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War Crimes Prosecution
Watch

PILPG
A Global Pro Bono Law Firm

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AFRICA

NORTH AFRICA

Libya

Macron's targeting of Turkey reveals ambiguities in France's MENA policies (Daily Sabah) By Dilara

In an attempt to rally the European Union to impose sanctions on Turkey for its role in Libya and its presence in the Eastern Mediterranean, France in July has called on EU foreign ministers to meet to discuss "the Turkish question," saying new sanctions on Ankara could be considered. However, while solely targeting Turkey regarding the Libyan conflict, French President Emmanuel Macron keeps complicit silence over the threats of interference by Egypt, the crimes of the United Arab Emirates (UAE) while being soft-shelled vis-a-vis Russia and its Wagner Group mercenaries.

"Turkey has been for some time now a heated subject of debate in Europe in general and in France in particular. In fact, under the rule of the Justice and Development Party (AK Party), and President (Recep Tayyip) Erdoğan in particular, Turkey has managed to assert its autonomy, sovereignty and independence in world affairs," Dr. Jana Jabbour, a researcher and professor at Sciences Po Paris and expert on Turkish foreign policy, told Daily Sabah. She added that Turkey has "reawakened in the European mindset the memory of the powerful Ottoman Empire that defeated European powers in many battles throughout history."

Jabbour said that in Europe and France, today's Turkey awakens not only the fears of the past, fears of the "all-powerful Turk" but also fears of a strong Islamic society. "In that sense, Islamophobia in Europe crystallizes around Turkey because Turkey under President Erdoğan is seen as the embodiment of a strong, assertive Muslim 'other.'"

"Turcophobia and Islamophobia feed each other," she added.

Ties between NATO allies France and Turkey have soured in recent months over Libya, as well as the conflict in northern Syria and drilling in the Eastern Mediterranean. France's Macron after meeting Tunisian President Kais Saied in Paris on June 22 has accused Turkey of "playing a dangerous game" and of "criminal responsibility" in the Libyan conflict. The animosity was aggravated in June after an incident between Turkish and French warships over an attempt to inspect a vessel that was suspected of smuggling weapons to Libya.

On July 24, Macron in a joint press conference with Greek Cyprus leader Nicos Anastasiades reiterated that it would be a serious error by the EU not to respond to provocations in the Eastern Mediterranean and that "the EU is still doing too little" in the face of Turkey's activities.

Speaking to Daily Sabah, Ömer Aydın, a journalist based in France, stated that Paris' fear of losing its influence in the region was the reason it became louder and bolder toward Turkey in the Eastern Mediterranean, Libya and Syria and through its support of the PKK, a terrorist group recognized by the U.S. and the EU.

Tensions grew as Libya increasingly became the agenda of the EU along with escalating rivalry and Turkey's support for the official Libyan government as well as a maritime and military pact with Tripoli.

Oil-rich Libya has been torn by violence, drawing in tribal militias, extremists and mercenaries since the 2011 NATO intervention and killing of longtime dictator Moammar Gadhafi, which failed to make things any better. Though the new government was founded in 2015 under a United Nations-led agreement, efforts for a long-term political settlement proved unsuccessful due to a military offensive by putschist Gen. Khalifa Haftar.

Haftar, a self-styled warlord who is based in eastern Libya, launched an offensive to try to take the capital Tripoli and control of the country from the legitimate Government of National Accord (GNA), with the backing of the UAE, Egypt, France, Russia and thousands of mercenaries from the Wagner Group known for having close ties to the Kremlin. Weapons and mercenaries have poured in to support the warlord, stymieing U.N. efforts. Yet, with Turkey's backing, the GNA managed to thwart the warlord's 16-month campaign and made significant gains, pushing Haftar forces out of Tripoli and the strategic city of Tarhuna.

Mass graves filled with corpses were found after the retreat of Haftar, who is backed by at least two permanent U.N. Security Council members. The discoveries have raised fears about the extent of human rights violations in territories previously controlled by Haftar's forces, given the difficulties of documentation in an active war zone. In addition to this recent discovery, Haftar is also known to have engaged in torture, desecration, mass displacement and mass killings.

According to Human Rights Watch (HRW), those who commit, order, assist or hold responsibility for war crimes in Libya are subject to prosecution by domestic courts or the International Criminal Court (ICC), which has a mandate over war crimes, crimes against humanity and genocide committed there since Feb. 15, 2011.

Following the increase of foreign support and human rights violations in the North African country, the former U.N. Libya

envoy Ghassan Salame early July accused member states of "hypocrisy" regarding their activities in Libya. "You could see clearly that (Haftar) was confident that a number of big powers were supporting this attack and he mentioned some of them by name," Salame said.

Turning a blind eye to violations

"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," Bruno Stagno Ugarte of the HRW said last week, adding that Paris itself "most likely violated the 2011 arms embargo imposed by the United Nations Security Council (UNSC), of which France is a permanent member."

The rights group deputy director referred to last July when French missiles were found on a base south of the capital Tripoli belonging to militias loyal to Haftar. France admitted the weapons belonged to them yet denied supplying them to Haftar in breach of a U.N. arms embargo, saying French forces in Libya had lost track of them.

Though ostensibly seeking a political solution and permanent peace for the war-ridden country, France has supported Haftar. Kenneth Roth, HRW's executive director, on July 25 wrote on Twitter that the French government backed Haftar in part because it saw him as a bulwark against terrorists and that Paris did not calculate the chaos Haftar had fomented.

France has been adeptly silent over a U.N. report revealing that two Dubai-based companies have been sending Western mercenaries to support Haftar in his offensive as well as reports by rights groups showing that the UAE had killed civilians in Libya. Similarly, Macron has remained silent over the repeated interference in Libya of his ally, Egyptian President Abdel-Fattah el-Sissi, whose parliament recently, in a move likely to worsen tensions, approved a proposal that empowers military intervention in neighboring Libya. The Libyan government described the decision as a "declaration of war."

Though Macron recently has somewhat raised his voice regarding the activities of Wagner mercenaries, Russia still escapes Macron's condemnations to a large extent.

France's influence sphere eroding

France, which had once been a significant player in the Middle East and North Africa, gradually lost its sphere of influence with its former colonies declaring independence and its retreat from the Levant. Conversely, Turkey has been growing as a game-changing actor in the region.

Aydın elaborated that "Paris still sees itself as the dominant power in the Islamic world. France has established its scope of influence in North Africa and the Middle East in this regard and does not want to lose this."

Pointing out that France's economic interests can be spotted in its relations with the UAE and on its position on Libya, Jabbour stated that "friendship with the UAE is a lucrative business for Paris."

"France supports any side the UAE takes in MENA conflicts because France and the UAE seem to share the same threat perception of political Islam and have common economic interests. The UAE buys French weaponry and encourages its allies to do the same," Jabbour continued.

Yet, economic interests remain insufficient to explain the French president's ultimate goal. It is clear that Macron is intent on leading Europe after his statements regarding a more independent EU from the U.S. in terms of defense and security as well as his "brain death" comments on the NATO alliance. The U.S. as a superpower slowly disappearing from the world stage and failing to take up American leadership could also be rooting for France's aim to take the lead, as the position seems to be vacant.

"It seems that through active engagement in Libya, President Macron wants to gain popularity inside his country and in Europe, by showing that he is a strong leader who dares taking action on risky fronts," Jabbour underlined, saying that the 42-year old leader is also taking advantage of the U.S.' inaction in Libya, to show that France can take the lead for NATO.

Haftar hires US-based law firm to represent him for lawsuits of war crimes filed in Virginia (The Libya Observer) By Abdulkader Assad

August 4, 2020

Khalifa Haftar, who is facing several lawsuits in the United States for war crimes and crimes against humanity, has hired New York law firm, Tucker Levin PLLC to represent him in the Eastern District Court of Virginia, according to a statement by the Libyan American Alliance (LAA).

The LAA added on Tuesday that it is not clear whether the same firm will represent Haftar in other lawsuits filed against him in Virginia and Washington DC.

"Faisal Gill, the lawyer retained to represent families of Haftar's victims in Libya, said Monday that he received communication from the office of Tucker and Levin PLLC, indicating that Haftar retained them to defend him against charges of war crimes and crimes against humanity." The LAA added.

Gill said that after ignoring the courts for months, Haftar finally got the message that the people filing the lawsuits are serious about pursuing justice for the victims of his egregious and violent actions.

"Killing innocent civilians will not go unpunished." The lawyer added, saying Haftar was facing a default judgment and in light of the evidence against him, we anticipated a judgment in our favor.

"After the recent defeats of Haftar in his war in Libya, Haftar realized that he needs an exit strategy and possibly a place to escape to, and that explains why he retained a law firm now after months of not answering the charges leveled against him." The Head of the LAA, Esam Omeish, said.

Omeish added that Haftar chose to hire a law firm specializing in criminal matters, money laundering, and fraud, in anticipation of other legal troubles due to US investigations of his criminal collaborations with Venezuelan leaders in laundering Libyan state assets.

"The US government has increasingly condemned Haftar for his harmful dealings with Russian mercenaries and the Wagner Group, made illegal by the CAATSA Act of 2017, as well as his dealings with the bloody Assad regime, recently criminalized by the CAESAR Act of 2020." Omeish added.

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

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

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Democratic Republic of the Congo

Army Says East Congo Militia Killed 16 Villagers (VOA News)

August 10, 2020

A militia killed 16 people during a raid on villages in eastern Democratic Republic of Congo, the army said on Monday, in more ethnic violence that the United Nations has warned may constitute crimes against humanity.

Attacks by various militia and armed groups, as well as counter-operations by the Congolese army (FARDC), forced over 400,000 people to flee their homes between March and June, according to the U.N. refugee agency.

Last month, the government sent several former warlords, including one just released after more than a decade in prison in The Hague and Congo for war crimes, to convince Cooperative for the Development of the Congo (CODECO) fighters to surrender.

They have not been successful so far.

"The outlawed CODECO militia killed our people again on Sunday morning," army spokesman Jules Ngongo said, confirming the 16 casualties. "The army is determined to eradicate these militiamen who do not want to surrender."

CODECO fighters, mostly drawn from the Lendu ethnic group, assaulted several villages 70km (43 miles) north east of the city of Bunia, home largely to ethnic Hema, said Charite Banza, head of a local civil rights group. The group killed 10 people in one village, and six in another, he added.

Rich in natural resources, Ituri experienced some of the country's most vicious fighting between 1999 and 2007, after a power struggle between rebel groups descended into ethnic bloodshed, mostly between the Hema and Lendu.

After a decade of relative calm, tit-for-tat fighting resumed in December 2017, often over land.

The unrest has since evolved into more coordinated attacks by CODECO on the army and the Hema.

In May, the United Nations warned that killings, beheadings, rape and other barbaric acts by CODECO could be considered crimes against humanity and war crimes.

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Liberia

Human Rights Organizations in Liberia Alarm Over Being Targeted by Government's Security, Call for Protection (Front Page Africa) By Gerald C. Koinyeneh

August 6, 2020

At least nine human rights organizations have called on the Government of Liberia to ensure that human rights defenders in Liberia are protected from harassment and threats by individuals within the Government security services.

They include the Center for Justice and Accountability, Centre for Civil and Political Rights, Civil Society Human Rights Advocacy Platform, Civitas Maxima, Human Rights Watch, Independent Human Rights Investigators, Advocates for Human Rights and the Global Justice and Research Project as well as Aaron Weah, a researcher.

In a joint statement released on Wednesday, August 5, the groups said recent credible threats against human rights defenders who, for many years, have been fighting for justice alongside victims of Liberia's civil wars are a source of great concern.

According to the groups, the threats were made to the staff of the well-respected Global Justice and Research Project (GJRP), as well as to witnesses of alleged crimes by a recent defendant of a war crimes unit in the United Kingdom.

The alleged intimidation and threats against GJRP staff and witnesses started immediately after Agnes Reeves Taylor, who was indicted in 2017 in the United Kingdom for torture, returned to Liberia in July 2020.

They included multiple threatening phone calls to GJRP staff, including the director, Hassan Bility, as well as against witnesses of her alleged crimes. Several witnesses have said that people claiming to be Reeves Taylor supporters have threatened their lives — including in person threats.

Certain public statements about Bility and the GJRP by Reeves Taylor, who was not acquitted, but whose case in the UK did not go to trial based on a point of law, also raise concerns.

Also in the statement, the groups stated that credible threats have also been made against Adama Dempster, secretary general of the Civil Society Human Rights Advocacy Platform of Liberia, in connection to his human rights work and advocacy for a war crimes court.

The Government of Liberia has an obligation to protect human rights defenders, the groups said.

The groups added that Dempster, who led the civil society delegation that travelled to Geneva to report to the United Nations on Liberia's human rights record, has also received credible information that he is being "targeted for elimination."

According to them, these threats come from certain leading figures within the Liberian government's security services, and confidential sources state that they are related to Dempster's work delivering human rights reports to the International Community and the United Nations against the current Government, as well as his advocacy for a war crimes court.

The groups also reminded the Government of Liberia of the United Nations Human Rights Committee's Concluding Observations, issued in 2018. The UN body said that the Government of Liberia should make certain 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."

The Human Rights Committee's Observations required Liberia to report by 27 July 2020 on the implementation of the recommendations regarding accountability for past crimes. Liberia has not met this deadline.

"We sincerely hope that Liberia will take its international treaty obligations seriously by implementing the recommendations and submitting its follow-up report to the Committee," the groups added.

Liberia: Human Rights Defender Hassan Bility Debunks Agnes Reeves Taylor's Claims United Kingdom Court Dismissed Case Over Lack of Evidence (Front Page Africa) By Gerald C. Koinyeneh
August 7, 2020

The founder and Director of the the Global Justice and Research Project (GJRP), Hassan Bility has termed as 'a lie' claims made by Ms. Agnes Reeves Taylor, ex-wife of the jailed former Liberian president Charles Taylor.

Ms. Reeves-Taylor returned to Liberia in July, seven months after her release from a UK prison where she spent over two years for alleged war crimes and crimes against humanity. Taylor was freed in December 2019 after an Old Bailey judge dismissed a series of torture charges against her, relating to offenses allegedly committed during the Liberian civil war in 1990.

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.

Addressing a press conference upon her arrival in Monrovia, Ms. Taylor described lead war crimes court advocate Hassan Bility and Civitas Maxima and its subsidiary GJRP as being on the "rampage with venom and will do anything to keep their funding coming."

Mr. Bility is a Liberian journalist, and the founder and Director of the Global Justice and Research Project (GJRP), a non-governmental organization dedicated to the documentation of wartime atrocities in Liberia and to assisting victims in their pursuit of justice for these crimes.

She said the allegations levelled against her and her subsequent incarceration pending trial was "guilt by association.

"Guilt by association appears to be the locus in cases related to Liberia. This poses a threat to anyone of any significance who dares travel or live in a western country," she stated.

She also accused Mr. Bility and his GJRP group of manipulating western countries to believe that he is a renowned journalist and human rights, activist.

"I beg to differ. When did he become a renowned journalist? There have been many renowned journalists over the years and some of you are here today. This erstwhile individual claiming to be a renowned Liberian Journalist is nothing but a, fraud, Bounty Hunter, and mercenary. He has no conscience or moral compass."

However, responding to Ms. Reeves Taylor in a press conference held in Monrovia on Thursday, Mr. Bility termed those allegations as "outrageously ridiculous."

"Ms. Agnes Reeves Taylor's assertion that she was arrested before British authorities began their investigation of her alleged crimes was a lie. Outrageously ridiculous," he debunked.

Speaking further, he said Ms. Taylor's claims that the GJRP fabricated evidence against her was untrue, adding the investigation started in 2013, four years to her arrest.

The case, he adds was not dismissed because of no evidence as claimed by Taylor.

The court did not say that there was no evidence. The evidence did not reach the courtroom. The judge did not get to hear the witnesses speak in court."

"We are not saying [you are] guilty but when you want to provide misinformation as it obtains, then we will be under professional and ethical obligation to make the corrections for you."

Mr. Bility was speaking a day after nine human rights organizations alarmed threats against human rights defenders who, for many years, have been fighting for justice alongside victims of Liberia's civil wars.

The group said they included multiple threatening phone calls to GJRP staff, including the director, Hassan Bility, as well as

against witnesses of her alleged crimes. Several witnesses have said that people claiming to be Reeves Taylor supporters have threatened their lives — including in person.

In a joint statement release on Wednesday, August 5, the groups called on the Government of Liberia to ensure that human rights defenders in Liberia are protected from harassment and threats by individuals within the Government security services.

Speaking on Thursday, Bility reiterated the call but said they will never be deterred in their pursuit for justice.

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

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Kenya

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

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Somalia

Somalia: Grenade attack kills 1, wounds 5 (AA) By Mohammed Dhaysane
August 3, 2020

A grenade explosion in Somalia's lower Shabelle region killed a deputy district commissioner and wounded five others, an official said on Monday.

Gunmen targeted the home of Mohamed Abdullahi Kosto in the Wanlaweyn town with hand grenades on Sunday night, Ibrahim Hassan, a local police official, told Anadolu Agency over the phone.

"Mohamed Abdullahi Kosto, deputy district commissioner who was also acting district commissioner, was killed in the attack. At least five people including his father and his wife were also wounded," Hassan said.

The wounded, with children among them, were rushed to a district hospital for treatment, he added.

Police officers in the town arrived at the scene and started an investigation but no one has yet been arrested for the attack, according to local media.

No group has yet claimed responsibility for the grenade attack in Wanlaweyn, 90 kilometers (55 miles) southwest of the capital Mogadishu.

The attack came hours after the Somali military said it had conducted a military operation against Somali-based al-Qaeda affiliated group al-Shabaab in lower Juba region, killing at least five militants, including Al-Shabaab's regional financial coordinator.

Suicide Bombing on Somalia Military Base Kills Nine (VOA) By Mohamed Olad Hassan
August 8, 2020

At least nine people were killed and nearly 20 others injured Saturday in a car bomb blast at the front gate of a Somali military base in Mogadishu, witnesses and security officials said.

Government security officials contacted by VOA have confirmed that eight of those killed were government soldiers and other casualties included members of the soldiers' families, who were at the base at the time.

"A suicide bomber driving an explosive-laden vehicle sped toward the front gate of the camp but the guards opened fire to stop it before it detonated," Aden Mohamed, a police officer among the first responders, told VOA's Somali Service.

Muse Bihi Abdi, of Somaliland speaks during a news conference in his office in Hargeysa, in northern Somalia's semi-autonomous...

The blast was heard throughout the area and sent a plume of black smoke into the air.

"I saw the dead bodies of at least eight soldiers and ambulances rushed to the scene to carry away the wounded," a witness told VOA on condition of anonymity.

Hospital sources have confirmed that around 20 wounded people, mainly soldiers, were wounded in the blast.

"We have taken at least 15 injured people [to hospitals], some of them in critical condition," the city's emergency medical responders told local media.

The military camp is located near the city's newly reopened main sports stadium in the Warta-nabadda district.

The blast comes days after a suicide bombing killed at least four people, including the bomber at a Mogadishu restaurant that is popular with security forces and government workers.

Al-Shabab militants have claimed responsibility for the Saturday explosion, claiming they killed dozens of government soldiers.

Somalia prison: Deadly shootout after al-Shabab militants attempt escape (BBC News)
August 11, 2020

The number of people killed in a shootout between jailed militant Islamists and security officers at a prison in Somalia has risen to at least 20, officials say.

The al-Shabab militants had attempted to escape from the heavily guarded prison in the capital, Mogadishu.

An investigation is under way into how the militants obtained weapons.

Some reports suggested that an inmate managed to disarm a warden and then a group of them raided the armoury.

The BBC's Bella Sheegow in Mogadishu says Monday's incident is highly embarrassing for the government as the prison, the

second biggest in Somalia, is guarded by elite forces.

The attack was repelled after reinforcements were called in.

'No prisoners escaped'

The most dangerous al-Shabab militants are kept in the prison, including those serving life sentences or awaiting execution after being sentenced to death.

Inmates had also attempted to break out of the prison in 2017, and the government was under pressure to prevent further such incidents, our reporter adds.

"We will not leave anything to chance. The government is investigating how this happened and who was responsible for what happened as well as who facilitated the inmates to get the weapons," Acting Justice Minister Hassan Hussein Haji said.

Government spokesman Ismail Mukhtar said 15 prisoners and five soldiers had been killed in the shooting.

He had earlier said that 10 people had died, including four militants.

Al-Shabab, which is linked to al-Qaeda, has been waging a brutal insurgency in Somalia for more than a decade.

It has been pushed out of Mogadishu by government and African Union troops, but the group still carries out bombings and assassinations in the city.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb War Convict Indicted Again for Killing Bosniaks (Balkan Transitional Justice) By Haris Rovcanin
August 12, 2020

The Bosnian state prosecution filed an indictment on Wednesday charging Predrag Bastah with crimes against humanity for his alleged participation in the murders of 37 Bosniak civilians at Mracni Dol in the Vlasenica municipality.

The indictment accuses Bastah, in his capacity as a reservist with the police's Public Security Station in Vlasenica, of participating in the Bosniaks' murder alongside two Bosnian Serb Army soldiers as part of a widespread and systematic attack against the non-Serb population in the municipality.

"The defendant guarded the shooting location and, pointing a gun at them, he directed the victims from the bus to the place where they were killed. The victims had previously been brought by bus from a prison located behind the court building in Vlasenica and from the Susica detention camp," the prosecution said in a statement.

The prosecution said the victims' bodies were found at Mracni Dol and exhumed in 2000.

Bastah was sentenced to 22 years in prison in 2011 for his involvement in the murders of civilians, unlawful detention, forcible disappearances and resettlement of the local population in the Vlasenica area.

The new indictment has been filed to the state court for confirmation.

Court of Bosnia and Herzegovina delivered Judgement for Three Persons for War Crimes against Civilians (Sarajevo Times)

August 10, 2020

Having completed a trial held upon revocation of the trial judgment, the Appellate Division Panel of the Court of Bosnia and Herzegovina has delivered its appeals judgment finding the accused Ivan Kraljević, Vice Bebek and Stojan Odak guilty as follows: the accused Ivan Kraljević that under Counts I.a. and I.c. he committed the criminal offense of War Crimes against Civilians under Article 142(1) of the Criminal Code of the Socialist Federative Republic of Yugoslavia, as read with Articles 22 and 30 of the same Code; the accused Stojan Odak that under Counts I.c.12, I.c.13, II.a.1, III.a.4 and III.a.5 of the Judgment he committed the criminal offense of War Crimes against Civilians under Article 142 of the Criminal Code of the Socialist Federative Republic of Yugoslavia, as read with Article 22 of the same Code; the accused Vice Bebek that under Count I.c.13 of the Judgment he committed the criminal offense of War Crimes against Civilians under Article 142 of the Criminal Code of the Socialist Federative Republic of Yugoslavia, as read with Article 22 of the same Code. The Appellate Panel ultimately sentenced them as follows: the accused Ivan Kraljević to 1 (one) year and 3 (three) months of imprisonment; the accused Stojan Odak to 2 (two) years and 6 (six) months of imprisonment; and the accused Vice Bebek to 1 (one) year of imprisonment.

The accused Ivan Kraljević, Stojan Odak and Vice Bebek were found guilty that between April 1993 and March 1994, during the war in Bosnia and Herzegovina and the armed conflict between the Croat Defense Council (HVO) and the Army of Bosnia and Herzegovina, as members of the HVO Military Police, namely Ivan Kraljević as the Warden of the Ljubuški Military Prison (VIZ Ljubuški) in the period between mid-September 1993 and 19 November 1993, and Stojan Odak and Vice Bebek as HVO Military Police members and guards at the VIZ Ljubuški prison in the period of September 1993 – February 1994, acting in violation of Article 3(1)c) of the IV Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, exposed to inhumane treatment Bosnian civilians from the municipalities of Stolac, Čapljina, Mostar, Prozor, Livno, Jablanica (Sovići, Doljani), who were imprisoned on the premises of VIZ Ljubuški, which itself was located inside the Ljubuški police station, who were held there in inhumane conditions and subjected to physical and mental abuse.

Bosnia Court Awards Acquitted War Crime Suspects Compensation (Balkan Transitional Justice) By

Emina Dizdarevic

July 30, 2020

The state court of Bosnia has awarded two men acquitted of war crimes some 5,000 euros each for suffering non-material damage.

Zijad Hamzic's legal representative, Kenan Hadzimuhovic, said he filed a compensation claim for non-material damage for KM 15,350 – just under 8,000 euros – at a hearing in February.

He said Hamzic had been prevented from leaving his home for over a year and could not travel abroad for more than four years while being obliged to report to a police station more than 150 times. During his trial, Hamzic was under prohibition measures from March 2013 and September 2017.

“The first instance court awarded Hamzic 4,000 marks only, but following my appeal they raised the amount to 10,000 [about 5,000 euros],” Hadzimuhovic told BIRN BiH.

Hadzimuhovic also represented Nusret Muhic in the procedure for compensation. He filed a claim for non-material damage of 22,000 marks due to prohibition measures and due to his obligation to report to the police station between 2013 and 2015, as well as due to mental anguish, fear and reduction of living capability.

“The first instance court awarded him 17,000 marks but then the second instance chamber upheld an appeal filed by the Office of the Attorney General ... and reduced it to KM 10,000,” Hadzimuhovic explained.

Besides these two, Osman Gogic and Selman Busnov also recently sued the state court before the Administrative Section of the court, claiming compensation for mental anguish and prohibition measures during their criminal proceedings.

In May 2019, the Appeals Chamber of the State Court acquitted all four – Hamzic, Muhic, Gogic and Busnov – of war crimes charges relating to the Kladanj area between May 1992 and July 1993.

Hamzic was accused in his capacity as commander of the Territorial Defence Company in Stupari, Muhic as chief of the group for preventing and combating crime at the Public Safety Station in Kladanj, Gogic as a military policeman and Busnov as chief of the Public Safety Station in Kladanj.

Gogic filed a compensation claim for KM 6,000, but the first instance court awarded him 4,500. Hadzimuhovic said he had filed an appeal, and a second instance decision was awaited.

According to him, Busnov claimed KM 11,000, but the court reduced the amount to 7,000, so they filed an appeal.

A fifth suspect, Ramiz Halilovic, an active policeman and commander of the Military Police Section in Stupari, was acquitted under the same judgment of accusations of war crimes in Kladanj. He has filed a compensation claim as well. In his claim, he seeks KM 187,000 for the financial loss of his firm as well as defence costs of around KM 12,000 and transportation costs during in his trial of KM 4,000.

Besides that, his claim also includes a request for compensation for non-material costs due to mental anguish worth KM 25,000.

Halilovic's legal representative, Nina Karacic, told BIRN BiH that the State Court had told her that the verdict on the claims would not be passed before late September this year.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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Domestic Prosecutions In The Former Yugoslavia

Croatian president presents award to war crimes suspect (Al Jazeera) By Mersiha Gadzo
August 5, 2020

Despite mounting criticism, Croatian President Zoran Milanovic has presented an award to a Bosnian Croat war crimes suspect, decorating a wartime Croat police unit for their "contribution to the liberation of Croatia".

Zlatan Mijo Jelic, a retired general of the Croatian Defense Council (HVO), received the award at a ceremony on Tuesday in the Croatian city of Knin marking the 25th anniversary of the country's victory over rebel Serbs during the war in 1995.

HVO was the military of the Croat wartime secessionist Herceg-Bosna territory, which has been declared a joint criminal enterprise by the International Criminal Tribunal for the former Yugoslavia (ICTY). The goal of this enterprise was to create a Greater Croatia on Bosnia and Herzegovina's territory by ethnically cleansing Bosniaks (Bosnian Muslims) from the region, according to the ICTY.

Jelic received the award on behalf of the Croat Special Police Unit of Herceg-Bosna, while HVO Guards Brigades were also awarded at the ceremony.

Bosnia's state prosecution indicted Jelic in 2016 over alleged war crimes against Bosniaks in the southern city of Mostar between 1993 and 1994.

According to the charges, Jelic ordered the commander of the Croat-run Heliudrom detention camp in Mostar to have Croat forces take Bosniak detainees to the front line in and around Mostar for forced labour work.

The prosecution estimates that at least 50 people were killed and 188 were wounded as a result, while some 40 people were tortured and physically abused by Croat forces.

Jelic has refused to stand trial and denies the charges. He moved to Croatia in 2012 and renounced his Bosnian citizenship, according to Trial International, an NGO fighting impunity for international crimes.

The ICTY has confirmed that Croat forces regularly took Bosniak detainees from Croat-run camps for labour work during the internationally-armed conflict in the early 1990s. The detainees were forced to dig trenches on the front lines, where they were used as human shields.

Eric Gordy, professor at University College London's School of Slavonic and East European Studies, told Al Jazeera that the Croatian government's public displays of support for alleged perpetrators of such acts "shows contempt for the public, who they seem to think will excuse demonstrated criminality in the name of ethnic pride".

In the days prior to the ceremony, the Bosniak and Croat members of Bosnia's presidential administration warned against the "humiliating" move, saying it would further deteriorate relations between the two countries.

Bosnia's opposition Social Democratic Party (SDP), of which the Croatian president is also a member, had also condemned the plan to award Jelic.

Croatia's Youth Initiative for Human Rights, meanwhile, sent an open letter to Milanovic, demanding that the president revoke state decorations previously presented for convicted Croat war criminals and create a regional commission for establishing facts about war crimes.

"[With this,] you will show that you are aware and confronted with the fact that war crimes committed by members of the Croatian Army and armed formations are not political constructions of prosecutors and ICTY judicial councils, but the harsh reality of Croatian history," the letter stated.

"Let Croatia be a country which will in the region, Europe and in the world be known for successfully building peace and not for insisting on the relativisation of war crimes and criminals," it said.

Despite the appeals to rethink his decision, Milanovic at the ceremony called the criticism an attempt "to portray the Croatian liberation war as a criminal enterprise".

"Luckily ... it didn't work. The Croatian war was a just war ... 25 years since the war, it's my honour to decorate Croatian troops from Bosnia and Herzegovina," Milanovic said.

In a 2017 ruling, the ICTY confirmed that then-senior leaders of the Republic of Croatia "were key participants in a joint criminal enterprise to ethnically cleanse Bosnian Muslims through the commission of crimes against humanity, grave breaches of the Geneva Conventions and other war crimes".

The ICTY affirmed that the aggression against Bosnia was an "international armed conflict because Croatia exercised overall control over the HVO, which committed widespread crimes".

"More senior and mid-level officials and commanders must still be brought to justice for these crimes. Many are within reach of Croatian judicial authorities," the statement read.

From 1992 to 1995, Bosnia was attacked by both Serb and Croat forces aiming to carve it up into a Greater Serbia and a Greater Croatia, respectively.

Reuf Bajrovic, a former politician in Bosnia and co-chair of the US-Europe Alliance, called Milanovic a "war crimes denier" whose apparent goal "is to redefine the nature of the war in Bosnia by revising Croatia's role in the aggression against Bosnia".

"The most disturbing aspect of Milanovic's revisionism is the fact that EU [European Union] officials have not criticised similar behaviour of Croatian officials in the past," Bajrovic told Al Jazeera.

No EU official has made any remark on the controversial awarding ceremony.

"Germany's role is especially important here because it has a historic responsibility to raise its voice against glorification of international aggression, such as Serbia's and Croatia's against Bosnia," Bajrovic said, referring to Germany's history with the Holocaust.

Bosnia's Minister of Foreign Affairs Bisera Turkovic said that bringing those accused of war crimes before courts in Bosnia has failed in many instances as a vast number of them have fled to Serbia and Croatia, where they remain in hiding.

"Dual citizenships with those countries made it impossible for the [Bosnian] Prosecution Office to bring them back to Bosnia, since both countries refused to extradite their citizens for standing trials for crimes committed elsewhere," Turkovic said.

"Honouring and decorating potential war criminals sheds darkness onto the victims' quest and demands for justice," Turkovic added. "This insincerity of the Croatian president's intent to award the medal to someone who actively escapes justice continues to permeate the 'injustice framework' and shows no signs of weakening, which worsens our prospects for regional reconciliation."

No Justice for Elderly Serbs Executed in Croatian Villages (Balkan Transitional Justice) By Tamara Opacic
August 4, 2020

In the afternoon of September 28, 1995, almost two months after the end of a victorious operation by the Croatian police and military to liberate territory that had been held by rebel Serbs for four years, a group of armed men barged into the village of Varivode near Kistanje and killed nine elderly Serb civilians.

Jovo Beric (75), Jovan Beric (56), Radivoj Beric (69), Marija Beric (69), Milka Beric (71), Marko Beric (82), Spiro Beric (55), Dusan Dukic (58) and Mirko Pokrajac (84) were brutally executed, mostly with shots to the head, in their homes or yards.

There were no direct witnesses, but survivors and relatives of the victims claim that people in military uniforms came to the village in the days before the attack, and robbed and abused the remaining Serb residents who had not already left because of the police and military's Operation Storm, which began at the start of August 1995.

"Mother called me during that period and told me how armed men mistreated my father. He was in the end-stage of diabetes at the time so he was unable to get up to greet them. They were very aggressive because of that," said Jovan Beric, the son of Radivoj and Marija Beric, who had fled to Banja Luka in Bosnia in the early days of Operation Storm.

Croatian investigators buried the dead at the cemetery in the town of Knin. An external examination of their bodies was conducted, but no autopsy.

"The police called me two days after the murders. No one told my sisters, who at the time lived in Zagreb and Cakovec, what had happened. They did what they did without our knowledge," Beric said. "We managed to move their bodies to the family tomb after eight years of agony."

A week after the murders, Croatian military and civilian police launched an operation to find the perpetrators.

As a result, six Croatian Army soldiers were arrested. Four of them were also suspected of killing seven other elderly Serb civilians in a separate incident in the nearby village of Gosic. Milka Borak (80), Dusan Borak (56), Kosovka Borak (77), Grozdana Borak (70), Vasilj Borak (75), Marija Borak (81) and Sava Borak (70) had been executed one month earlier, on August 27, 1995.

From 1996 to 2002, the two cases went through the Croatian courts. Meanwhile, the murders in Varivode and Gosic were also listed in the indictment of Croatian generals Ante Gotovina, Mladen Markac and Ivan Cermak, filed in 2001 to the International Criminal Tribunal for the Former Yugoslavia, ICTY.

The Croatian courts established that there were numerous failures during the investigation of the killings of the elderly Serbs in both villages, and the ICTY's trial chamber concluded that some Croatian officials intentionally prevented the suspects from being probed.

This new investigation by BIRN makes it clear that to date, as the 25th anniversary of Operation Storm is celebrated in Croatia, the actual perpetrators have not been prosecuted, and that no one has been held accountable for the obstructions to the investigation which were documented in a special report by Croatia's Criminal Military Police Department in 2002.

BIRN found that document, classified as a military secret, in the ICTY case file of Gotovina, Markac and Cermak.

In the days after the Varivode murders, international media reported on the traces of blood that were found by United Nations

representatives in many villages that had previously been held by rebel Serb forces.

“The latest slayings [in Varivode] are the worst single act of killing since the Croat military authorities took control of the area,” Alun R. Roberts, then UN spokesman in Knin, told the New York Times.

At the beginning, the Croatian authorities claimed that the state was not responsible for these crimes, but that they had been committed by armed civilians dressed in military uniforms.

But after criticism from the European Union and the United States, Croatia’s Interior Minister Ivan Jarnjak and his deputy Marijan Benko declared on October 18, 1995, that the perpetrators had been apprehended and transferred to the investigative centre at Zadar County Court.

In February 1996, the County State Attorney’s Office in Zadar filed charges against the Croatian soldiers. Nikola Rasic, Ivan Jakovljevic, Zlatko Ladovic and Nedjeljko Mijic were indicted for aggravated murder motivated by greed in Varivode.

Together with Pero Perkovic and Ivica Petric, Rasic and Ladovic were also indicted for the same crime in Gosic. According to the ballistics findings, the two cases were connected by shell casings fired from the same weapon, and the crimes were tried together as the Varivode-Gosic case.

On the eve of the indictment, Zadar’s District Public Prosecutor Ivan Galovic told local newspaper Narodni list that the six had committed the murders on their own, mostly after robberies.

They are “persons who had previously shown forms of behavioural disorders and some of them had been convicted before”, Galovic claimed. “That is why I can already say that, based on what is known, this is not about ‘killing Serbs’, but about killing in the context of organised robbery.”

Most of the accused denied involvement in the crimes from the start. At the same time, Ladovic and Mijic admitted to the investigating judge that they had been in the villages on the dates of the crimes.

However, at the trial at Zadar County Court, they claimed that these confessions were the result of police brutality.

They and the other defendants testified that police officers blackmailed them, read them the alleged confessions of others, and forced them to tell the investigating judge a false account of what happened at the murder scene.

Some of them complained that the police punched them and beat them with batons, threatened them to kill them and falsify the dates of their demobilisation from the Croatian Army so it appeared that they were not soldiers at the time of the crime.

BIRN contacted the Interior Ministry and the Police Directorate twice by email to ask for a comment on these allegations, but neither responded.

During the trial, none of the witnesses who were in Varivode and Gosic in the days before or on the dates of the murders recognised the accused.

It was also established that the killings were not committed with rifles taken from the accused.

“Regardless that the court established that the same group of defendants was wont to go to the liberated areas, wont to steal in those areas and take away abandoned property... it has not been established whatever these defendants were at the murder sites at the relevant times or how or why would any of them kill any of the injured parties,” judge Milan Petricic concluded. He acquitted all six of the crimes in Varivode and Gosic.

Under the same verdict, Petric was sentenced to six years in prison for the murder of civilian Djurdj Canak in mid-August 1995 in village Zrmanja, where his unit was involved in mop-up duties of possible remaining enemy groups.

Nikola Rasic was convicted of attempted robbery and the attempted murder of Jeka Tanjga in Ocestovo in the Knin municipality, on August 20, 1995, and sentenced to a year in prison.

Three years later, in May 1999, the Supreme Court accepted an appeal from the County Prosecutor’s Office in Zadar, quashed the acquittal part of the verdict and sent the Varivode-Gosic case for retrial.

Due to the territorial reorganisation of Croatia, the case then came under the jurisdiction of the County Court in Sibenik. But on February, 7, 2002, before the end of the trial, Sibenik County State’s Attorney Zeljko Zganjer dropped the indictment.

“I studied the material that I found in the file and based on, in my opinion, a comprehensive and critical analysis of the case, concluded that there was not enough serious and relevant evidence that could convict the accused,” said Zganjer, who is now a

Zagreb-based lawyer.

In cooperation with the Criminal Military Police Department, Zganjer then began a new investigation and found out that in October 1995, Zadar State Attorney's Office also had expressed suspicion that Goran Vunic, one of the platoon commanders of the Reconnaissance Unit of the 113th Croatian Army Brigade, was involved in the killings.

Vunic was suspected of being in the two villages at the time of the murders, and of killing civilian Gojko Lezaic together with two other unknown people in Gosic a few days after Operation Storm – but he was not arrested, nor was his apartment searched.

However, Zganjer said: "As far as I remember, I didn't find a clue in the case file that I received earlier from Zadar that would indicate that Vunic was a possible perpetrator."

Zganjer then received a special report from the Criminal Military Police Department on June 27, 2002. Several documents were attached: a letter from the Zadar County State's Attorney's Office asking on October 23, 1995 for the police to interview Vunic and check what weapons he possessed, an order from the Split Military Court on October 25, 1995 to search Vunic's apartment, and an official note from Damir Simic, a criminal military police investigator and Senior-Lieutenant of the 72nd Military Police battalion from Sibenik.

In Simic's note, he said that, the Commander of the Sibenik Criminal Military Police 4th Company, Captain Nenad Mrkota, had ordered him to halt the investigation of Vunic.

Simic testified at the ICTY in 2008 that Mrkota never ordered him to continue the investigation into Vunic.

Simic claimed that until he left the Sibenik Military Police in 1998, no one ever had asked him why he hadn't executed the warrant to interview Vunic and search his apartment. He also testified that he informed his superior Boris Milas, who was the head of the Crime Prevention Service of the 72nd Military Police Battalion.

But Milas told the ICTY that they did not know anything about this, as did the wartime chief of the Military Police administration, Mate Lausic, and then the Zadar District Public Prosecutor, Ivan Galovic.

Marija Rukavina, who was Galovic's deputy at the time, who signed a letter on October 23, 1995, asking the police to conduct an interview with Vunic and check what weapons he possessed, declined to talk to BIRN, explaining that she is now retired.

In the Criminal Military Police Department's special report from 2002, it is also said that there was a suspicion that Nenad Mrkota, who is now a civilian, influenced or personally acted in order to destroy or conceal evidence related to the criminal offences committed in Gosic and Varivode.

"Furthermore, according to the information collected, Nenad Mrkota and other persons, together with Bozo Bacelic [also one of the platoon commanders of the Reconnaissance Unit of the 113th Brigade] are exerting pressure on the witnesses in the criminal proceedings over the crime committed in Prokljan and crimes committed in Gosic and Varivode that are suspected to have been committed by Bacelic and Vunic," it said.

The same document, signed by major Ante Glavan, confirms that nine automatic rifles of the same calibre as the ones with which the murders were committed were found in warehouses used by the 113th Croatian Army Brigade.

Zganjer said that the weapons were analysed later, "As far as I can remember, Vunic and Bacelic were not interrogated during my mandate," he said. "I can't remember if there were any actions toward Nenad Mrkota either, but it's possible that something happened after I left the State Attorney's Office."

BIRN asked the Sibenik Attorney's Office if an investigation had been carried out in the meantime and any charges filed against Vunic, Mrkota and Bacelic or others.

"The Attorney's Office, in cooperation with civilian and military police officers, is conducting investigations to identify the perpetrators. Since the investigations are secret, we cannot answer your questions related to the Varivode-Gosic case," it responded by email.

In a telephone interview with BIRN, Goran Vunic said that he doesn't know anything about the killings. He didn't want to talk about the details of the case.

"I was interviewed by the Attorney's Office a couple of years ago. No charges have ever been filed against me," said Vunic.

"I don't know if anyone prevented any investigation. I have nothing more to say about it. I am long over it." He did not want to answer a question about whether he knows Mrkota personally.

Mrkota, who was awarded the Medal of the Homeland's Gratitude for Honourable and Exemplary Service for his actions in the war and a medal called the Order of the Nikola Subic Zrinski for wartime heroism by President Franjo Tudjman in 1996, did not respond to BIRN's calls and messages.

His lawyer Zeljko Ostojica said that Mrkota speaks to journalists exclusively via him.

"As regards all the evidence that you have presented to me, we believe that it is exclusively verbal evidence that was produced for the purposes of internal disputes within the police force. There have been such cases before," Ostojica said. "Mrkota never obstructed any investigation. He always approached his job extremely professionally."

"As far as I know, Mrkota has not been questioned about this at the State Attorney's Office. It is possible that he was at some kind of interview a long time ago, but for the last ten years he has certainly not," he said.

"There is no information about an investigation being launched or an indictment being filed against him," he added.

BIRN was not able to get in touch with Bozo Bacelic, one of the only two men convicted by Croatian courts of war crimes against Serb civilians during and after Operation Storm.

In 2014, Bacelic was sentenced to seven years in prison for the murder of Nikola Damjanic (83) and his wife Milica (74) in the village of Prokljan on August 11, 1995.

Bacelic, who at the end of 1995 was given a medal called the Order of the Croatian Trefoil by Tudjman for excellence in wartime, was also convicted under the same verdict of the murder of Vuk Mandic, a member of the army of the rebel Serbs' self-proclaimed Republic of Serbian Krajina. According to the verdict, Bacelic drove the Serb soldier to an abandoned house in the Varivode area and killed him there.

During the trial, Bacelic claimed that since the end of the war, the criminal police and prosecution had been trying to "construct various stories about the murders of various people... in which I did not participate or know anything about".

One of the witnesses to the war crime in Prokljan was Goran Vunic. He testified that upon arriving that day in a village near Skradin, where his unit was involved in mop-up duties of possible remaining enemy groups, he heard gunshots and saw "two elderly people burning" in a yard. He also confirmed that he saw Bacelic nearby.

Bacelic was released from prison in September 2016. As shown in photos and video posted on Bacelic's Facebook page, another convicted war criminal, Dario Kordic, a former military commander in the self-proclaimed Croatian Republic of Herzeg-Bosnia wartime statelet, was among those who gathered to celebrate his release.

Boris Milosevic, the former president of the Serbian National Council, which represents the interests of Croatia's Serb minority and organises a commemoration for the victims every year on the anniversary of the Varivode murders, noted that Varivode was one of the cases that Croatia reported to the European Commission during its EU accession negotiations to try to prove it was acting effectively to prosecute war crimes.

Milosevic said that although the State Attorney's Office has described the case as a national priority for years, justice has not been done because there no one has been convicted.

"The only conclusion that emerges is that there was no will, from the top to the lowest levels of the entire state apparatus, to shed light on the case and punish the offenders, but on the contrary, to keep the truth hidden," Milosevic, who was recently appointed as a deputy prime minister in Croatia's new government, told BIRN.

"If we haven't got the truth and justice in a case like this, then we can't expect it in others in which Serb victims were killed after [Operation] Storm. And that is harsh to know today," he said.

Jovan Beric, whose elderly parents were among those killed in Varivode 25 years ago, now lives on a modest pension and from the proceeds of making honey.

After years of legal action and the 2012 Supreme Court ruling that the Croatian state was responsible for killings of the civilians in Varivode, he and his sisters only managed to get compensation for the deaths of their parents two weeks ago.

"I don't believe that the police and the judiciary don't have the ability to find the perpetrators," he said. "Whether they are actually willing to do it, and how much politics has an influence on this, is another matter."

Croatian President awarded Mijo Jelic, indicted for War Crimes in Bosnia and Herzegovina (Sarajevo Times)

August 5, 2020

On Tuesday evening, Croatian President Zoran Milanovic hosted a reception for war commanders at the Knin Fortress and retired generals and four Croatian Defense Council Guards Brigades, Vijesti.ba news portal reports.

Among the awarded was Zlatan Mijo Jelic, who was indicted by the Prosecutor's Office of Bosnia and Herzegovina in 2015 for war crimes that are part of a joint criminal enterprise for which the Hague Tribunal handed down final verdicts against Prlic and others.

Zlatan Mijo Jelic, abusing his dual citizenship, fled BiH. This information provoked numerous negative reactions in Bosnia and Herzegovina and will probably further complicate our country's relations with Croatia.

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Turkey

State Department remains concerned by Turkey's proxy fighters in northern Syria (AI-Monitor) By

Elizabeth Hagedorn

August 5, 2020

The State Department remains concerned by credible reports of human rights abuses committed by Turkish-backed fighters in parts of northeast Syria seized during military operations against US-allied Kurdish fighters, according to a new inspector general's report.'

The State Department has received reports of "arbitrary detentions, extrajudicial killings, seizure of and resettlement of new populations in private properties, the repeated and deliberate shutting off of water access to half a million civilians, and transfer of arbitrarily-detained Syrians across an international border into Turkey," according to the Lead Inspector General report on Operation Inherent Resolve, the operational name for the US fight against the Islamic State in Iraq and Syria. The report released Tuesday covers the period of April 1 to June 30.

"We have reiterated our expectation that Turkey, and the Syrian opposition, investigate alleged violations and abuses and promote accountability where appropriate," the State Department said.

The State Department told investigators it had no evidence that the Syrian Interim Government, a political body that operates in Turkish-controlled areas of northern Syria, "has consistently arrested, prosecuted, or otherwise held accountable any [Turkish-supported opposition group] members implicated in human rights abuses or violations of the law of armed conflict."

Turkey's military campaign against Kurdish fighters launched in October, which followed President Donald Trump's surprise decision to pull troops out of northeast Syria, garnered widespread criticism over the myriad rights abuses reportedly committed by the Syrian proxy fighters Ankara deployed to carry out its ground offensive.

The Turkey-supported Syrian National Army, which consists of both moderate Syrian rebels who once fought the regime and more extreme factions, was implicated in a series of disturbing videos documenting torture and extrajudicial killings. The roadside execution of prominent female Kurdish politician Hevrin Khalaf, which was blamed on the hard-line Ahrar al-Sharqiya faction, prompted widespread condemnation. The Syrian National Army condemned the killing of Khalaf and eight other civilians and said it would investigate.

The new report noted that the United States has not sanctioned any of the Turkey-allied groups for abuses. If certain criteria are met, the Trump administration has the authority to do so under the executive order used in October to briefly sanction Turkey over its incursion.

The situation in Afrin, a multi-ethnic city embroiled in violence since Turkey and allied rebels seized control in March 2018, is of particular concern to the State Department. Rights organizations accuse rebels in Afrin of abducting hundreds of women and girls, at least 150 of whom have been identified. Yazda, a group advocating for the long-persecuted religious Yazidi minority, says nearly 80% of the Yazidi religious sites in Syria have been looted by, desecrated, or destroyed by the fighters, including 18 sites in Afrin.

With no presence on the ground, the State Department said it could not confirm the reports but said "many appear to be

credible.”

US expresses concern over Turkey-backed fighters in Syria (Middle East Eye)

August 6, 2020

According to the Lead Inspector General's report on Operation Inherent Resolve, the operational name for the US fight against the Islamic State (IS) group, the State Department said it had received reports that Turkish-backed forces implemented arbitrary detentions and carried out extrajudicial killings in the Kurdish-majority region after Ankara's incursion in October.

Some of those arbitrarily detained had reportedly been moved "across an international border into Turkey", which analysts say would be a violation of international humanitarian law.

Turkish-backed forces have also taken private land and settled new populations on the seized areas, according to the report. It also accused the fighters of repeatedly and deliberately shutting off of water access to half a million civilians.

"We have reiterated our expectation that Turkey, and the Syrian opposition, investigate alleged violations and abuses and promote accountability where appropriate," the State Department said.

The State Department told investigators that the Syrian Interim Government, a political body that operates in Turkish-controlled areas of Northern Syria had not "consistently arrested, prosecuted, or otherwise held accountable any members implicated in human rights abuses or violations of the law of armed conflict".

'No sanctions' Turkey entered northeast Syria, which had been controlled by Kurdish fighters allied to the US, last year, after US President Donald Trump abruptly withdrew American forces in a surprise decision that drew widespread criticism.

To the international community, the US withdrawal appeared to give the green light for Turkey's military offensive in the region, but eight days after the announcement, Washington imposed sanctions on a series of Turkish officials and government agencies over the incursion.

The sanctions were levied just days after pro-Ankara fighters reportedly "executed" at least nine civilians, including Hevrin Khalaf, a female Kurdish party official who was "taken out of her car during a Turkish-backed attack and executed by Turkish-backed mercenary factions", according to the political arm of the Kurdish-led Syrian Democratic Forces (SDF).

At the time, the Turkish-backed Syrian National Army condemned the killings and said it would investigate.

While many of the alleged offences detailed in the report were sanctionable actions, the State Department noted the US had not sanctioned any of the Turkey-allied groups for abuses.

"The United States has not sanctioned any [Turkish-supported opposition groups] in response, although the Executive Order on Syria-related Sanctions provides authority to do so if certain criteria are met," the report said.

Lack of action Washington's lack of action directly contradicts threats made back in October by Trump, who at the time said the US was prepared to "swiftly destroy" Turkey's economy if it continued its offensive in Syria.

The State Department said it was specifically concerned over "reports of human rights abuses in Afrin", including desecration of several Yazidi shrines, kidnapping for ransom of Yazidi and Kurdish women, and looting and vandalizing of homes and archaeological sites.

The department told the Inspector General's office that it was unable to confirm such reports because it does not have "a presence on the ground", but added that many of the allegations "appear to be credible".

At least 150 of the missing women from Afrin have been identified by the Missing Afrin Women Project.

Yazda, a group advocating for the long-persecuted religious Yazidi minority, says nearly 80 percent of the Yazidi religious sites in Syria have been looted, desecrated or destroyed, including 18 sites in Afrin.

Turkish drone attack injures civilian in Syria (Ahval News)

August 8, 2020

A Turkish drone strike injured a civilian in the northern Syrian city of Qamishli, Kurdistan 24 reported on Friday.

The drone strike hit a fuel company in the Allaya neighbourhood, injuring a man who was transferred to a hospital for treatment and causing property damage, Kurdistan 24 cited an unnamed local security forces commander as saying.

“We in the Internal Security Forces for northeast Syria renew our call to the International Coalition and the Federal State of Russia, as they are the guarantors of the ceasefire, and to undertake their obligation, against repeated crimes committed with the aim to spread chaos and panic among the people,” the commander said.

After Turkey intervened in northeastern Syria in October 2019, Russia and the United States reached separate ceasefire deals with Ankara that allowed Turkish troops to control the areas between Tel Abyad and Ras al Ayn close to the border.

Ilham Ahmed, President of the Executive Committee of the Syrian Democratic Council (SDC), said in a tweet on Friday that the drone strikes show that Turkey is not committed to the agreements.

“Turkey continues to penetrate the airspace of north and east Syria, targeting activists in the area. It seems that Turkey is using drones as an alternative to attacks. This is how it gains international silence and kills whoever it wants,” she wrote. “This is a dangerous act and a violation of the (ceasefire) agreements with the Russians and the Americans.”

Kurdistan 24 said there has been a marked increase in Turkish drone attacks over the last few months.

In late June, three Kurdish women’s rights activists were killed in an alleged Turkish drone strike in the city of Kobani.

On July 16, the Kurdish-led authorities also blamed Turkey for targeting an outpost manned by Russian forces using a drone in the border town of Derbisiyah.

Four days later, another drone attack reportedly injured two people in Qamishli.

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Yemen

The War Within Wars: The Humanitarian Situation in Yemen (The Law Review Anthology) By Yashi

Bajpai

August 8, 2020

History of the Conflict – the Civil War

The civil war in Yemen traces back to 2014 when the Houthi movement, which champions Yemen's Zaidi Shia Muslim minority, captured Sanaa, with demands of lower fuel prices and a change of government. Eventually, after failed peace talks, the Houthi insurgents took possession of the Presidential palace in January 2015, ousting Abdrabbuh Mansour Hadi, who was later forced to flee the country. Subsequently, in March 2015, a coalition of Sunni Arab states led by Saudi Arabia launched airstrikes targeting Houthis with the aim of restoring legitimate government headed by Mr. Hadi, who also had the support of the UN, evident by the UNSC Resolution 2216.

Saleh was forced to abdicate his President seat to his deputy Mansour Hadi in 2011. In 2016, his forces, along with the Houthis, announced the formation of the "Political Council". However, in December 2017, Saleh split up from the Houthis, and he was soon killed in an operation by them.

In July 2019, the UAE declared that it would be withdrawing its forces from Yemen after facing backlash from the international community, which led to clashes between the Saudi backed forces and a southern separatist movement, called the Southern Transitional Council (STC), backed by the UAE.

While the UN was optimistic that a conciliatory agreement was a positive indication towards the end of the civil war, in January 2020, to its absolute dismay, the hostilities escalated between the Houthis and the Saudi-Emirati coalition forces culminating into fights, missile launches and airstrikes.

The STC in April 2020, flouted the peace accord called the "Riyadh Agreement", entered into with the internationally recognised government, by declaring self-rule over Aden, the interim seat of the Yemeni government. Later in April, when Saudi Arabia initiated a unilateral ceasefire due to the outbreak of COVID-19, Houthis disregarded it, declaring that they would not cease until the air and sea blockades were lifted in Sanaa and Hudaydah. However, in a recent development in June, pro- Hadi coalition and southern separatist forces have agreed to a ceasefire and will begin talks on implementing the Riyadh Agreement again.

The Heavy Humanitarian Cost of the Conflict

While the conflict continues, the toll it has taken on the lives of the Yemenis is disastrous. If the UN numbers are to be taken into consideration, then more than a hundred thousand people have died since the beginning of the war in 2015. Twenty-four million Yemenis are in dire need of assistance, the numbers of people who have been displaced are around 4 million, and the nation is also suffering from the cholera outbreak which has affected over one million people. According to the UN[AD1], the internally displaced people, returnees, refugees and asylum seekers are distraught and in desperate need of regular humanitarian aid for a living. Moreover, the recent floods have affected over one lakh people, and the risk of malaria and dengue infections has significantly increased.

Paucity of Funds

Another prevalent issue clouding the citizenry is the lack of funds. UNHCR claims, \$89.4 million is acutely needed to assist internally displaced families, refugees, asylum seekers. However, many of the agencies, including a significant donor, US Agency for International Development, slashed their funding even before COVID-19 emerged. They raised issues of the Houthis hindering and diverting the aid distribution, which although the Houthi insurgents dismissed as baseless claims, the report of the United Nations High Commissioner for Human Rights, 2019 suggested that they were actively impeding the transportation of food, water, medicine, diesel to the localities. Furthermore, The World Food Programme announced in mid-April that it was cutting the food aid provided to the Houthi controlled areas by half. The harrowing part being that these cuts occurred at a time when at least 10 million lives were facing the wrath of the famine, and more than 1 million pregnant women are said to be acutely malnourished.

Analysing the International Humanitarian Law Violations and Crimes

According to the final report presented by the Panel of Experts on Yemen to the UNSC, civilian infrastructure has been significantly destroyed due to the bombings, and the panel found no evidence whatsoever regarding any actions taken by any side to mitigate the devastating impacts of the attacks. The report also declared that all the factions involved in this conflict have flagrantly violated human rights and international humanitarian law.

Conflict Classification and Applicable Laws/Conventions/Protocols

The situation in Yemen has been characterised as a non-international armed conflict by the ICJ. Common Article 3 to the Geneva Conventions refers to it as a 'conflict not of an international character', but does not provide a full-fledged definition. The International Criminal Tribunal for the Former Yugoslavia stated that a non-international armed conflict exists when there is "protracted armed violence between government authorities and organised armed groups or between such groups within a state." There are two crucial prerequisites for constituting this; (1) There is an intensive hostility between the two parties and; (2) The non-state party possess organised arm forces. For this conflict to be converted into an international armed conflict, it must be proved that the non-state actor is entirely controlled by a third party outside the non-state. Unless it can be proved in totality that the Houthis are being controlled by Iran, which the Emirati coalition claims vociferously, this conflict cannot be termed as an international armed conflict yet.

Yemen and all Saudi Arabia-led coalition states are parties to the primary International Humanitarian Law (IHL) treaties including, the Geneva Conventions, 1949 (GCs) and Additional Protocol II, 1977 (AP II), both of which specifically apply to non-international armed conflicts. Additionally, the Houthis fulfil the 'territorial control' requirement set under Article 1(1), AP II, i.e. acting under a responsible command and controlling a sufficient portion of territory that enables them to "carry out sustained and concerted military operations and to implement the Protocol." Together with treaty law, customary IHL also applies.

Article 14 of the AP II prohibits the parties from employing starvation as a military tactic or prohibits attacking, destroying any of the objects indispensable for human life such as foodstuffs, water system by characterising them as war crimes and crimes against humanity. Under customary international law, it is the duty of the parties to allow for the passage of humanitarian aid unhindered.

States such as the UAE and Saudi Arabia are not a party to some significant human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR). However, the human rights protections afforded by the ICCPR, for example, the prohibition of arbitrary deprivation of life, falls under the ambit of customary international law, and therefore, is binding on all states. Besides, these States are party to the Convention on the Rights of the Child, which recognises the right to life under Article 6 and reaffirms IHL protections under Article 38.

Conduct of Hostilities in Yemen

Since the Saudi-Emirati coalition militarily intervened in Yemen, it has been accused of committing indiscriminate attacks against civilians and also wreaking havoc on civilian objects such as residential houses, medical facilities, local markets and food storage sites. All the three factions have indulged in committing arbitrary arrests, detentions, ill-treatment, sexual violence and torture of civilians aligning with their political and economic motives. Additionally, they have enforced disappearances of captured individuals, mainly civilians and suspect affiliates of Al-Qaida in the Arabian Peninsula and the Islamic State. The parties have also been accused of using heavy explosive weapons in densely populated areas, causing numerous casualties. Aerial and naval blockades imposed by the Emirati coalition have caused many disruptions to the food supply.

Eminent international and regional experts on Yemen have identified members directly responsible for various crimes and urged for them to be investigated and prosecuted. Despite many obstacles, the experts managed to collect a wide array of evidence alleging violations and crimes. They have reasonable grounds to believe that the Houthi-Saleh fighters violated the obligation to respect and protect medical personnel and facilities at all times and in all circumstances, as well as the obligation to respect and protect the wounded and sick leading to violations of international humanitarian law.

Due to the non-existence of the principles of the Rule of Law and inefficient administration, Yemen has become a susceptible ground for exploitative entrepreneurs, who also head many public institutions. With the absence of transparency and accountability, the national wealth and external aid are increasingly being wrongfully diverted or lost due to the corruption that is highly prevalent within the Government of Yemen and the Houthis. One of the primary reasons that the Houthis remain unified is due to their suppression of opposition within Houthi-controlled areas.

The Convulsing Situation of Proxy Wars

On the one hand, it is a known fact that the pro-Hadi coalition, which is the Saudi-Emirati coalition received some vital intelligence and logistical help from the US. However, the UK and France, are also indulging in proxy wars, aiding the Emirati coalition by supplying weapons. In 2016, a Saudi spokesperson admitted that at least some of the coalition's cluster bombs were manufactured in the United Kingdom. In 2019, many humanitarian groups including, the Christian Action for the Abolition of Torture (ACAT), Potere al Popolo (PaP) (Power to the People) and the CGIL (Italian General Confederation of Labor) blocked Saudi Arabia's cargo ship Bahri-Yanbu from collecting weapons at the French Port of Le Havre, citing it to be a violation of the UN Arms Trade Treaty. Italian union workers then refused to load electricity generators on the ship and prevented it from docking, reasoning that the weapons on board would be used against civilians. Despite these hurdles, the ship docked. Arms from the U.S, UK, China, France, and others have been supplying weapons to the Saudi coalition, which it

reportedly uses to injure, maim and kill citizens.

The Crushing Burden of Coronavirus Pandemic

What makes this humanitarian crisis even more devastating is the fact that while COVID-19 has affected almost every part of the world, having brought nations to a halt, with over seven lakh casualties already, Yemen is no exception to it. The official nationwide toll is over 1,796 cases and 512 dead, but those figures are an enormous undercount in this war-torn country. Dr Eshraq Al Subaei, who is the spokeswoman for the National Committee combatting COVID-19 claims that the Houthis are actively concealing the COVID-19 numbers. They are also threatening officials from divulging any information. The cases are in hundreds, with meagre testing rates. The health infrastructure is in shambles and on the brink of collapse. Half of the country's medical facilities are either closed or only partially functioning due to neglect, damage from the war or lack of basic infrastructure such as running water and electricity. In Taiz, Yemen's third-largest city, all the hospitals combined possess four ventilators. Nationwide, Yemen has a few hundred ventilators to serve a population of 30 million and the widespread hunger and disease has only weakened the population, thereby, making them more vulnerable to the coronavirus disease. Furthermore, social distancing is not being maintained with shops and malls being open. Recently, the UN had warned that deaths resulting from COVID-19 could surpass the number of casualties from the last 5 years of war. UNICEF, in June appealed for \$50 million funds to adequately respond to the COVID-19 situation in the nation.

Conclusion: An Uncertain Future

UN had described the situation in Yemen even before COVID-19 as "the worst humanitarian crisis in the world" with almost 80% of Yemen's population or 24 million needing some form of assistance.

Over 17 million Yemenis are in dire need of food assistance. Yemen imports 90% of its food supplies, and hence, the eyes are on Hudayda, the nation's biggest port, through which most of the food supplies enter into the country. The Saudi-led coalition's bombings have had a devastating effect on the facilities, disabling the cranes which unload cargo, subsequently leading to a sharp rise in the levels of hunger and directly responsible for millions plunging into poverty.

UN Secretary-General António Guterres declared that as of now, every 4 in 5 persons in Yemen need aid to survive through this catastrophe. Focusing on the cultural aspect, this is another one of many Shia-Sunni rivalries which have unfortunately led to the widening of the gap between both the religious communities.

Additionally, it is worrisome that the IS-affiliated outfits and the Al-Qaeda groups might grab opportunity amidst the growing tensions between the main factions and instability in the region to plant attacks benefitting their interests.

This is the worst and the most massive humanitarian crisis, and it is the weak citizenry who continues to pay hefty prices. The country is at the receiving end of not only the civilian war, cholera outbreak, floods, famines but also the COVID-19 pandemic which has engulfed the whole world right now. The scarcity of funds has exacerbated the poor living conditions of a country that was impoverished even before the war broke out. The situation is convulsing, dangerous and is spiralling out of control. The countries globally should recognise the situation and the UN should take a more serious note of this and partake actively to de-escalate the tensions by holding talks, achieving a political settlement to end the war and focus on a long-lasting solution for peace and forcing accountability on the parties for human rights violations.

UN Justifies Saudi-led Crimes Without Mentioning Name of Criminal (Yemen Press)

August 9, 2020

The UN envoy to Yemen, Martin Griffiths, expressed his sadness over the horrific crimes committed by the Saudi-led Coalition in al-Jawf province.

Griffiths expressed his sorrow in a tweet after Thursday's Saudi-led massacre in the northern Yemeni province of al-Jawf, which left more than 27 dead and wounded.

Griffiths condemned the crime in Khab Wa al-Sha'af district, but he declined to mention name of the Saudi-UAE Coalition in the tweet. He justified the horrific crime against Yemeni civilians by emphasizing the need for an immediate ceasefire in Yemen and an immediate investigation.

Gross human rights violations, including what could amount to war crimes, are being committed by the Saudi-led Coalition throughout the country. By the end of 2019, it is estimated that over 233,000 Yemenis would have been killed as a result of war and the humanitarian crisis. Meanwhile, the Office of the UN High Commissioner for Human Rights has documented more than 20,000 civilians killed and injured by the fighting since March 2015. A man-made humanitarian crisis has spiralled with approximately 16 million people waking up hungry every day.

Twenty children killed in Yemen since UK resumed selling bombs to Saudi Arabia (The Ferret) By

Billy Briggs
August 11, 2020

Twenty children have been killed in Yemen since the UK government resumed arms sales to Saudi Arabia just over one month ago.

We reported in July that Liz Truss MP, secretary of state for international trade, announced that weaponry sales to Saudi Arabia would resume despite concerns over the potential for further atrocities in Yemen.

A coalition of Arab nations led by Saudi Arabia and United Arab Emirates has been accused of scores of war crimes in Yemen including airstrikes on schools, hospitals, weddings and offices. More than 20,000 civilians have been killed since March 2015.

The latest child deaths continue an escalation in violence this year, with civilian casualties trebling from May to June, according to the Yemen Data Project.

Amid concerns over the scale of civilian deaths, UK arms sales to Saudi Arabia were halted in June 2019 after the Court of Appeal ruled they were unlawful. Weapons sold to Saudi Arabia include Paveway IV bombs made in Fife by a US arms firm called Raytheon.

The government agreed then to conduct a review but last month resumed selling bombs after saying that while some “credible incidents of concern” related to Saudi forces’ conduct the UK government viewed these as “isolated incidents”.

Critics condemned that decision as “disgraceful and morally bankrupt”. They have now reacted angrily to reports that 20 children died in air strikes by the Saudi-led coalition in the month since Truss announced UK arms deals would restart.

It was reported on 16 July that at least 12 people, including four women and five children, were killed in the city of Al-Hazm, about 70 miles northeast of the capital Sanaa.

This followed an air strike on 12 July when seven children and two women were reportedly killed in an air raid in the northwest province of Hajjah, according to the United Nations Office for the Coordination of Humanitarian Affairs.

On the 6 August, Belqis Channel reported that 15 civilians were killed in a coalition raid in the Khub and Al Shagaf district in Al-Jawf governorate. The raid targeted a residential community of the Maatara tribe in the Khashm Harb region, which led to the death and injury of fifteen civilians, including eight children.

This attack meant that 20 children have been killed since Truss spoke at Westminster on 7 July.

Andrew Smith, of Campaign Against Arms Trade (CAAT) described the child death toll as “appalling”. He said it exposes the “callous disregard that the Saudi Arabian regime shows for the rights and lives of people in Yemen”.

“The longer the war continues the more people will be killed. The reality is that this brutal bombardment is only possible because of the complicity and support of arms dealing governments like the UK,” Smith added.

“When the government resumed arms sales to Saudi Arabia it claimed that there was no risk of those weapons being used in violation of international humanitarian law. Yet the bombardment, and the scale of the crisis are getting even worse. Liz Truss and her colleagues know this, but that hasn’t been enough to stop them from prioritising arms company profits.”

Lawyers representing CAAT wrote to the UK government last week seeking urgent answers on its decision to resume arms sales to Saudi Arabia. CAAT is considering further legal action, having taken the UK government to court previously over its arms sales to the Saudis.

Scottish Green MSP Ross Greer said: “Amid food shortages and a complete breakdown of the economy in Yemen, children are being massacred and war crimes have undoubtedly been committed by both sides.

“Despite this, the UK Government’s desperation to cash in and support one of their favourite regimes has meant no halt to arms sales to the Saudis, even when Tory ministers acknowledge that war crimes may indeed have been committed.

Greer also criticised the Scottish Government for giving grants to Raytheon through its business agency, Scottish Enterprise. He said: “We know some of the weapons sold to Saudi Arabia are made in Scotland.

“The UK Government may be utterly complicit in these atrocities but the Scottish Government can’t pretend their hands are clean either.”

The Scottish Government has repeatedly said it does not provide funding for the manufacture of munitions either directly or via Scottish Enterprise, and that arms exports are the responsibility of the UK Government.

A UK Government spokesperson said: “The government takes its export responsibilities seriously and assesses all export licences in accordance with strict licensing criteria. We will not issue any export licences where to do so would be inconsistent with these criteria.”

Six days after Truss said UK arms sales to the Saudis would resume it emerged that the Ministry of Defence had logged more than 500 Saudi air raids in possible breach of international law in Yemen.

Following a written question from the Labour MP Zarah Sultana, the defence minister, James Heappey, replied: “As at 4 July, the number of alleged instances of breaches or violations of International Humanitarian Law (IHL) in Yemen listed on the ‘Tracker’ database maintained by the Ministry of Defence (MOD) is 535.”

All parties to Yemen’s war have committed war crimes, according to the UN, which said the US, Britain, France and Iran could be complicit in abuses by providing intelligence and logistics support, and by making arms transfers that were of “questionable legitimacy”.

In the first six months of 2020, there was a 139 per cent increase in bombing rates by the Saudi and Emirati-led coalition, compared to the last six months of 2019, according to Yemen Data Project.

The escalation in violence in recent weeks came after the UN Secretary-General failed to list the Saudi and Emirati-led coalition in their Annual Report on Children and Armed Conflict, for all the grave violations the coalition committed against children in Yemen in 2019.

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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

British complicity in Israeli war crimes is being highlighted by pro-Palestine activism (Middle East Monitor) By Yvonne Ridley

August 1, 2020

A direct action group in support of Palestine burst onto the scene in London this week by storming an Israeli arms company in the heart of the English capital to highlight Britain’s complicity in war crimes against the Palestinians. Four members of Palestine Action took part in the audacious daylight strike on Number 77 Kingsway, in Holborn, where Elbit Systems has its British HQ.

Elbit is Israel’s biggest private arms company. It has ten bases across Britain, including four arms factories which produce parts for drones used in Israel’s brutal occupation of Palestine.

The activists from Palestine Action also wanted to highlight the British government’s direct involvement in licensing arms

deals worth around £376 million since 2015. The group was thwarted by security guards in their bid to reach the fifth floor where Elbit's HQ is located, but staff returning to work on Friday morning found graffiti and paint splattered outside the entrance.

One elderly activist who breached the building's security complained to journalists that she had been "ripped out of the lift and pushed against a glass door" by the guards. "We are going to take action and escalate until all complicity with Israeli apartheid ends," she insisted. "The British government has been complicit in the colonisation of Palestine for over 100 years."

Elbit has been targeted for direct action several times by groups around Britain after its boasts at arms fairs that its weapons are battle-tested in Gaza which has a largely civilian population. Thousands of innocent Palestinian men, women and children have been killed in Israel's military offensives.

In its tweets about that daring raid on Thursday, Palestine Action describes itself as a nationwide network of groups and activists "promoting civil disobedience against companies and institutions that Israel uses to violently enforce apartheid, occupation and colonisation on the people of Palestine."

According to Corporate Watch, Elbit supplied 85 per cent of Israel's military drones deployed in the 2014 onslaught against Palestinian civilians in Gaza. It was one such drone that was used to kill four Palestinian children on a beach during the seven-week offensive, which claimed the lives of 1,462 civilians.

Elbit has incurred the wrath of numerous pro-Palestinian and anti-war activists for more than a decade because its weapons have a direct impact on civilian populations. Factories in Kent and Oldham were shut down temporarily with high-profile occupations last year. At the same time that Palestine Action breached Elbit's outer security in central London, a large banner was unfurled in Manchester and "subvertising" posters were put up in nearby Oldham which pointed out that its weapons are, "Tested on Palestinians, used in Kashmir, Israel's weapons made in Oldham".

"Direct action and civil disobedience have been historically key components in anti-racism and other struggles," explained Palestine Action's Adie Mordech to the Morning Star. "We're asking people to do more to take action against the 72-year oppression of the Palestinian people."

He said that everyone needs to have a level of urgency that allows them to understand the carnage, the horror and trauma that these weapons are meting out on so many people. "We all need to say, 'If that was my child, if that was my family, if that was on my doorstep, I wouldn't allow it.' Well, the company is on our doorstep and we're not going to allow it."

Palestine Action points out that Gaza's skies are filled with unpiloted killer drones, controlled by soldiers who never see the lives they are destroying. "Israeli companies like Elbit Systems sell their weapons as 'battle tested' on a population in Gaza that is mostly children."

Other British companies targeted by pro-Palestinian groups include Uttoxeter-based JCB, which supplies heavy machinery used by Israel to demolish Palestinian homes and construct illegal colonial-settlements.

Pro-Palestine activists cite Israel's theft of yet more land in the occupied Jordan Valley and its well documented annexation plans for the West Bank as a reason to step up campaigns to increase political and public awareness. As well as Palestine Action, a new student initiative called Apartheid Off Campus sees students taking action to expose and end the complicity between British universities and Israeli apartheid. Both Palestine Action and Apartheid Off Campus say that they are non-hierarchical and are focused on getting concrete results as a matter of urgency.

Palestine Action is calling for everyone, especially those who "oppose racism and oppression", to join the struggle. "We will not rest until the Palestinian people get the rights and dignity we all deserve: for liberation from Israeli apartheid, occupation and colonialism. We call on all those who support justice and equality to join our movement, get active with us, and help to build a campaign capable of ending the UK's complicity in apartheid."

One of the greatest advocates of direct action was American civil rights activist Dr Martin Luther King, Jr. He said that such action sought to "create such a crisis and establish such creative tension that a community that has constantly refused to negotiate is forced to confront the issue."

Highlighting the British government's complicity in war crimes against the Palestinians through multi-million pound arms deals will certainly create the sort of tension described by Dr King. Guerrilla tactics in the heart of the British capital, close to parliament, could well do the trick.

Gaza might be thousands of miles away from Westminster, but thanks to Palestine Action and other groups British politicians might realise that remoteness from very dirty deeds is irrelevant when it comes to being complicit in war crimes. British citizens have a history of taking direct action and in doing so have achieved far more than politicians who appear to be blind to

the consequences of the immoral arms trade. Yet again, our leaders are hell-bent on being on the wrong side of history. They never seem to learn.

Israel demolishes 313 Palestinian homes in occupied territories in 1st half of 2020, report says (Daily Sabah)

August 7, 2020

Defying accusations of war crimes in the occupied territories, Israeli forces demolished 313 Palestinian homes in the occupied West Bank and East Jerusalem during the first half of this year, according to a report released on Friday by the Palestinian Colonization and Wall Resistance Commission.

The report stated that 64% of the demolitions took place in East Jerusalem, Nablus and Hebron.

Palestinians have long suffered from the ongoing risk of destruction by Israeli forces. In December 2019, Israel planned to demolish some 18,000 Palestinian homes in Jerusalem. Such actions have been called "war crimes" by the International Criminal Court (ICC), but it also ruins hope and means to an education. Israeli military forces last year razed a school in the Bedouin community in the West Bank city of Hebron, compromising the future for Palestinian children and youth.

Turning to the international community to help halt the Israeli demolition, Palestinians have argued that Tel Aviv uses the issue of security as an excuse to force them further from the city and to expand settlement projects in the occupied territories. The Palestinian Authority described the demolitions as part of the "deal of the century," a U.S. backchannel plan for peace that Palestinians decry as an attempt to liquidate their cause. Resistance group Hamas, for its part, described the Israeli annexation as a "crime of ethnic cleansing," in a statement released in July 2019.

The commission also recorded 419 attacks by Jewish settlers during the first half of this year that resulted in physical injuries to 78 Palestinians and caused damage to 1,100 dunums of land and the burning and uprooting of more than 3,000 trees. Palestinian farmers say they face intimidation and violence from nearby settlers and have pled for help from foreign and Israeli supporters, including Jewish rabbis, to protect them and their crops. Rights groups also charge that Palestinian crops have long been vandalized by settlers without any serious effort by the authorities to stop it.

Last month, a section of a mosque in the occupied West Bank was vandalized in a suspected "price tag" attack, revealing ongoing Israeli settler violence against Palestinians in the occupied territories. "Price tag" vandalism is a strategy used by extremist Jewish settlers to attack Palestinians and their property in retaliation for perceived threats to Israeli settlement expansion.

Islamic Jihad warns Israel against escalating aggression against Palestinians (PressTV)

August 9, 2020

The movement, in a statement released on Sunday, censured the repetition of attacks by Israeli military forces against Palestinians, stating that such heinous behavior projected its ugly image last Friday when Dalia Samoudi, 23, succumbed to her critical wounds sustained from Israeli gunfire during a raid into al-Jaberiyyat neighborhood of the northern occupied West Bank city of Jenin.

The Islamic Jihad said the mother of three was shot as she prepared to feed her baby daughter, and was hit by a bullet which penetrated through her body and left her dead a few hours later.

Indiscriminate Israeli gunfire continues to threaten the lives of Palestinians either at their homes or farmlands, the movement said, and Israeli troops tend to take cover behind barbed wire fencing to fire shots at Palestinians in the eastern flank of the Gaza Strip.

The Palestinian Ministry of Foreign Affairs and Expatriates announced on Saturday that it will take the cold-blooded murder of Samoudi to the International Criminal Court (ICC).

The ministry said in a statement that it was doing the necessary preparations to lodge the crime and its details to the ICC, calling on the international tribunal to open an official investigation into the matter.

"The international community is requested to break its silence and take urgent action to provide adequate protection for our people," the statement read.

The Palestinian Foreign Ministry held the Israeli regime, led by Prime Minister Benjamin Netanyahu, fully responsible for the heinous crime, underlining that such acts of aggression are being committed under the full support of US President Donald

Trump's administration.

The Director of the Palestinian Red Crescent Society (PRCS) Mahmoud al-Sa'adi said Israeli forces opened fire on the ambulance that was trying to reach Samoudi's house, with two bullets penetrating the vehicle, Wafa news agency reported.

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Gulf Region

IG report: Weapons sales to Saudi Arabia failed to assess civilian casualty risks (Washington Post) By Karen DeYoung

August 11, 2020

The State Department failed to implement its own policies to fully assess and mitigate the risk of civilian casualties when it declared a national security emergency authorizing the transfer of sophisticated U.S. weapons to Saudi Arabia last year, the department's inspector general has found.

The IG report, released Tuesday, also concluded that Secretary of State Mike Pompeo followed legal requirements in certifying the emergency over bipartisan congressional objections to the \$8 billion sale, which also included some armaments to the United Arab Emirates and Jordan.

That conclusion was emphasized in a prerelease briefing for reporters Monday by a senior State Department official. "The big takeaway" from the report, the official said, was "that the Secretary used these authorities in accordance with the law."

But much of the report focuses on human rights concerns that Congress raised in attempting to hold up the sales and requesting the IG investigation in the first place. The office of the inspector general declined to comment Tuesday.

A U.N. report issued in September 2019 said the United States may be complicit in potential war crimes in Yemen, where a Saudi-led coalition fighting Iran-backed rebels has been accused of intentionally starving Yemenis as a tactic of war and killing thousands of civilians in airstrikes carried out with U.S.-supplied precision-guided munitions. Human rights organizations have made similar charges.

At the time of the IG review, the report said, "coalition air strikes in Yemen continued to result in high rates of civilian casualties and damage to civilian sites."

Because the Arms Export Control Act does not define the word "emergency," the report said, the IG did not evaluate whether Pompeo's stated reason — aggression from Iran — constituted one. But in making the emergency declaration, it said, the State Department did not meet other requirements to "fully assess risks and implement mitigation measures to reduce civilian casualties and legal concerns associated with the transfer of" precision-guided munitions.

The Monday briefer, in response to a question, said the report included "a recommendation that State implement additional mitigation measures to reduce the risk of U.S. origin defense articles . . . contributing civilian harm, reducing the risk of civilian harm. So we agree with that, of course."

Pompeo, responding to the IG report on Wednesday, called its conclusions on casualty risks "totally unfounded." Speaking to reporters during a visit to the Czech Republic, he said, "We were very thoughtful about how we reviewed the risks. We did it right."

Details of the IG's findings and the department's response to the civilian casualty concerns were not part of the public release. They were instead part of a classified annex to the report, following a claim of "executive branch confidentiality interests, including executive privilege," according to a cover letter signed by acting inspector general Diana R. Shaw.

Some parts of the annex, provided to Congress, were "inappropriately redacted," House Foreign Affairs Committee Chairman Eliot L. Engel (D-N.Y.) said in a Tuesday letter to committee members. He said he would seek a reversal of the blackouts.

Parts of the publicly released report were also blacked out, including those related to the timing of Pompeo's emergency declaration. According to an unredacted copy obtained by The Washington Post, State Department staff first proposed the use of the emergency authority to bypass congressional restrictions on April 3, 2019, nearly two months before Pompeo, on May 24, told Congress that emergency action was required.

The following month, Assistant Secretary of State R. Clarke Cooper indicated to lawmakers that the unspecified emergency had arisen just days before Pompeo's declaration.

Other redactions deal with when the weapons were actually provided. According to blacked-out portions of the report, at the time of the IG review last fall only four of 22 arms transfers included in the emergency had been transferred. "Precision-guided munitions were among the first items delivered," one redaction said.

Delivery of 11 of the 22 was scheduled to begin before the end of 2019, and five "would not begin delivery until 2020 or later," according to redacted portions. In a letter to the inspector general, attached to the report, Cooper said that "the Certification itself was perhaps the most major 'deliverable,'" apparently as a reflection of administration support for the Saudis.

The report does not make entirely clear what happened to the other two "cases."

During a visit to Saudi Arabia in spring 2017, his first trip abroad, President Trump hailed what he said was Riyadh's agreement to purchase U.S. weapons worth \$110 billion. Although Trump has repeatedly resisted any attempt to limit the sales, total Saudi purchases have been far below that number.

While the administration is legally bound to notify Congress of any arms transfers, only a veto-proof majority vote of the House and Senate can stop them. Bipartisan majorities had repeatedly voiced concern over weapons sales to Saudi Arabia, both because of the Yemen situation and the Saudi killing of political opponent Jamal Khashoggi in October 2018. While majorities voted not to permit the emergency transfer, Trump vetoed the measure.

The report also noted that the department had "regularly" approved the shipment of components of weapons identical to some of those listed in the emergency without congressional notification, under a "threshold" exception provided in the arms export law.

Congressional ire over the sales rose last spring, when Trump, at Pompeo's request, fired Steve Linick, who had served as inspector general since 2013. Linick's successor as acting IG, Stephen Akard, resigned last week after only a few months and was replaced by Shaw, his deputy.

In focusing on the legality of Pompeo's emergency declaration and playing down what the report said about civilian casualties, Engel said the Monday briefer, whom he identified as Cooper, was trying to "pre-spin" the findings in "an attempt to distract and mislead."

The IG report noted that under the Trump administration's Conventional Arms Transfer Policy, issued in April 2018, "the United States seeks to reduce the risk that supplying U.S. defense articles and services to foreign allies and partners will harm civilians." Consistent with international law, it said, the policy "expressly prohibits the Department from approving arms transfers in cases where the United States has knowledge that the transferred arms will be used to commit attacks intentionally directed against civilians."

The policy, it said, is the same as that of the Obama administration, with the addition of the word "intentionally" for attacks directed at civilians.

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ASIA

Afghanistan

Afghan officials: Suicide bomber kills 9 people, wounds 40 (Minneapolis Star Tribune) By Tameem Akhgar
July 30, 2020

A suicide bombing in Afghanistan's eastern Logar province late on Thursday killed at least nine people and wounded at least 40, authorities said.

The attack struck in the provincial capital of Pul-e-Alam and targeted a police checkpoint. Interior Ministry spokesman Tariq Arian initially said most of the victims were civilians but later, he said six of the dead were policemen and three were civilians.

Many of the wounded however were civilians, he added. Provincial police spokesman Shahpoor Ahmadzai said the civilian casualties were mainly in cars that had stopped at the checkpoint for a security check.

There were conflicting reports about the casualty figures, with a provincial council chief saying he had reports of as many as 15 deaths. There was no immediate explanation for the discrepancy.

At the hospital where the victims were brought to, witnesses reported seeing several children who had been hurt in the bombing. The witnesses asked their names not be used because of fears of retaliation.

The Taliban promptly denied responsibility for the attack, which came on the eve of the major Muslim holiday of Eid al-Adha and a three-day cease-fire that has been declared for the occasion by the Taliban.

Taliban spokesman Zabihullah Mujahid said the cease-fire remained on track and was set to go into effect at midnight. He blamed the attack on "those intelligence circles that want the continuation of war in Afghanistan," without elaborating.

Efforts to get peace talks between the insurgents and the Kabul government underway have stalled after the Taliban and the U.S. signed a deal in February, seen as a blueprint to ending Afghanistan's decades of war.

The Islamic State group's affiliate for Afghanistan also operates in the region but did not immediately claim responsibility for the bombing. The militant group has stepped up its attacks lately. The U.S. blamed IS for a brutal attack in May on a maternity hospital in the Afghan capital, Kabul, that killed 24 people, including newborn infants.

Muslims around the world will be celebrating Eid al-Adha or "Feast of the Sacrifice," for three days, starting Friday. This most important Islamic holiday marks the willingness of the Prophet Ibrahim — Abraham to Christians and Jews — to sacrifice his son as an act of obedience to God.

Did UK Special Forces execute unarmed civilians? (BBC) By Matt Bardo and Hannah O'Grady
August 1, 2020

At the height of the war in Afghanistan in 2011, two senior officers from Special Forces met in a bar in Dorset to have a secret conversation. They feared some of the UK's most highly-trained troops had adopted a "deliberate policy" of illegally killing unarmed men. Evidence is now emerging that suggests they were right.

The two senior officers were thousands of miles from the dust and danger of Helmand province in Afghanistan.

One had recently returned from the war where his troops reported their understanding that a policy of execution-style killings was being carried out by Special Forces.

The other had been at headquarters, reading reports from the frontline with growing concern. They showed a sharp rise in the number of "enemies killed in action" (EKIA) by UK Special Forces.

Special Forces are the UK's elite specialist troops, encompassing both the SAS (Special Air Service) and the SBS (Special Boat Service).

After the conversation, a briefing note believed to have been written by one of the most senior members of UK Special Forces was passed up the chain of command.

The message contained clear warnings for the highest levels of Special Forces and concluded that these "concerning" allegations merit "deeper investigation" to "at worst case put a stop to criminal behaviour".

The documents were released to solicitors Leigh Day, as part of an ongoing case at the High Court, which will rule on whether allegations of unlawful killing by UK Special Forces were investigated properly.

The man bringing the case is Saifullah Ghareb Yar. He says that four members of his family were assassinated in the early hours of 16 February 2011.

It follows a BBC Panorama programme last year, which reported on the deaths. The programme worked with the Sunday Times Insight team to reveal evidence of a pattern of illegal killings by UK Special Forces.

The government maintains that the four members of Saifullah's family were killed in self defence.

But now correspondence in the newly-released documents shows that some had grave concerns about the UK Special Forces mission.

Just hours after the elite troops had returned to base, other British soldiers were exchanging emails describing the events of that night as the "latest massacre".

'Shaking with fear'

At 01:00 in Nawa, rural Helmand, on 16 February 2011, Saifullah's family were asleep in their home.

They woke suddenly to the sound of helicopter rotors, followed by shouting through megaphones. Saifullah was still a teenager but he was about to find himself in the middle of a Special Forces "kill or capture" mission.

These "night raids" were a common tactic at the time. They were typically carried out in partnership with Afghan forces under cover of darkness. Their purpose was to target senior members of the Taliban.

"My whole body was shaking because of the fear. Everyone was frightened. All the women and children were crying and screaming," Saifullah told BBC Panorama.

He described how his hands were tied and he was put in a holding area with the women and children. He had not been there for long when he heard gunfire.

After the troops had left, the bodies of his two brothers were discovered in the fields surrounding their home. His cousin had been shot dead in a neighbouring building.

Going back into his house, Saifullah found his father, lying face down on the ground.

"His head, the forehead area, was shot with many bullets, and his leg was completely broken by the bullets," he said.

Last year, Panorama exposed how the intelligence that identified the targets for these raids was often deficient.

Philip Alston, the former UN Special Rapporteur on executions, told the programme: "I have no doubt that overall many of the allegations [of innocent people being killed] are justified, and that we can conclude that a large number of civilians were killed in night raids, totally unjustifiably."

Saifullah believes his family were wrongly targeted and then executed in cold blood.

In Nawa district, there was an outcry after the killings. The Governor of Helmand believed the victims were innocent civilians.

British military emails from the aftermath of the raid obtained by Panorama suggest that eyewitnesses from the Afghan military supported Saifullah's version of events.

A commanding officer from the Afghan forces is quoted as having said that no one was firing at the British but the four family members were shot anyway and that "he sees this as confirmation that innocents were killed".

The Afghan commander suggests that "two men were shot trying to run away, and that the other two men were "assassinated" on target after they had already been detained and searched".

The correspondence shows that these events sent shockwaves through the British military from Helmand to London.

Emails outline concerns over Afghan forces refusing to accompany the British on night raids because they did not believe the killings were justified. This was not the first time that the Afghan forces had made this complaint.

One senior Special Forces officer comments that this kind of falling out "puts at risk the [redacted] transition plan and more importantly the prospects of enduring UK influence" in Afghanistan.

"Aside from alienating our Afghan allies, the narrative of murderous British forces played right into the hands of the

insurgents," said Frank Ledwidge, a former military intelligence officer who served as a justice adviser in Helmand.

"The actions of some Special Forces actively undermined the overall counterinsurgency mission, which was challenging enough already," he said.

'You couldn't make it up'

Among the documents released to the court is a detailed summary marked "secret".

It includes an extract of the classified operational summary (OPSUM), which provides the official account of what the strike team did at Saifullah's home.

The UK Special Forces reported that after initially securing the compound they went back in to search the rooms with one of the Afghan men they had detained.

While there, it says he suddenly reached for a grenade behind a curtain.

"He poses an immediate threat to life and is engaged with aimed shots. The assault team members take cover. The grenade malfunctions and does not detonate," the OPSUM says.

That man was Saifullah's father.

After the shooting, the OPSUM reports that another Afghan was moved into the neighbouring compound to help with the search of the buildings. They say he was also shot after picking up a weapon.

That man was Saifullah's cousin.

Both of Saifullah's brothers are reported to have run away when they spotted the unit arriving. One hid in a bush with a grenade and was shot and killed when the explosive was spotted, says the OPSUM.

The other was reported to be hiding a short distance away with an assault rifle. When he emerged from a hiding place under a blanket with the weapon, he too was shot.

This official account of the killings was met with suspicion by some in the British military.

An internal email requests a copy of the OPSUM within hours of the killings and asks: "Is this about [redacted] latest massacre!"

The reply includes a summary of the unlikely events in the official report and concludes by saying: "You couldn't MAKE IT UP!"

It looks as if the soldiers reading these reports had concerns that they were being falsified using near-identical cover stories.

A spokesperson for the Ministry of Defence said "This is not new evidence, and this historical case has already been independently investigated by the Royal Military Police as part of Operation Northmoor. It has also been subject to four reviews conducted by an Independent Review Team.

"These documents were considered as part of the independent investigations, which concluded there was insufficient evidence to refer the case for prosecution.

"The Service Police and the Service Prosecuting Authority of course remain open to considering allegations should new evidence, intelligence or information come to light."

'Perverting the course of justice'

The suspicious pattern of similar incidents leading to the killing of Afghan men during Special Forces night raids caught the eye of several people back at UK Special Forces headquarters in England.

The court documents show a review was ordered.

A Special Forces Major examined all of the official reports of killings by the elite troops between December 2010 and April 2011.

He wrote to other senior officers to say the number of killings led him to conclude "we are getting some things wrong, right now".

His report highlighted 10 incidents in which the similarity of the accounts in official paperwork raised his suspicions.

All involved the shooting of men who were detained before they unexpectedly grabbed a weapon during a search of the buildings.

The Major also found at least five separate incidents where more people were killed than there were weapons recovered. That means either the weapons went missing or the people who were killed were not armed.

In one case, nine people had been killed and only three weapons had been recovered.

The newly-released evidence appears to support revelations in last year's Panorama and Sunday Times investigation.

Panorama reported that a large scale Royal Military Police (RMP) investigation called Operation Northmoor had linked dozens of suspicious killings on night raids. Among them were the deaths of Saifullah's family members.

When the RMP interviewed the Special Forces troops who took part in the raid of 16 February 2011, all of them claimed they could not remember the specifics of the mission that night.

Operation Northmoor was investigating whether official operation reports had been falsified. In one case, the RMP had even brought charges against members of the UK Special Forces for murder, falsifying a report and perverting the course of justice.

But the charges were dropped and the government closed down Operation Northmoor without prosecuting a single case. Insiders said it was closed too soon for them to complete their investigation.

"It seems to be one of the unique characteristics of British Special Forces that they are truly accountable to no-one," said Frank Ledwidge.

"Accountability must apply to everyone and particularly to the senior commanders and politicians who have allowed, condoned or ignored these alleged crimes and created the environment for them to happen".

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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

KR Tribunal clears Ao An: SCC ‘terminates’ crimes against humanity charges (Khmer Times) By Ben Sokhean
August 12, 2020

The Supreme Court Chamber of the UN-backed Khmer Rouge Tribunal on Monday “terminated” the case against former senior cadre Ao An after thirteen years of investigation into charges of crimes against humanity.

Ao An, known as “Ta An”, was a former Khmer Rouge deputy secretary of the Democratic Kampuchea regime’s Central Zone and Sector 41 secretary.

He was charged in 2015 with premeditated homicide and crimes against humanity.

In 2016, he was charged with additional crimes, including genocide.

In its statement issued on Monday, the Extraordinary Chambers in the Courts of Cambodia said the Supreme Court Chamber, which has seven judges, had decided to terminate the case against An before the Extraordinary Chambers.

The Supreme Court Chamber considered that: “Notwithstanding the agreement in relation to the great number of victims in

the central zone” of Democratic Kampuchea, “there was no agreement after thirteen years of investigation that Ao An was within the jurisdiction of the [ECCC]”.

It said the SCC addressed the arguments raised by the International Co-Prosecutor over the “Immediate Appeal of the Trial Chamber’s Effective Termination of Case 004/2”.

In dismissing the International Co-Prosecutor’s appeal, the SCC held that: “In the absence of a definite and enforceable indictment, the case against AO An is hereby terminated before the ECCC”.

The pre-trial chamber in December last year had issued a conflicting decision over the closing order in case 004/2.

The chamber at that time failed to reach a majority decision on whether An’s case falls under the court’s jurisdiction.

In August 2018, the co-investigating judges issued separate closing orders against An.

The national co-investigating judge issued a dismissal of the case, finding that An did not fall within the personal jurisdiction of the court.

However, the international co-investigating judge indicted him for genocide, crimes against humanity and violations of the 1956 Cambodian Penal Code.

The differing closing orders prompted an appeal for the case to be re-heard and on June 19, 20 and 21 last year, the pre-trial chamber held a hearing in case 004/2 to hear the arguments of the parties.

ECCC spokesman Neth Peaktra said yesterday that: “The Decision from the Supreme Court chamber is not subject to appeal.” Mom Luch, a national lawyer for An, said yesterday that he was too busy to comment on the case.

However, An previously denied that he had committed crimes.

“I did not commit any serious crimes and I already informed my lawyers.

So, the accusation against me is wrong,” he said.

“We just did farming to solve the people’s livelihoods.” “They accused me of being a leader of the regime’s Central Zone but I was not.

I was only responsible for economic affairs and solved the people’s livelihoods,” he told Voice Of America.

“I was not the most senior leader or the most responsible person.” An allegedly committed various crimes against humanity are in many areas and sites, including at Anlong Chrey Dam Forced Labour Site, Kok Ring Execution Site, Met Sop Security Centre as well as Tuol Beng and Wat Angkuonh Dei Security Centres.

Ung Phuon, 73, a survivor of the Khmer Rouge regime from Kampong Chhnang province’s Rolea Bier district said yesterday that he had lost seven families members, including his parents during the nearly four years of Khmer Rouge rule.

Phuon who was also forced to marry by the regime said the current conviction of former top leaders are enough.

“They are very old men now, I don’t want to take any revenge, Let them face the karma for what they had committed,” he said.

“I consider what my family suffered during the Khmer Rouge era as our karma.” So far three of the regime’s leaders have been sentenced to life imprisonment by the court; they are Kaing Guek Eav, alias “Duch” who commanded the S-21, former head of state Khieu Samphan and Nuon Chea, former deputy secretary of the Communist Party of Kampuchea.

Chea died on August 4 last year at the age 93, resulting in the Supreme Court Chamber of ECCC terminating proceedings against him.

The Special Panel of ECCC last month also “unanimously dismissed” Samphan’s application for disqualification of the six appeal judges who adjudicated in Case 002/01 over crimes against humanity.

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Bangladesh International Crimes Tribunal

War crimes suspect flouts bail condition (Dhaka Tribune) By Himadri Shaker Bhodra, Sunamganj
August 4, 2020

Jobayer was among five war crimes accused who were arrested in Sunamganj in December 2018, following an arrest warrant issued by the International Crimes Tribunal (ICT)

Jobayer Monir, who is out on conditional bail in a war crimes case, has failed to comply with his bail granted by the International Crimes Tribunal.

When Jobayer was released on a conditional bail, he was ordered to remain in Dhaka during the pendency of his case in the court system.

However, Jobayer left Dhaka on Friday to go to his village home Shalla upazila of Sunamganj to celebrate Eid. He later returned to Dhaka on Monday.

Jobayer's family being an influential one in the area, the plaintiffs, witnesses and people in favour of the liberation war were terrified by his unlawful visit.

Meanwhile, concerned officials at the International Crimes Tribunal have informed the Sunamganj Superintendent of Police about the matter.

The investigating officer of the case has taken initiative to take action after contacting Shalla police station and Derai police station on behalf of the organization.

Nur Hossain, the case investigation officer, said: "We had submitted the charge sheet accusing 11 people including Jobayer of crimes against humanity during the Liberation War in 1971. I came to know that Jobayer visited his village home, violating his bail condition. Necessary steps will be taken in this regard."

Jobayer was among five war crimes accused who were arrested in Sunamganj in December 2018, following an arrest warrant issued by the International Crimes Tribunal (ICT).

On December 6 in 1971, two mass killings took place at Ujangaon village in Shalla upazila and Perua village in Derai upazila. Abdul Khaleque, commander of Razakars in the Haor region, carried out the mass killings.

In 2015, freedom fighter Rajani Kanta Das, who also lost his family members in a mass killing, filed a petition with the ICT accusing Khaleque's son Pradip Monir and others.

Following the appeal, the tribunal in 2016 started investigating the war crimes at the villages and after the investigation, it issued an arrest warrant against 11 accused war criminals.

ICT probe body finalizes report against 4 Liberation War fugitives (Dhaka Tribune) By Mizanur Rahman
August 8, 2020

The report has been finalized after more than two and half years of investigation

The investigation agency of the International Crimes Tribunal (ICT) has finalized its report on a probe into the alleged crimes against humanity committed during the 1971 Liberation War by four men from Noakhali.

The probe body did not release the identities of the accused since all of the accused are absconding.

Probe body's Chief Coordinator Mohammad Abdul Hannan Khan and Co-coordinator Md Sanaul Haque unveiled the report at the 78th press briefing held at its Dhanmondi office on Wednesday.

Sanaul said that the investigation against the four accused started on November 12, 2017. The investigation was completed on Wednesday (August 12) after two years and nine months.

If the situation becomes normal, the investigation report will be submitted to the prosecution of the tribunal, he added.

According to the investigation agency, the four accused were members of Islami Chhatra Sangha, the then student wing of anti-liberation Jamaat-e-Islami, and a member of the Razakar Bahini during the Liberation War. Later they joined Jamaat-e-Islami and one of them later joined BNP.

The ICT investigation agency brought three charges of “crimes against humanity” including murder of 11 persons, including freedom fighters.

Assigned investigation officer (IO) Shahjahan Kabir collected 114 pages documents and prepared a 222-page report, in four volumes, to submit before the tribunal.

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War Crimes Investigation in Myanmar

Blast Kills One Child, Injures Four Others in Myanmar’s Shan State (Radio Free Asia) By Kan Thar
July 30, 2020

A five-year-old girl was killed and four other children were badly injured by a blast of unexploded ordnance in Myanmar’s northern Shan state as they played with an explosive device left from recent battles in a decades-old armed conflict in the region, family members said.

Lue Kein Kham and six of her young relatives, all ethnic Ta’ang (Palaung), were playing together Thursday evening at home in Kutkai township when the incident occurred, Ei Phoo, the children’s grandfather, told RFA on Friday.

“The children were playing, and I was trying to fertilize the plants,” he said. “I heard the explosion and ran to the children. I saw them lying on the ground. Four children were badly injured. They were sent to the hospital. One of them died. I am their grandfather. I don’t know whom to blame for this incident.”

Lue Kein Kham died from head injuries at Kutkai Hospital on Thursday, Ei Phoo said. One of the injured children was also taken to Kutkai Hospital, while a girl and two boys were taken to Lashio Hospital.

The children live with their grandparents because their parents are working in Mongla, a Chinese border town some 400 miles southeast of Kutkai township.

“We are so old. We can no longer work,” said Aye Ei, the children’s grandmother.

“We let our children go away from home to make money,” she added. “We are left at home to take care of their kids. We feel devastated that this incident occurred.”

Humanitarian groups say that fear of mine-contaminated farmland is a key reason that rural working-age people leave Shan state to look for jobs in neighboring China and Thailand.

Scores of children are killed and maimed each year in Myanmar’s long-running ethnic wars.

At least four civilians were killed and 15 injured by landmines and unexploded ordnance in restive northern Shan state during the month of July alone, according to an RFA tally. The blasts occurred in areas where the military had recently engaged in fighting with ethnic armed groups.

The Mine Risks Working Group, which operates under the United Nations children's agency UNICEF and the Myanmar government, said in a report in April 2019 that casualties countrywide from landmines and other explosives increased to 276 in 2018 from 176 in 2017.

The 2018 figure included 56 children, with 16 deaths and 40 injuries. Kachin and Shan states were hit the hardest between 2015 and 2018.

Ordnance left behind

Some villagers, who declined to be identified for safety reasons, said the government military's Light Infantry Division No. 99 and soldiers from the rebel Ta'ang National Liberation Army (TNLA) had recently been fighting in the area where Thursday's explosion occurred.

Around July 7, a Myanmar military regiment was stationed near the house where the blast occurred, and there was shooting, one resident said.

"The soldiers from the military then said they were responding to shooting from the enemy, but most of the villagers only heard gunfire from one side, so it might not have been a battle," he said.

Villagers believe the soldiers left behind the ordnance that the children found when they cleared out of the area, he added.

RFA was unable to reach the Myanmar military or the TNLA for comment.

A TNLA spokesman said last year that the rebel army did not use landmines in the conflict.

Shan state, Myanmar's largest state and home to the country's second-largest ethnic group, has been under armed conflict between government forces and numerous ethnic-based armies fighting for autonomy since 1958, 10 years after the former Burma gained independence from Britain in 1948.

20 Villagers Missing in Myanmar's Chin State From Conflict in Rakhine (Radio Free Asia)

August 4, 2020

Twenty civilians from Chin state have gone missing between 2018 and 2020, with five of them allegedly abducted by Arakan Army rebels amid a 20-month conflict with Myanmar forces in adjacent Rakhine state, Chin civil society groups said Tuesday.

The Arakan Army (AA), which is fighting for greater autonomy for the ethnic Rakhine people, claims both Rakhine state and Paletwa township in the hill tracts of Chin state to the north, as territories ruled by Arakan kings centuries ago in Myanmar's westernmost state.

"We've got at least 20 people missing, [and] at least five of them were being detained by the AA," said Salai Kyaw Aung, secretary of the Chin IDP Support Committee (CISC), which advocates for displaced Chin civilians in Paletwa and in Chin-inhabited areas of Rakhine state.

"For the remaining 15, their family members might know who abducted them, but for our committee, it is difficult to say who abducted them without any evidence," he said, adding that the CISC cannot provide an accurate number of missing or abducted Chin civilians.

All the missing persons and abducted persons are males, and a dozen of them are younger than 35, Salai Kyaw Aung said.

The CISC said on Aug. 1 that the AA abducted Myint Maung from Paletwa on April 12 and four young men from the township on July 29.

A family member of Salai Soe Aung, one of the abducted young men, said his family is seriously concerned about him since he disappeared while returning from a trip to Yangon with friends.

"We don't know the details," the relative said. "We have not had contact with him since then. We want him to be released because we know he is innocent. His parents and family members are concerned about him."

RFA was unable to contact the relatives of others who are missing because of telecommunications problems in the areas. The Myanmar government has cut off mobile internet service to Paletwa and seven townships in Rakhine, citing security concerns amid the armed conflict.

Appeals for release

The Khumi Affairs Coordination Council (KACC) announced on July 30 that the AA had abducted four young Chin men on the border area between Rakhine's Kyauktaw township and Paletwa.

"There are more incidents of people missing or being abducted after the armed conflicts," said KACC spokesperson Main Nan Wai. "These 20 people are the number we have been able to record. There could be many more cases that we have not

recorded.”

Both the AA and the Myanmar military have denied that they have detained the missing persons, Mai Nan Wai said.

“These young people did have not connections to the military, so we would like to issue an appeal that they be released as soon as possible,” the spokesperson said.

AA spokesman Khine Thukha was not available for comment.

In previous cases, both the Myanmar military and the AA have blamed each other for the arbitrary arrest and detention of civilians suspected of aiding the enemy.

Myanmar military spokesman Brigadier General Zaw Min Tun said soldiers had not found anyone claimed to be missing or abducted from the Paletwa area.

“Some missing people might have been abducted by AA troops,” he said, but noted that most civilians in Paletwa do not support insurgent groups.

“They are not supporting terrorist acts, so it would be very rare for the military to detain and interrogate Chin civilians,” Zaw Min Tun added.

Myanmar forces will help the families try to find their missing relatives if they request assistance, he said.

“It is very horrible that they are missing without a trace,” said Salai Tay Ya, director of the Chin Human Rights Organization (CHRO).

“I want the armed groups to release them as soon as possible if they have detained them,” he said. “I also would like to appeal to the military and to the AA to avoid arbitrary detentions in the future.”

One body found

Fighting between the Myanmar military and the AA has left dozens of civilians dead and displaced about 200,000 others. About 7,000 civilians have been displaced in Chin’s Paletwa township.

In one of the latest incidents, the body of missing Chin civilian Hla Kyaw, the 62-year-old head of Paletwa’s Ton Ma Wa village, was discovered on July 17, according to a July statement issued by the CHRO.

Hla Kyaw had been missing since June 5 after witnesses confirmed that the AA had abducted him while he was on his way to the Pyichaung area in search of rice.

Twelve civilians from Paletwa Township remain missing and 48 others have been killed since the larger conflict between the Myanmar military and the AA began in 2015, the CHRO said.

Myanmar Villagers Flee Into China to Escape New Fighting (Radio Free Asia) By Kan Thar
August 5, 2020

More than 100 villagers fled their homes in Myanmar’s northern Shan state into China as fighting broke out between ethnic Shan rebels and government forces, sources said Wednesday.

A military spokesman said the clash, which wounded one civilian, began Tuesday when government troops seized three truckloads of illegally logged timber, though a spokesman for the separatist RCSS/SSA-S said the army attacked them without provocation.

The RCSS/SSA-S (Restoration Council of Shan State/Shan State Army-South) is one of seven ethnic armies operating in the state, and though the group has signed a cease-fire agreement with the central government, tensions have recently reignited over movements by both armies into each other’s territory.

Tuesday’s fighting broke out in the Nantsan Gohtung village in northern Shan State’s Muse township, and was likely sparked when government troops attempted to arrest timber traffickers, a district administrator named Okka told RFA’s Myanmar Service on Wednesday.

“People fled from their homes because of the noise of the fighting, but everything is calm again now,” the official said.

Meanwhile, a local villager was injured when he was struck in the left eye by a stray bullet fired in the fighting as he was returning to his home in Naungkha, a village nearby, another source said, speaking on condition of anonymity.

When government troops opened fire, frightened villagers fled across the border to China, another area resident said, describing the firing as “one-sided” and as a provocation by government forces.

“Chinese authorities asked the villagers to return home this morning, though, and they all came back today,” the source said, adding that local Chinese officials had worried that Myanmar soldiers might pursue the villagers across the border.

“We haven’t heard any more noise from fighting this morning,” he added.

Conflicting explanations

Spokesmen from Myanmar’s military and the RCSS/SSA-S offered conflicting explanations on Wednesday of how the fighting started, with a spokesman for the government’s army saying they were fired on as they were confiscating 49 tons of timber they had found loaded onto trucks.

“We transferred the timber to the Forestry Department, but around 25 soldiers from the RCSS/SSA-S turned up at around 5:00 p.m. and opened fire on us with a 40 mm rifle and small arms,” the army spokesman, Brig. Gen. Zaw Min Tun, said.

No government troops were wounded in the clash, but a civilian named Sai San One, age 34, was injured by a stray bullet and was sent to a local hospital for treatment, he said.

“Then, at around 4:00 a.m., five RCSS/SSA-S troops returned and attacked the army again with small arms, and one government soldier was hurt, though his wound is not critical,” he added.

Lt. Col. Sao Oum Khur, a spokesman for the separatist RCSS/SSA-S, meanwhile rejected the government army’s description of the clash, saying that soldiers from his group had left the area after hearing that government forces had discovered the truckloads of illegally harvested timber.

“They knew that people would get hurt if fighting occurred with the government army, and that’s why they avoided it,” the rebel army spokesman said, adding, “As far as we know, the government army started the fighting.”

“This was a provocation by government forces. It was not a fight between the government army and ourselves,” he said.

Clashes in June between the RCSS/SSA-S and Myanmar forces in Kyaukme and Namtu townships had earlier forced about 940 civilians to flee their homes, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

Humanitarian groups and local authorities have provided basic emergency assistance to the displaced villagers, the organization said in a regional briefing issued in early July.

Shan state, Myanmar’s largest state and home to the country’s second-largest ethnic group, has been under armed conflict between government forces and numerous ethnic-based armies fighting for autonomy since 1958, 10 years after the former Burma gained independence from Britain in 1948.

Karen Alliance Condemns Lack of Transparency and Claims Burma Army Cover-up in Naw Mu Naw’s Murder Trial (Karen News)

August 11, 2020

KPSN said the “family and community need to know if justice has been done for the killing. KPSN said “there are strong doubts whether the trial was fairly conducted, given the military’s earlier claims that the soldiers killed Mu Naw ‘accidentally’.”

The Burma Army said on August 2, two soldiers who robbed and killed Naw Mu Naw, a mother of three, in Mutraw on July 16, had been tried by court martial and given the “maximum punishment.” KPSN said the lack of transparency around the killing by the Burma Army showed a lack of respect and contempt for Naw Mu Naw family. KPSN said “no further details about the sentence have been released to the public.”

KPSN said Naw Mu Naw’s case “should not have been tried by court martial, but in a civilian court, as it was a crime against a civilian, committed by soldiers who were off duty. Yet the Burma Army insisted on adjudicating the case themselves, clearly in an attempt to keep the facts from the public, and hush the incident up, like their previous crimes against civilians in Mutraw and other districts in Karen State.”

KPSN said Naw Mu Naw's murder is not an isolated killing by the Burma Army as it is "only the latest in a series of Burma Army killings in Mutraw this year, all committed with impunity. In one case, when a KNU forest worker was shot and killed on March 5, the Burma Army even falsely claimed that the victim, who had been riding a motorcycle, had attacked them first, and they had acted in self defence."

KPSN said the the two soldiers were "emboldened by the prevailing climate of impunity to rob and kill Naw Mu Naw in broad daylight, and what motivated thousands of Karen villagers to march publicly on July 22 and 28 in Mutraw and August 6, 2020, in Kler Lwee Htu, calling for an end to Burma Army crimes, and for the withdrawal of their troops from Mutraw."

KPSN said villagers had been pushed to protest in Mutraw over concerns for their safety. "Communities know full well that while the Burma Army remains in their lands, tasked to subjugate the local population at all costs, they will never be safe. The Burma Army has not respected their ceasefire with the KNU, continuing aggressive expansion into Mutraw, carrying out heavy shelling of civilian areas, and building over a dozen new military bases in recent years."

KPSN offered its support and added its voice to the people of Mutraw and Kler Lwee Htu "calls for justice for Naw Mu Naw, and demand that this case be transferred to a civilian court."

KPSN said demanded Burma Army withdraws its soldiers closes its camps – "not only in Mutraw, but in conflict areas throughout the country, so that inclusive dialogue towards a new federal constitution can begin."

KPSN appealed to the "international community to support our calls for justice and peace by exerting increased diplomatic and economic pressure on Burma, including through sanctions targeting the Burma Army and their economic interests."

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South America

North Colombia mayor exposes military mass grave after trying to get rid of victim remains (Colombia Reports) By Adriaan Alsema

August 2, 2020

Colombia's war crimes tribunal ordered a mayor to end illegally exhuming the remains of presumed missing persons from a site locals said was a military mass grave.

The Special Jurisdiction for Peace (JEP) ordered the mayor of El Copey to immediately stop exhuming remains at sites locals claim a controversial army unit buried the remains of more than 100 unidentified people.

Using COVID-19 to get rid of evidence?

Mayor Francisco Meza (Liberal Party) said last week he would exhume sites just outside the town for COVID-19 fatalities, claiming the local cemetery is full and needed space.

Locals, however, have testified these 10 sites were used by the now-defunct Popa Battalion to bury civilians who were falsely claimed to be guerrillas killed in combat.

The Missing Persons Search Unit (UPBD) issued a list of recommendations on how to prevent the manipulation of sites where some of Colombia's more than 80,000 missing persons could be buried, but was ignored by the mayor.

After locals found out that Meza had effectively begun exhuming one of the sites and reported that human remains were found lying scattered around, they warned the UPBD, which confirmed the mayor had been removing remains.

"Victims of extrajudicial executions whose bodies had not been recovered or identified would have been found." JEP magistrate Alejandro Romelli

Bad news for the war criminal who used to be the Americas' Best Soldier

The mayor's apparent attempt to get rid of the remains proved allegations that the site was in fact a mass grave where a feared war criminal, retired Colonel Hernan Mejia, allegedly had been burying his victims.

Mejia had been named the Americas' Best Soldier twice, but was dishonored after he was sentenced to 19 years in prison for his ties to paramilitary groups and a local crime family, and reporting "false positives."

UPBD director Luz Marina Monzon said she would declare the sites in El Copey "an area of interest for the search of persons reported missing due to the armed conflict" making it more complicated to get rid of allegedly disappeared war crime victims.

JEP magistrate Alejandro Romelli ordered Meza to immediately end his apparent attempts to get rid the remains of missing persons.

U.S. appeals court rules against former Bolivian president and defense minister over 2003 massacre (Harvard Law Today)

August 5, 2020

On August 3, the U.S. Court of Appeals for the Eleventh Circuit vacated a trial court judgment that had been entered in favor of Bolivia's former president, Gonzalo Sánchez de Lozada, and former defense minister, José Carlos Sánchez Berzaín, for the massacre of unarmed Indigenous people in 2003.

For more than a decade, Harvard Law School's International Human Rights Clinic has been pursuing justice for indigenous people killed during "Black October" 2003, when the Bolivian government violently repressed a popular protest against government policies.

In 2018, a jury found the former officials liable under the Torture Victims Protection Act (TVPA) and awarded plaintiffs \$10 million in damages after a month-long trial that included six days of deliberations. The trial marked the first time in U.S. history that a former head of state sat before his accusers in a U.S. human rights trial.

In an unusual move, a month later the trial court set aside the jury verdict and entered its own judgment holding the defendants not liable based on insufficient evidence. In November 2019, two of the plaintiffs, whose young daughter had been killed by soldiers in the massacre, traveled to Miami to have their appeal heard. The Court of Appeals vacated the district court's judgment and remanded the case to the district court for further proceedings. In addition, the Court of Appeals held that plaintiffs were entitled to a new trial on related wrongful-death claims because the district court had abused its discretion in admitting certain evidence that was favorable to the defendants.

"This is such wonderful news," said Sonia Espejo, whose husband Lucio was killed in the 2003 Massacre. "We have fought for so long. We will continue fighting, but for today, I feel happy. I feel calm."

"This is an important moment in the struggle for accountability, not just for the families, but for all of Bolivia," said Thomas Becker '08 of the International Human Rights Clinic at Harvard Law School. "Today is a victory for human rights."

The appellate court held that plaintiffs provided sufficient evidence that "soldiers deliberately fired deadly shots with measured awareness that they would mortally wound civilians who posed no risk of danger. None of the decedents were armed, nor was there evidence that they posed a threat to the soldiers. Many were shot while they were inside a home or in a

building. Others were shot while they were hiding or fleeing.”

The appellate court vacated the lower court’s judgment and remanded the case to the district court to (i) decide whether the jury verdict should be reinstated under the proper standard, and (ii) hold a new trial on plaintiffs’ related wrongful death claims.

In September and October 2003, acting under the authority of Sánchez de Lozada and Sánchez Berzaín, the Bolivian military killed 58 of its own citizens and injured more than 400, almost all of them from indigenous communities, during a period of civil unrest known as the “Gas War.” Among those killed were an eight-year-old girl, a pregnant woman (whose fetus also died), and elderly people. After the massacre, Sánchez de Lozada and Sánchez Berzaín fled to the United States, where they have lived since. Former military commanders and government officials who acted under the authority of the two men were convicted in Bolivia in 2003 for their roles in the killings. Sánchez de Lozada and Sánchez Berzaín were indicted in the same case but could not be tried in absentia under Bolivian law.

The case was brought by the family members of eight people killed during the massacre, among them Etelevina Ramos Mamani and Eloy Rojas Mamani, whose eight-year-old daughter Marlene was killed in front of her mother when a single shot was fired through the window; Teófilo Baltazar Cerro, whose pregnant wife Teodosia was killed after a bullet was fired through the wall of a house; Felicidad Rosa Huanca Quispe, whose 69-year-old father Raul was shot and killed along a roadside; and Gonzalo Mamani Aguilar, whose father Arturo was shot and killed while tending his crops.

“We are elated that the families who lost loved ones in the 2003 massacres have won this important victory,” said Beth Stephens, a cooperating attorney with the Center for Constitutional Rights.

At the three-week trial, a former soldier in the Bolivian military testified that he was ordered to shoot at “anything that moves” in a civilian community. Another witnessed a military officer kill a soldier for refusing to follow orders to shoot at unarmed civilians. Witnesses also recounted that tanks rolled through the streets and soldiers shot for hours on end, including into homes and at fleeing, unarmed civilians. Despite all the testimony, in setting aside the jury’s verdict the trial judge concluded that there was insufficient evidence to hold the defendants liable for extrajudicial killings. The case, *Mamani v. Sánchez de Lozada and Sánchez Berzaín*, was filed in 2007 under the TVPA, which allows damages to be recovered in U.S. federal courts for extrajudicial killings. The case alleged that Sánchez de Lozada and Sánchez Berzaín planned and ordered the killings.

“Akin Gump’s pro bono practice has been honored to work with these Bolivian families for more than 13 years,” said Akin Gump Strauss Hauer & Feld LLP Pro Bono Partner Steven Schulman. “We are gratified that the Eleventh Circuit carefully reviewed the evidence we presented at trial and agreed that the District Court should not have displaced the jury’s verdict as it did.”

The family members are represented by a team of lawyers with the Center for Constitutional Rights, Harvard Law School’s International Human Rights Clinic, and the law firms of Akin Gump Strauss Hauer & Feld LLP, and Schonbrun, Seplow, Harris & Hoffman, LLP.

Álvaro Uribe’s Detention Deepens Colombia’s Divisions (New York Times) Julie Turkewitz By Julie Turkewitz
Aug. 7, 2020

Former president Álvaro Uribe has dominated Colombia’s political landscape for decades as the country’s most beloved – and most hated – politician.

To some Colombians, he is a savior, the only leader who was willing to take the tough measures necessary to restore security in a nation battered by a long, cruel civil war.

To others, he is a criminal whose no-holds-barred fight against insurgents showed little regard for human rights and left thousands dead, many of them civilians.

His house arrest, ordered by the Supreme Court this week in connection with a case that harkens to some of the grimmest aspects of the war, has intensified the country’s deep left-right rift, drawing Colombians back into the pitched political battle the country has been trying to overcome for years.

“The country has so many wounds,” said Paloma Valencia, a senator and supporter of Mr. Uribe who began following him as a college student, “this makes any kind of reconciliation many times more difficult.”

Just hours after the announcement of Mr. Uribe’s detention, his supporters on the right and his detractors on the left poured into the streets around the country, honking their horns or banging pots in outrage or celebration. Political commentators said the move threatened the country’s fragile reconciliation following a 2016 peace deal that ended the conflict, which had been the longest running war in the Americas.

By the next morning, Mr. Uribe's party had revived a call to overhaul the justice system — an apparent move to stop future detentions they viewed as unfair — and the current president, Iván Duque, a staunch Uribe ally, assailed the court's decision to detain his mentor.

Soon, the office of the inspector general, which oversees the conduct of public employees, was issuing an urgent call for public servants to “respect and not attack the justice system.”

Colombians, the office said, must “stop the aggression and the extreme polarization that could bring new scenes of violence. To the crisis created by the pandemic of Covid-19, we cannot add a pandemic of hate that clouds the future, threatens democracy and submerges us in a new night of pain.”

At a crowded pro-Uribe gathering in Medellín following the decision, a throng of cars cloaked in Colombian flags lined a major downtown avenue. And protesters said they were outraged that their hero had been detained while, under the terms of the 2016 peace deal, thousands of former guerrilla fighters have gone free.

Santiago Vásquez, 23, called Mr. Uribe “the best president Colombia has ever had,” describing him as the man who crippled the country's largest rebel group, known as the FARC. He feared the former president's detention would strengthen the left, ushering in the old days of violence.

“Uribe! Amigo! Colombia is with you!” Mr. Uribe's allies shouted.

Hundreds of miles away, in the capital of Bogotá, Colombians leaned out of homes across the city, banging pots in frenzied celebration. Families of those who had died in the war had thought Mr. Uribe would never be called before a court to answer for his role and found themselves barely able to believe the news.

“I pray that he pays for all the pain,” said Lucero Carmona Martínez, 61, who said her son Omar, 26, was killed by security forces at a time when Mr. Uribe was president and the military, under pressure to increase the body count in combat, was killing civilians along with rebel fighters.

Mr. Uribe, over the last 40 years, rose from being a relatively small-time bureaucrat to the most powerful politician in the country, wielding his charisma to create an entire political movement — Uribismo — in his name.

He has long said that his father was killed by the FARC, something the group has denied.

When he became president in 2002, a decades-long insurgency that had begun as a fight over inequality had grown devastatingly violent. Highway blockades, kidnappings and city bombings were regular occurrences, and much of the nation was desperate for someone to restore order and to defeat the FARC.

Mr. Uribe made combating the insurgents his government's top priority. Many people credit him for significantly weakening the FARC and putting an end to much of that terror.

“Without President Uribe, Colombia would not be a democracy,” said Ms. Valencia, the senator. “It would be a failed state like Venezuela.”

But as Mr. Uribe fought leftist guerrillas, his critics accused him of overseeing a period of horrific abuses committed not just by the army, but also by paramilitary groups allegedly doing the dirty work of the government.

“He believed the ends justified the means,” said Iván Cepeda, a political opponent.

While Mr. Uribe was president, Colombian soldiers killed thousands of innocent people, many of them peasants, according to years of investigation by prosecutors and human rights groups. Soldiers often tried to pass the dead off as guerrilla fighters to show they were winning the war.

José Miguel Vivanco, who leads the Americas division for Human Rights Watch, said he raised the problem many times with Mr. Uribe over the years, but found the former president dismissive, quick to anger and unwilling to tackle the issue.

“His human rights record is deplorable,” said Mr. Vivanco.

Mr. Uribe has long denied a connection to paramilitary groups, instead saying he fought against them.

In an unexpected twist, the investigation that has led to Mr. Uribe's house arrest examines relatively small-time crimes — at least when compared to the crimes at the core of other investigations involving him.

In the current case, the Supreme Court is examining whether Mr. Uribe participated in bribery, fraud and witness tampering

in an effort to influence the testimony of an alleged paramilitary member, Juan Guillermo Monsalve. He is suspected of pushing Mr. Monsalve to retract a statement in which he linked Mr. Uribe to the creation of paramilitary groups.

Among the other inquiries into Mr. Uribe's conduct are several that examine possible connection to paramilitary massacres. His brother Santiago has been charged for alleged involvement with a paramilitary group.

The former president, who is now a senator, but is likely to be suspended from that post, has not been formally charged in the case in question. But the Colombia justice system allows for him to be held as the investigation continues if judges believe witness tampering could take place.

If found guilty, the former president could spend approximately six to eight years in prison, according to the law professor Francisco Bernate.

Mr. Uribe's lawyer, Jaime Granados, denied the charges Wednesday, saying that "President Uribe did not ask anyone to bribe any witnesses."

His supporters, including Mr. Duque, have denounced the detention as unjust.

"It hurts, as a Colombian," Mr. Duque said, that "an exemplary public servant, who has occupied the highest post in the state, is not allowed to defend himself in liberty, with the presumption of innocence."

Mr. Uribe is now ensconced in a countryside home called El Ubérrimo in Colombia's north. On Wednesday, people close to him announced that he had tested positive for Covid-19, adding that he was not in serious condition.

The home, set on expansive terrain, has a horse track, a swimming pool and a stable. At the moment his house arrest does not require guards or police, said the court, but simply requires that he sign a contract and pay a bond.

Mr. Uribe served as president until 2010, leaving after a court decision prevented him from running for a third term. But he retains significant power. Mr. Uribe's support was essential to the victory of Mr. Duque, who swore to uphold his mentor's legacy.

When the government reached an agreement with the FARC, ending more than five decades of bloody conflict, many hoped the historic treaty would help heal deep wounds. But the country's divisions remained strong in the years that followed.

The deal's opponents argued it was too lenient on rebel fighters — and were angered that it was passed despite a national vote against it. And its supporters accuse Mr. Duque of lacking the will to fully implement it. Hundreds of former fighters and community leaders have been killed since it was passed, leading critics to accuse Mr. Duque of failing to protect them. And many rural communities are still awaiting the roads, schools and electricity that had been promised.

Among the chief opponents to the terms of the deal was Mr. Uribe, who thought the accord was too easy on rebel fighters.

His detention, many said this week, reinforced those rifts, fostering resentment on the right and strengthening the idea on the left that the former president is a criminal.

"This is an important advance in terms of justice," said Francisco Gutiérrez Sanín, a Colombian political scientist, highlighting the fact that many of the country's powerful figures have not had to answer to the justice system. "But on the other hand it radicalizes and makes Uríbismo more extreme."

In Medellín this week, Nora Villa, 58, an Uribe loyalist at the support march, vowed to fight the left. "We are going to see more division," she said.

While in Bogotá, Luz Marina Bernal, 60, an activist whose son, Fair, 26, was killed by security forces during Mr. Uribe's mandate, said something about Mr. Uribe that she could not have imagined saying just a few days ago: "I think there is a possibility that he will be convicted of all he has done."

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TOPICS

Truth and Reconciliation Commission

Restorative justice must take place if SA is to overcome the damage wrought by apartheid (IOL) By Edwin Naidu
August 10, 2020

Restorative justice has been broached extensively by civil society groups since democracy, but in June last year, apartheid era security branch policeman Joao Rodrigues lost his bid for a permanent stay of prosecution, and will go on trial on charges of murder and allegedly attempting to cover up the crime in the 1971 murder of schoolteacher activist Ahmed Timol.

The policeman wanted a permanent stay of prosecution after being charged in July 2018 with murder.

Timol died in 1971 after falling from the tenth floor of the then John Vorster Square police station in central Joburg, where he was detained with police claiming that he had jumped. However, the findings of an inquest in 2017 found Timol did not commit suicide but was murdered.

But his efforts in the high court were denied by Justice Jody Kollapen. The Timol decision, along with the reopening in April 2018 of an inquest into the death of anti-apartheid activist Dr Neil Aggett who died mysteriously after 70 days in detention on February 5, 1982, has given human rights campaigners hope that restorative justice may be delivered for apartheid crimes which were not divulged under amnesty before the Truth and Reconciliation Commission.

Yet, for people like Nomthandazo, whose life is mired in poverty and a constant battle for survival, there is an absence of care while the narrative has shifted to those seemingly who wield the most influence to reach the ear of the decision-makers.

On February 5 last year, former TRC commissioners, led by Yasmin Sooka and Dumiza Ntsebeza, wrote to President Cyril Ramaphosa asking for a political inquiry into alleged interference in post-TRC prosecutions, saying that families feel justifiably betrayed by the post-apartheid state which, to date, has turned its back on them.

The letter says the constitutional and statutory design of the amnesty process specifically envisaged that criminal investigations, and where appropriate, prosecutions, would take place where perpetrators were refused amnesty or failed to apply for amnesty.

This lay at the heart of the compact struck with victims.

The compact required the State to take all reasonable steps to pursue justice where perpetrators were not amnestied.

In its final report, released on March 21, 2003, the TRC calls for “a bold prosecution policy” which sadly has not happened.

Deputy Minister of Justice and Correctional Services John Jeffery says while the TRC was far from perfect resulting in people who should not have received amnesty while those who should have, did not, suggesting a diminishing appetite to reopen wounds of the past.

“If you reopen the process more than 20 years later, we have to reset the TRC, collect submissions and re-evaluate as the TRC did.

“What happened in the past certainly informs the future,” he says.

But with the lapse of time a complicating factor added to the current Covid-19 challenge, Jeffery believes that the government will be financially hard-pressed to restart any process to redress the wrongs of apartheid.

“It is accepted that the TRC was not a perfect process, and some have been left out, but the question is at what point do we move on?”

Until restorative justice is seen to be done, would seem to be the answer.

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Terrorism

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Piracy

Amid a Pandemic, the Jolly Roger Flies High (U.S. News) By Kevin Drew
July 30, 2020

Late at night in the Singapore Strait, the five men quietly pulled their small speedboat alongside the bulk cargo vessel Vega Aquarius and climbed aboard the much larger ship. The men, armed with knives, were noticed by an on-duty crewman while they were on the stern of the deck.

The men rushed the crewman, who managed to escape after his cell phone was seized. Alarms were raised throughout the ship, deck lights came on and the ship's full crew was mustered. A ship-wide search failed to find the thieves but revealed that two sets of breathing apparatus were stolen. The attacked seaman sustained minor head injuries.

The May 9 attack on the Vega Aquarius, a Liberian-flagged tanker that was steaming from Singapore to China, took place just before midnight local time. But the robbery is part of a larger picture of attacks this year by armed men on the world's high seas.

Pirate attacks across Asia doubled in the first half of 2020 compared to the same period in 2019. In the Caribbean, maritime security officials say attacks have returned in the Gulf of Mexico. And a new, troubling trend is taking place off West Africa, officials say, with raids increasingly taking place far enough away from coastlines that they remain out of countries' territorial jurisdictions, evading coast guard and naval forces.

Fueling further anxiety are hundreds of thousands of crew who are trapped working aboard the world's cargo ships due to border and travel restrictions countries have imposed in response to the novel coronavirus pandemic.

And the pandemic itself is influencing piracy, experts say.

"We have seen an increase in piracy on a global basis and you can tie it to the pandemic," says Rockford Weitz, director of the maritime studies program at the Fletcher School at Tufts University. "When the global economy suffers a downturn you generally see an uptick in piracy. We see impoverished people who are really worried about getting food on the table and who will take chances to feed their families."

Sudden Rise in Attacks Across Southeast Asia

Maritime security officials who for years have tracked the global shipping industry are wary about sounding alarms of an overall rise in maritime piracy. And in fact, the number of worldwide incidences had been trending downward in the 21st century.

"We're always a little bit cautious when we see some movements, because there is a general ebb and flow in attacks on the seas," says Guy Wilson-Roberts of Risk Intelligence, a Denmark-based company that analyzes threats posed by piracy, terrorism and military conflicts. "The shipping industry gets used to ongoing threats. What they're particularly interested in is something else, a change in the type of threat."

Years of improving security measures aboard tankers, improved surveillance from the air and sea and increased international cooperation between countries' navies had by 2019 pushed the global number of pirate attacks to a 25-year low, according to the International Maritime Bureau.

Reflective of increased international cooperation is the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCAAP), an agreement created in 2004 that aims to quickly share piracy-related intelligence. Twenty countries, primarily in Asia, belong to the group, which also includes the United States, United Kingdom, Denmark, the Netherlands and Norway, countries whose economies are heavily tied to shipping and trade.

But 2020 has seen a sharp rise in armed attacks at sea. Weitz, Wilson-Roberts and others who track maritime security acknowledge the increase in pirate attacks across Asia this year. Fifty incidents were recorded across Asia in the first six months of 2020, double the 25 reported during the same period last year, according to a half yearly report released earlier in July by ReCAAP.

The attacks are spread across a wide swath, from the South China Sea to off the coasts of the Philippines, Vietnam, Indonesia, Bangladesh and India. Most attacks have been concentrated in the Singapore and Malacca straits, narrow bodies of waters separating Indonesia from Singapore and Malaysia, respectively.

For centuries, both of the straits have acted as vital shipping lanes that connect trade in East Asia to ports in South Asia, Africa, the Middle East and Europe. Cargo ships are especially vulnerable traveling through the Singapore Strait, a congested body of water 65 miles long and only 10 miles wide that separates the island-state of Singapore and the Riau Islands that are part of Indonesia.

The waters feature many small islands with little or no people and government presence – perfect bases for criminals and terrorists to operate from.

Most of the pirate attacks there "center around robberies, stealing ship stores, crew valuables, whatever can be sold on the black market," says Wilson-Roberts, speaking over the telephone from his offices in Vancouver, Canada.

The most high-profile incident in Asia took place in January, when pirates boarded a fishing trawler off the east coast of the Malaysian state of Sabah and abducted eight crew members. Six months later, five crew members are still being held in captivity.

Violent Attacks Off West Africa

On the other side of the world, off the coastlines of Africa, the security focus less than a decade ago was in the Gulf of Aden, regarded then as the most dangerous waters in the world. Somali pirates persistently hijacked large cargo ships. But a combination of coordinated international naval efforts, improved local governments and enhanced security measures aboard ships reduced the threat of pirates off East Africa.

Today, however, the Gulf of Guinea off the coastlines of West Africa provides the greatest worry for maritime security experts. Where Asia may experience the most piracy incidents, which are generally thefts, attacks in the Gulf of Guinea, particularly the Niger River Delta region, are dangerous for ships' crews.

"The violence towards the crew is quite high and significant," says Cyrus Mody, assistant director for Commercial Crime Services at the International Chamber of Commerce. "The incidents are targeted at the kidnappings of the crew and the attacks are a lot more violent than other parts of the world."

While experts say piracy is generally under-reported -- shipping companies can be resistant to reporting to insurers – the Gulf of Guinea presents extreme challenges in quantifying the scale of piracy. Mody says there is 40% to 60% under-reporting in the region of attacks on merchant vessels. And there is no accounting of attacks on fishing boats and passenger vessels inland on rivers.

Aside from the violent nature of attacks, Mody says many piracy incidents off West Africa are taking place farther out at sea – sometimes as far out as 70-100 nautical miles from coastlines – out of easy reach by coast guards and navies.

Adds Weitz: "Piracy is as old as human history. It's really hard for us, given our land-based orientation, to understand how light the law enforcement is on the oceans. It's a much bigger scale of a challenge than people realize."

Trans-National Criminal Networks in the Americas

In the Western Hemisphere, pirate attacks began sharply rising in the southern Gulf of Mexico beginning in April. The attacks are primarily focused on ships and platforms tied to Mexico's oil industry, robbing crews of money and seizing personal belongings and technical equipment that bring lucrative payouts in black markets.

The attacks in the gulf have persisted into the summer, causing the U.S. government in June to issue a special security alert for the region, singling out the Bay of Campeche as a particularly perilous region.

Weitz speculates that Mexico opening up its oil industry to international investment has led to that sector being seen as a lucrative target for attacks.

Other areas in the Western Hemisphere have also experienced pirate attacks. In April, eight men boarded the container ship Fouma at the port of Guayaquil, Ecuador, and fired shots at the vessel's bridge. They seized items from shipping containers before racing off in two speedboats. Across the Caribbean, Weitz says trans-national criminal networks are targeting vessels at sea.

"The overall security situation in countries such as Mexico and Venezuela make it relatively easy for criminals to operate," Weitz says. "And with the onset of the global pandemic, scant security and police resources are focused inland."

Collaboration Seen as Essential Answer to Piracy

The global pandemic may also be affecting security aboard ships, experts say. Earlier in July, the International Transport Workers' Federation estimated about 300,000 crew around the world are trapped aboard ships due to travel restrictions countries have imposed.

"The infection fear is limiting crew changes," says Neil Roberts, head of marine underwriting for Lloyd's Market Association in London. "Ships are very wary of pilots coming on board, and surveyors are having trouble accessing vessels to do surveys."

Yet despite the rise in attacks this year, observers are upbeat about the long-term prospects of reducing maritime piracy. And certain countries are offering blueprints for other nations to minimize the threat. Fifteen years ago, Indonesia, Malaysia, Singapore and Thailand entered into the "Eyes in the Sky" agreement, an intelligence-sharing pact that allows planes from the countries to fly over a certain amount of the other nations' territorial waters in an effort to seek out pirates. The effort is generally seen as a success, Weitz says.

"Southeast Asia is doing very well. Although it's not a perfect situation, if you look at 20-year trendlines it's a success story."

Such collaboration between countries is essential, experts say, because of the serious dangers piracy poses.

"People fantasize and romanticize piracy," says the ICC's Mody, speaking over the telephone from his London offices. "But it happens, and it has serious consequences. Seafarers who are going about their daily routines ... their main job is to bring trade in and out. They are the ones injured, sometimes even killed."

Nine Abducted FPSO Crewmembers Released by Pirates (The Maritime Executive)

August 10, 2020

Nine Nigerian crewmembers who were kidnapped from the FPSO Sendje Berge last month have been released, according to operator BW Offshore.

In the early hours of July 2, pirates boarded the Sendje Berge and abducted nine crewmembers. No others on board were injured in the altercation. BW Offshore and the Nigerian Navy coordinated on the response after the pirates' departure.

Historically, the majority of pirate attacks in the Gulf of Guinea have targeted OSVs, fishing vessels, tankers, boxships and other merchant vessels. FPSOs and production platforms may have an additional vulnerability in that they cannot maneuver to escape boarding. Sendje Berge is permanently anchored at the Okwori field, located about 50 miles to the southwest of Port Harcourt.

According to the ICC IMB, the threat of serious maritime piracy in the Gulf of Guinea is on the rise - a remarkable statement given that it was already very high. According to the IMB, 49 seafarers were kidnapped in the Gulf of Guinea in the first half of this year alone. Some of them were held captive for up to six weeks, IMB reported. The incidents are also happening further out to sea: two-thirds of the vessels were attacked on the high seas at a range of 20 to 130 nautical miles offshore.

On July 17, two days after the IMB's latest assessment was issued, the product tanker Curacao Trader was boarded 244

nautical miles south Cotonou, Benin - a new record for distance from shore. 13 members of her crew were kidnapped.

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WORTH READING

Criminal Responsibility for the COVID-19 Pandemic in Syria **Roger Lu Phillips and Layla Abi-Falah**

August 5, 2020

Since the beginning of the Syrian conflict in 2011, the Syrian government has bombed healthcare facilities, attacked healthcare workers, and diverted humanitarian medical aid. These attacks not only decimated hospitals and led to numerous fatalities, but also crippled Syrian healthcare capacity leaving it entirely unprepared to address the COVID-19 pandemic. Initially denying that COVID-19 had affected the country, the Syrian government has since acknowledged its existence and accepted international humanitarian aid. However, it has renewed its approach to punish and suppress opponents by diverting medical aid away from parts of the country at highest risk of infection, namely current and former opposition-held areas such as Idlib, impeding healthcare's ability to respond to COVID-19 in such areas. Health experts now estimate that an unmitigated outbreak in Idlib, the last redoubt of the opposition, could result in the deaths of up to 100,000 persons due to this illness – a situation that would not have arisen but for the Syrian government's campaign of violence against healthcare.

It is one of the foundational principles of international humanitarian law that the intentional targeting of health facilities constitutes a war crime. The Syrian Government's attacks on such facilities have been well-documented and condemned in a series of reports issued by UN entities, journalists and non-governmental organizations. But the death and suffering caused by these attacks is not fully encompassed by reference to direct casualties alone. Thousands of Syrians have been deprived of routine medical treatment for acute illnesses as well as communicable diseases as a result of a deliberate strategy of eradicating access to healthcare. This article examines whether individual criminal responsibility may obtain for the Syrian government's campaign of violence against healthcare which has led to the deaths and suffering through injuries and illness including due to COVID-19. By examining the concept of *dolus eventualis*, it concludes that the Syrian government's acts and omissions in furtherance of a policy to attack healthcare as an institution constitutes murder and extermination as crimes against humanity and war crimes. It also concludes that by focusing the ire of the military on specific groups of civilians and intentionally causing their suffering, government and military officials may be guilty of the crimes against humanity of persecution, other inhumane acts, and torture.

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