish those responsible for human rights violations, abuses and crimes.”

The Orinoco mining arc is a stretch of 112,000 square kilometers in the central part of the country that contains valuable metals, such as gold and cobalt. Mining operations are overseen by armed criminal groups who rule the miners with violent coercion.

The report outlines how miners are subjected to 12-hour days in pits deep in the ground. They are forced to pay up to half of their wages to the armed groups and the owners of the mining operations.

Some of the miners are as young as 9 years old.

Miners face brutal attacks for any perceived noncompliance, from limb amputations to death. Bodies of victims are often dumped in abandoned mines nearby without a proper burial.

“Despite the considerable presence of security and military forces in the region, and the efforts undertaken to address criminal activity,” Bachelet said, “the authorities have failed to investigate and prosecute human rights violations and abuses and crimes linked to mining.”

The report also says miners and indigenous tribes living near mining sites are exposed to dangerous levels of mercury, which is used to clean the gold. Women, in particular, are affected most by mercury poisoning, it says.

Witnesses reported a dramatic spike in prostitution since the mining operations increased in 2016. Adolescent girls and women are the victims of the trade, often falling prey to trafficking and sexual exploitation.

“The U.N. has found yet more harrowing evidence of gross human rights violations by the illegitimate Maduro regime,” said U.S. Secretary of State Michael R. Pompeo, “citing more than 1,300 extrajudicial executions for political reasons in 2020 alone.”

“International pressure on Maduro must continue until the Venezuelan people can reclaim their democracy,” Pompeo said.

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TOPICS

Truth and Reconciliation Commission

“Don’t Use COVID-19 as an Excuse” (Liberian Daily Observer) By David A. Yates
July 20, 2020

On the occasion of the celebration of International Justice Day (IJD), the human rights community in Liberia has called on the government not to use COVID-19 as an excuse for not meeting up with its national and international human rights

obligations, with reference to the increase in sexual gender-based violence and the implementation of the United Nations Human Rights Committee Concluding Observations of Liberia.

Speaking at an occasion marking the observance of the IJD on Friday, July 17, Secretary-General of the Civil Society Human Rights Advocacy Platform of Liberia Adama K. Dempster said in July 2018 the United Nations Human Rights Committee (UNHRC) in its Concluding Observations in Geneva made some recommendations, setting a two-year deadline, which ends 2020, that the Liberian government must meet.

In the recommendations, Dempster disclosed to the gathering that the state party (Liberia) should as a matter of priority establish a process of accountability for past gross human rights violations and war crimes that conform to international standards, including the independence and expertise of the judiciary, victims' access to justice, due process and fair trial guarantees, and witness protection.

He further explained that the state party (Liberia) should in particular ensure that all alleged perpetrators of gross human rights violations and war crimes are impartially prosecuted and, "If found guilty, convicted and punished in accordance with the gravity of the acts committed, regardless of their status or any domestic legislation on immunities, and remove any persons who have been proven to be involved in gross human rights violations and war crimes from official positions; take all measures necessary to implement the TRC recommendations and consider establishing a well-resourced body comprising government representatives, the National Independent Commission on Human Rights and civil society organizations to monitor the implementation of those recommendations; develop and implement a comprehensive reparations scheme for all victims of gross human rights violations and war crimes; and redouble its efforts aimed at fostering reconciliation and sustaining peace, with the participation of victims and their families as well as civil society organizations active in seeking justice for past crimes."

Dempster said given the role of civil society in Liberia, the human rights community on treaties related matters participated in these UN sessions and presented shadow reports on Liberia and, as such "We are tasked to follow up with the government on the full implementation of the recommendations."

"On the basis of our shared role and obligations to regularly report to the United Nations human rights committee, Universal Periodic Review (UPR), the CSO platform and Finn Church Aid with technical support from Centre for Civil and Political Rights (CCPR) based in Geneva, officially launch its Accountability, Reparations and Reconciliation posters in follow-up to the UN Human Rights Committee Concluding Observations on the full implementation of the Truth and Reconciliation Commission recommendation in Liberia," Dempster said.

Speaking on the IJD, the SG of the CSO Human Rights Advocacy Platform said July 17 every year is observed as World Day for International Justice.

The aim of the day is to promote international criminal justice and to support the work of the ICC and other justice-related efforts to reflect on the grave crimes suffered by victims at the hands of perpetrators.

Moreover, the day is to unite everyone who wants to support justice as well as promote a victim's rights. It is to help prevent serious crimes and those that put the peace, security, and well being of the world at risk. It was celebrated in partnership with the Centre for Civil and Political Rights (CCPR) based in Geneva.

Earlier in the welcome remark, Rev. Francis S. Kollie, chairman of the Directors-CSO platform, used the occasion to thank their partners for joining them in celebrating such a special day.

Rev. Kollie said the day is a very special day for the world at large because it relates to justice that keeps everyone together.

He said everywhere in the world people are crying for justice, including the marketers, yana boys, women, and children, especially during this time where the entire world is engulfed by stringent measures as a result of COVID-19.

Rev. Kollie said governments around the world have put into place stringent measures where security apparatus – to some extent – are misusing some of these measures that have been put into place.

"Children have been raped, domestic violence is on the increase and all these are justice issues. A lot of people's rights have been violated in different countries. So, what we are doing here today is to create an awareness that justice is knocking at the windows, the doors of every country. Justice needs to be observed, people's rights need to be observed," he indicated.

As a human rights platform, "We want to use this time to call on the Government of Liberia and the international partners that Liberia is in need of justice, social justice as well as human rights resurrection, among others," Rev. Kollie said.

According to him, people need to be held accountable for crimes or whenever there is a right being violated.

Ebadi Ernestine, Human Rights Officer at the Office of the High Commissioner for Human Rights (OHCHR) in Liberia, congratulated the organizers for the 'wonderful' work that they have been doing in promoting and protecting the rights of citizens in the country.

She said for any country to be developed, there must be peace and accountability which serves as a deterrent to perpetrators of similar crimes.

Ms. Ernestine added, "We also want to commend and applaud the CSO Human Rights Platform for the great job that they are doing. As the office of the Human Rights Commission on Human Rights, we commit to supporting the government and people of Liberia in their quest for reconciliation and accountability for past human rights violations."

Meanwhile, the occasion was attended by representatives from the Government of Liberia through the Ministry of Justice, Mr. Maxson S. Kpakio of the Justice Forum Liberia, and Madam MacDella Cooper, respectively.

Iowa City City Council to move forward with creating Truth and Reconciliation Commission (Daily Iowan)

By Rachel Schilke and Riley Davis

July 21, 2020

The Iowa City City Council took the next steps in creating a Truth and Reconciliation Commission to address racial injustice in the city, discussing the details of the board they committed to creating in a resolution in June after weeks of protests and demands from the Iowa Freedom Riders, the group leading the local protests.

Iowa City City Councilors Laura Bergus and Janice Weiner are spearheading the development of the commission's framework, with a focus on community involvement rather than complete city input.

Bergus and Weiner presented a draft of their ideas to the Iowa City City Council on Tuesday night, surprising some councilors with how much time and effort they had put into the draft. Councilor John Thomas said they were entering uncharted territory, saying no previous commissions exist in the United States to draw experience from.

Thomas suggested that the Human Rights Commission take over planning the framework for the Truth and Reconciliation Commission to ease the city council's heavy workload, but Councilor Susan Mims disagreed, saying that handing off the project to another group would slow down the progress that Bergus and Weiner have made.

Mims commended Bergus and Weiner for the collaboration between councilors and the organizations in the community, including the Iowa Freedom Riders, which approached the city council on June 9 to provide a list of demands calling for change in response to the Black Lives Matter movement. Establishing the Truth and Reconciliation Commission was one of the IFR's immediate demands.

The councilors debated on whether the commission would be permanent or temporary, with City Councilor Salih advocating for permanence. Mayor Bruce Teague said determining the duration of the commission would have to be a process, depending on the amount of organizations that apply to the commission.

City councilors also agreed that the commission would be the same size as, if not larger than, the Climate Action Commission, but did not want to put a definitive number on the amount of people that the commission should include.

Mims said it's important that the commission is diverse and that there is plenty of representation from both organizations and qualified voices in the community. She also added that commission members should be required to be residents of Iowa City unless they have a unique expertise that they can bring to the table.

More specific details will be added to the framework and reviewed in the next meeting on August 4.

Liberia: War Crimes Implications of UK Probe Lingers as Agnes Taylor Returns (Front Page Africa) By

Rodney Sieh

July 23, 2020

Last weekend's return of Agnes-Reeves Taylor, ex-wife of former Liberian President Charles Taylor is ruffling feathers within the former president's National Patriotic Party, with a feuding faction, led by Rep. James Biney, already trumpeting her as "The real mother" of the NPFL, in silent jabs at former First Lady Jewel Howard-Taylor, the current vice President, and head of the NPP.

Her return comes just seven months after her release from a UK prison, where she faced trial over a series of torture charges against her, relating to offenses allegedly committed during the Liberian civil war in 1990.

After a lengthy investigation, Reeves-Taylor was freed in December 2019 after an Old Bailey judge dismissed the case, saying she could not be charged with torture, because the prosecution did not provide enough evidence to the court she was “acting in an official capacity” at the time.

Legal experts say, the former president’s ex got off because of a legal technicality.

Does this mean that the Court did not believe the witnesses/victims who spoke about crimes that Agnes Taylor allegedly committed?

No. Since the case never went to trial, no witnesses or victims ever got to testify against Agnes Taylor. This means that the merits of the allegations against Agnes Taylor, as well as the credibility and reliability of the victims/witnesses, were not challenged by the court decision. On the contrary these important elements remain untested.

Does this mean Agnes Taylor is innocent?

Legal experts say, No. It simply means that the case never went to the trial stage because of the legal issues noted above. In fact, the UK Court noted in its judgment dismissing the charges against Agnes Taylor that she did not dispute, when she applied for the charges against her to be dismissed (direct quote from UK Court judgment):“that there is prima facie evidence[1] that she held a high rank in the NPFL and (...) carried out, whether personally, or by giving orders, or by acquiescing in, the acts of torture (...) which took place in, or on the border of, Nimba County.”

Additionally, the UK law Agnes Reeves-Taylor was charged under only applies to people involved in acts of torture who were “acting in an official capacity” at the time.

This, legal experts say, implies that they must have worked for the government or been members of a rebel group that had a certain kind of authority / control over the area where the alleged crimes occurred.

The former president’s ex was charged for offenses allegedly committed in 1990 in certain areas of Nimba county.

Some courts in the UK thought that the kind of authority or control the NPFL had in Nimba at the time Agnes Taylor was allegedly involved in acts of torture was sufficient to send her case to trial. However, the highest UK Court had a slightly different understanding of the kind of authority / control that is required under that particular UK law. Because of that, the UK judge that was hearing her case had to reconsider whether she could be prosecuted under that law.

Ultimately the judge decided that the evidence the UK prosecutors had provided the court was not enough to prove that the NPFL had the required level of authority / control in Nimba at the time of the alleged crimes, in order for Agnes Taylor to be prosecuted under that law.

Said the judge: “(...) I have asked myself in relation to each Count (...) whether there is sufficient evidence, taken at its reasonable highest, upon which a jury could properly conclude that, at the time and location of each offence, the NPFL was exercising governmental function in the relevant area. In my view the answer, in each instance, is clearly in the negative.”

There is another UK law under which any person (not only people “acting in an official capacity”) may be prosecuted for torture, but because it only came into legal force in 1991, Agnes Taylor’s alleged involvement in torture in 1990 cannot be prosecuted under that law. The law cannot be applied to crimes that occurred before it came into legal force.

Legal experts note that the crimes that Agnes Taylor allegedly committed could qualify as war crimes and crimes against humanity. Unfortunately, they could not be charged as such under UK law. Like the broader definition of torture described above (applying to all persons) which came into force only in 1991, these crimes did not exist in UK domestic law at the time of the events in question.

In the final analysis, Agnes Taylor could still be prosecuted for her alleged involvement in torture, as well as other alleged crimes, if a country that has the authority to prosecute her has a law enabling it.

Since July 2009 when the Truth and Reconciliation Commission of Liberia (TRC) presented its final report containing findings, determinations and recommendations made by the Commission to the National Legislature, very little have been done to implement its findings.

The report contains major findings on: the root causes of the conflict, the impact of the conflict on women, children and the generality of the Liberian society; responsibility for the massive commission of Gross Human Rights Violations (GHRV), and violations of International Humanitarian Law (IHL), International Human Rights Law (IHRL) as well as Egregious Domestic

Law Violations (EDLV).

The report also determined and recommended that Criminal Prosecution for these violations, Reparations and a “Palava Hut” Forum is necessary and desirable to redress impunity, promote peace, justice, security, unity and genuine national reconciliation.

Findings and recommendations of the report and a summary of the major findings, determinations and recommendations will be published in at least three major local daily newspapers shortly.

The TRC was agreed upon in the August 2003 Comprehensive Peace Agreement in Accra and created by the TRC Act of 2005. The TRC was established to “promote national peace, security, unity and reconciliation,” and at the same time make it possible to hold perpetrators accountable for gross human rights violations and violations of international humanitarian law that occurred in Liberia between January 1979 and October 2003.

Former President Ellen Johnson-Sirleaf one of several officials named in the report and recommended to be banned from politics failed to jumpstart the process. In 2010, she requested the Law Reform Commission to work with the Ministry of Justice to consider all legal implications, including the Constitution and relevant Statutes regarding the implementation of the TRC recommendations.

Her successor, President George Manneh Weah has been inconsistent in his approach.

Last September, the president, in a letter to the legislature, wrote:

“I ... do hereby call on the National Legislature to advise and provide guidance on all legislative and other necessary measures towards the implementation of the TRC [Truth and Reconciliation Commission] report, including the establishment of the Economic and War Crimes Court.”

Adama Dempster, head of the Civil Society Organization, Human Rights Advocacy Platform of Liberia and the Secretariat for the Establishment of a War Crimes Court in Liberia hailed the president’s decision as a major benefit to the victims, the country, and the rule of law in Liberia. “President Weah’s support for a war crimes court is an important step for victims and for helping to ensure the violence that brought so much pain and loss to Liberia will not happen again,” Dempster said.

Those hopes were short-lived when President Weah, cast uncertainty over his support for the establishment of war and economic crimes court in the country, stating that his government has never called for the courts.

Following his return from the United Nations General Assembly last October, the President that instead of his government focusing on the establishment of war and economic crimes court, he’s more concerned about finding a way to fix the already crumbling economy. “Since we came to power, I have never one day called for the War Crimes Court. You the journalists called for War Crimes Court, Liberians are calling for war crimes court, both the victims and perpetrators are calling for war crimes court,” said President Weah.

President Weah had earlier told world leaders at UNGA that his government is a “listening administration” and will pay keen attention to its people as it relates the prosecution of people accused of committing war crimes and crimes against humanity.

He said at UNGA: “What I have discerned from their cries is that it is important to bring closure to the wounds from the 14 years of Liberia’s brutal civil war, and that we need to agree on a mechanism that would guarantee the sustenance of peace, stability, justice, and reconciliation, as well as enhance our prospects for economic recovery.”

In his address, President Weah also expressed concern about the incessant pressure piling on his administration for the establishment of War and Economic Crimes Court as compared to his predecessor, Ellen Johnson-Sirleaf.

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Terrorism

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Piracy

Pirate attacks have doubled in Asia thanks to the coronavirus (New York Post) By Paula Froelich
July 18, 2020

The coronavirus has been good for pirates.

Piracy incidents across Asia have doubled in the first half of this year due to the coronavirus, according to a report by Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

The majority of attacks took place in the Singapore Strait, but there has been an alarming increase near Bangladesh, India, Indonesia, the Philippines, Vietnam and in the South China Sea as well.

While a majority of the piracy acts are considered smaller, opportunistic robberies, "Small crimes, if not addressed, can embolden criminals to commit more serious acts," ReCAAP's executive director Masafumi Kuroki told the BBC.

"[Sometimes] the pirates are local fishermen who see piracy as a way to supplement their incomes. In other parts of Asia, many are jobless young men who have travelled to Batam [in Indonesia] or other places looking for work," Brandon Prins, a scholar of sea piracy at the University of Tennessee-Knoxville told the BBC.

The global pandemic is the cause of this upward tick on high seas robbery as joblessness rises.

"My fear has always been that COVID-19 would reduce global trade, which lowers growth, increases poverty and joblessness [and then] leads to more sea piracy," Prins added.

"There is certainly concern that with trade going down, there will be fewer sailors on board ships [and therefore] fewer crew monitoring for potential pirates or armed robbers."

A total of 77 seafarers were taken hostage or kidnapped for ransom since January, according to the International Maritime Bureau (IMB).

The organization upped their presence in West Africa and Peru, with the Gulf of Guinea responsible for 90% of the world's pirate attacks.

Pirates kidnap seven Russian sailors in Gulf of Guinea (Reuters)
July 20, 2020

Pirates have kidnapped seven Russian sailors from the crew of a ship in the Gulf of Guinea, the Russian Embassy in Nigeria said on Monday.

The seven Russians were among 13 crew members pirates abducted from the Curacao Trader 210 miles off the coast of Benin last Friday, the embassy said on its official Twitter account, but did not provide further details.

The shipping industry has warned in recent months about increased incidents of piracy and kidnapping in the Gulf of Guinea, particularly around Nigeria.

Pirates this month attacked an oil production vessel off Nigeria and kidnapped nine Nigerian nationals.

Regional Maritime Security Governance and the Challenges of State Cooperation on Piracy (Center for International Maritime Security) By Anja Menzel
July 24, 2020

On July 2, 2020 at around 4:20 a.m., three vessels attacked the Sendje Berge, a floating production support vessel off the coast of Nigeria. While there were no physical injuries, the perpetrators took nine personnel hostage. The kidnapping is the latest incident in a series of attacks in the Gulf of Guinea, which has become the most piracy-infested region in the world, closely followed by Southeast Asia. Worldwide, 162 actual and attempted piracy attacks were reported in 2019.¹ As most incidents have taken place in territorial waters, the cross-border nature of maritime crimes matters for ocean governance. When operating, pirates are not

restrained by national borders, and exploit states' inconsistencies in maritime security capacities and capabilities. Therefore, the unabatedly high numbers of attacks underlines the need for littoral and user states to cooperate on counterpiracy.

Three Regional Agreements to Govern Piracy

To govern maritime piracy through state cooperation, three agreements have been set up in different regions of the world. The members to these regional agreements agree to arrest, investigate, and prosecute pirates on the high seas, and to suppress armed robbery in their respective territorial waters. In Asia, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) was established in 2006. 14 regional states as well as six extra-regional states are currently contracting parties. In East Africa, the Djibouti Code of Conduct (DCoC) was agreed on in 2009. To date, 20 states from the Indian Ocean region have signed this agreement on the repression of piracy and armed robbery in the western Indian Ocean and the Gulf of Aden. In 2017, the DCoC's piracy-only focus was expanded to include maritime crimes more generally when the so-called Jeddah Amendment was adopted by a subset of DCoC member states. Finally, the Yaoundé Code of Conduct (YCoC) to combat illicit maritime activities in West and Central Africa was signed in 2013 by 25 regional states.

As these agreements were successively established, policymakers were able to utilize insights from already developed setups elsewhere, a learning process that was actively sponsored by the International Maritime Organization. As a result, the agreements' institutional structures are strikingly similar.² This is most obvious in the agreements' information-sharing structures. All agreements have Information Sharing Centers (ISCs) which collect data on maritime crimes and provide infrastructure for information exchange. The regional agreements also have a system of national focal points designated by each member state, which manage piracy and armed robbery incidents within the respective state's territorial waters, report incidents to the ISCs, and coordinate surveillance activities with neighboring states.

Information Sharing and Capacity Building

These regional agreements have been rightfully praised as a milestone in ocean governance, as they are a strong symbol of the commitment of member states to combat piracy and other maritime crimes. The collection and dissemination of data on maritime crimes is one of the most important practical tasks carried out by the regional agreements, because to efficiently coordinate cooperation between maritime security actors it is crucial to have available all relevant information on the threat at hand. Furthermore, by creating reliability, regular information sharing has the potential to strengthen trust and confidence among key actors.

Capacity building carried out through the framework of the regional agreements is equally important. To varying degrees, the agreements' frameworks offer exercises, workshops, and trainings to accumulate expertise on and foster cooperation between national agencies and the shipping industry, and also provide technical assistance to member states. In fact, the regions cooperate in their capacity building efforts on a regular basis. Due to their similar institutional structures, ReCAAP and DCoC members held several joint workshops where best practices were shared.

The Limits of Cooperation

While the setup of the regional agreements is certainly a milestone in counterpiracy governance, the different regions are faced with a variety of challenges concerning cooperation in general and the implementation of the agreements' provisions in particular.

Concerns over Territorial Sovereignty

Citing concerns over their territorial sovereignty, two of the states most affected by piracy in Southeast Asia, Indonesia and Malaysia, refuse to accede to ReCAAP. Although state cooperation in Asia is generally characterized by major sovereignty sensitivities, their reluctance is reinforced by ReCAAP's open membership policy. While DCoC and YCoC have limited their membership to regional littorals, every interested state can join ReCAAP, which further fuels Indonesia's and Malaysia's concerns about foreign involvement in their territorial waters.⁴ However, the actual impact of the non-membership of key states in Asia remains unclear. Despite their official disapproval, both Indonesia and Malaysia cooperate with ReCAAP on a low-key level, participating in meetings and sharing select information. Nevertheless, an accession would certainly underline the two states' willingness to commit to multilateral counter-piracy efforts given their strategic position in the Strait of Malacca and the Sulu and Celebes Seas.

Institutional Fragmentation

National sensitivities also led to a fragmented institutional landscape, both regionally as well as internationally. The DCoC operates three regional ISCs in Kenya, Tanzania, and Yemen. The YCoC architecture is even more fragmented, with regional maritime security centers for West as well as Central Africa in Congo and Ivory Coast, an interregional coordination center in

Cameroon, and five coordination centers at the zonal level. Due to this fractional structure, information flows may be less efficient, and the ability to swiftly respond to undesirable events on the ocean could be hindered.⁵ While ReCAAP only operates one ISC, several other data-collecting bodies exist in Asia, such as the International Maritime Bureau's Piracy Reporting Center and the Information Fusion Centre hosted by the Singaporean Navy. To complicate matters further, not all ISCs, particularly those in Southeast Asia, report data in a consistent way.⁶ Overall, the institutional plethora of information-sharing mechanisms underlines the importance of coordination between the different agencies. To this end, the regions' potential to learn from each other's experiences is not being fully realized yet.

Lack of National Capacities

To implement the regional agreements' provisions on site, the capacities of member states are essential. However, member states' means to counter maritime crimes in their territorial waters differ significantly. Some states, particularly in Asia, have comparably well-equipped navies, coast guards, and law enforcement agencies. In contrast, other states often lack those capacities, which is particularly apparent in Somalia and Yemen, which are both stricken by the devastating consequences of ongoing civil wars. Although the agreements offer capacity building measures, the mechanisms do not directly account for the resources of member states or their lack thereof.

Gaps in Scope

Although the regional agreements geographically cover the greater portion of world regions currently affected by piracy, there are still blind spots. Whole continents have not set up comparable cooperation mechanisms yet, such as Oceania and the Americas, where local piracy hotspots like the Caribbean and the Venezuelan coast would call for concerted governance efforts. This becomes more salient when not only piracy, but also maritime crimes more generally are in focus, since crimes such as illegal, unreported, and unregulated (IUU) fishing are pressing in every corner of the world.

Additionally, the regional agreements are rather narrow in their operational scope. This is particularly obvious in Southeast Asia, where ReCAAP has thus far only institutionalized cooperation on piracy and armed robbery. As policymakers increasingly realize that these crimes are only one of many pressing issues in the maritime domain, the agreements may go one step further. Already in Africa, with YCoC as well as the DCoC's Jeddah Amendment, the signatory states agreed to also cooperate on transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, as well as other illegal activities at sea. By calling on its member states to develop national strategies for sustainable blue economic growth, the Jeddah Amendment, although very tentatively, even ties maritime security to the greater blue economy.

Looking Ahead

Threats to maritime security cannot be understood in isolation, as they are deeply interrelated. Going forward, maritime security governance will therefore need a more integrated understanding of the hazards posed by maritime crimes as well as the potential of coordinated efforts to combat these crimes.⁷ Specifically, it is necessary to strengthen maritime domain awareness by emphasizing potential synergies between combatting maritime crimes with the blue economy and the safety of the marine environment. This integrative understanding of developments and threats at sea is a prerequisite for coordination and cooperation between the diverse maritime security agencies and actors in this field. In that sense, the establishment of these regional counter-piracy agreements, their process of learning from each other and the gradual broadening of their scope, marks an important first step into realizing the full potential of an integrated approach toward maritime security governance.

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WORTH READING

International Responsibility of War Profiteers for Trafficking in Persons

Michael Ramsden

In The International Criminal Responsibility of War's Funders and Profiteers (Nina Jorgensen ed., Cambridge University Press 2020)

July 21, 2020

Trafficking in persons is a common occurrence in armed conflict for a variety of purposes, including for profit. It is apparent that the laws of IHL and ICL prohibit and criminalise, in various guises, the exploitative practices that form part of the international definition of trafficking in persons. Such practices – which correlate to the 'means', 'action' and/or 'exploitation' elements of trafficking in persons - have indeed been prosecuted as war crimes, crimes against humanity and genocide in the international tribunals, albeit without specific reference to 'trafficking' as an element or organising concept. Although capturing many of the elements of trafficking in persons there are limitations in treating this conduct as a subset of the existing core crimes rather than as a core crime in its own right. This includes the need to meet the general doctrinal requirements of these core crimes, such as finding the existence of an armed conflict or a 'widespread or systematic attack', which greatly curtails the ability to bring international prosecutions against those responsible for trafficking in persons, as does considerations of gravity at the admissibility stage of ICC proceedings.

Article 7(2) of the ICC Statute offers the first direct reference to 'trafficking in persons' as a facet of an international crime and thus provides an opportunity to give greater expression to this offence as a crime against humanity. However, much will depend on the relationship between 'enslavement' and trafficking, particularly whether all the practices associated with the latter can be sufficiently accommodated within the former. The Libya case provides the first opportunity for the ICC to clarify this relationship. With the Security Council now taking trafficking seriously, in imposing sanctions against high-level traffickers, the opportunity now presents itself for the ICC to break new ground and try individuals for the first time for trafficking as a subset of a crime against humanity. In doing so, the ICC would not only be showing that the 'trafficking in persons' reference in Article 7(2) is not merely theoretical but would also aid in progressing the conversation on trafficking as an 'international', and not merely a 'transnational', crime. This would certainly augment national and international efforts to end the impunity of war profiteers for trafficking in persons.

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War Crimes Prosecution Watch is prepared by the
International Justice Practice of the **Public International Law & Policy Group**
and the **Frederick K. Cox International Law Center** of
Case Western Reserve University School of Law
and is made possible by grants from the **Carnegie Corporation of New York**
and the **Open Society Institute**.

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