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War Crimes Prosecution
Watch

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Suspected Islamist militants kill 13 in eastern Congo villages (Defence Web)

August 24, 2020

Suspected Islamist militants killed 13 people during raids on two villages in eastern Congo, the army and a village chief said, the latest in a spate of attacks the United Nations says may constitute war crimes.

The Allied Democratic Forces (ADF), a Ugandan armed group operating in North Kivu province in Democratic Republic of Congo, have killed more than 1 000 civilians since the start of 2019, according to UN figures.

Militiamen tied up the victims in the villages of Kinziki-Matiba and Wikeno, 10 km east of the city of Oicha, before killing them in the attack on Friday afternoon, said Chui Mukalangiwa, a local village chief.

"We beg the authorities to put an end to this bloodbath," he said.

The army helped civilians bury the bodies and is looking at deploying more units in the area, army spokesman Antony Mwalishayi said.

The ADF has operated in the dense forests near the Ugandan border for more than three decades. Late last year the Congo army launched a large-scale operation against them, sparking a violent backlash against civilians.

Several attacks attributed to the ADF have also been claimed by Islamic State, although researchers and analysts say there is a lack of hard evidence linking the two groups.

The insecurity has forced hundreds of thousands to flee their homes and complicated Congo's response to the F pandemic as well as an Ebola epidemic that has killed more than 2,200 people.

DRC: CODECO agrees to ceasefire (Africanews)

August 24, 2020

An armed group in the Democratic Republic of Congo has declared a unilateral ceasefire.

The Co-operative for the Development of Congo, or CODECO, has been condemned by the UN for massacres akin to crimes against humanity.

The group, made up of Lendu people, has historically clashed with Hema people, in a conflict that has killed at least six hundred and thirty six people this year.

"As the Head of State says, we're stopping with the atrocities," said Basa Zukpa, the spokesman for the Codeco militia.

"We are ready to grasp this out-stretched hand, which is why we tell our people to first respect this process, to be calm while we move forward."

The agreement follows President Felix Tshisekedi's appeal to suspend their attacks on their ethnic rivals.

The eastern province of Ituri has been the scene of violence since December 2017.

It escalated after the army launched a crackdown on armed groups last October.

Congo Army Says Islamist Militia Kills 20 in East (The New York Times)

August 26, 2020

Islamist militants killed at least 20 people during attacks on three villages in eastern Congo, the army and a local administrator said.

The Allied Democratic Forces (ADF), a Ugandan armed group operating in eastern Democratic Republic of Congo for more than three decades, have killed more than 1,000 civilians since the start of 2019, according to United Nations figures.

The army and local authorities discovered the victims of the latest massacre on Wednesday in the villages of Mapasana, Mayitike and Sayuni, around 30km north-west of the city of Beni.

The killings come just three days after a similar raid that left 13 dead.

Late last year the Congo army launched a large-scale operation against the ADF, sparking a string of revenge attacks against civilians that the U.N. says may constitute war crimes.

Dr Mukwege, Nobel Peace Prize winner, faces death threats in Democratic Republic of Congo (PledgeTimes) By Bhavi Mandalia

August 26, 2020

The Congolese government has announced the opening of an investigation and the implementation of measures to ensure the security of the 2018 Nobel Peace Prize winner.

Dr Denis Mukwege is the target of new death threats for denouncing the continuing massacres in eastern Congo. The Nobel Peace Prize winner above all called for the establishment of an international criminal court to try all crimes that have gone unpunished for more than twenty years.

This is not the first time that Dr Denis Mukwege has been the subject of intimidation and death threats. The founder of Panzi hospital, has escaped a assassination attempt in October 2012, in the center of Bukavu, the capital of South Kivu. The keeper of his house had been shot at point blank range. Dr Mukwege knew he was in danger. He had been threatened on several occasions by armed groups for having denounced the rapes and other forms of sexual violence for which they were responsible, according to Amnesty international

After a brief exile in Belgium, Dr Mukwege returned to eastern Congo to continue his mission with the victims, in particular the thousands of raped women. The perpetrators of the 2012 attack have never been arrested, as have thousands of other criminals affiliated with armed groups. Eastern DRC is currently “a sanctuary of armed bands”, as explained in The Conversation Valentin Migabo, researcher at the University of Quebec in Montreal.

More than 100 national groups and at least six foreign armed groups are active there and continue to spread terror.

For more than two decades, cycles of violence have mourned our country in particular because of the impunity enjoyed by the instigators and the executioners.

The Nobel Peace Prize is today again threatened because he is not content to condemn the violence in Kivu. Dr Mukwege, names the presumed culprits and calls for justice for the victims. He recently called for the creation of a special tribunal for the DRC to try the serious crimes committed against civilians in the east of the country for more than 20 years.

A United Nations report published in 2010 lists the most serious human rights violations committed between 1993 and 2003. The Mapping report had identified more than 600 massacres which could be qualified as war crimes and crimes against humanity, according to RFI. But to date no official has been tried.

Without truth and justice, there will be no lasting peace in the DRC and neither the victims nor the torturers will be able to rebuild a peaceful future for future generations. Dr Denis Mukwege, Congolese gynecologist and Nobel Peace Prize 2018

DRC arraigns 21 soldiers, police officers for rape (Punch NG)

August 26, 2020

Twenty-one soldiers and police officers are on trial for rape in the east of the Democratic Republic of Congo, judicial sources told AFP on Wednesday.

Presiding judge Major Alain Giongenga-Lwanzu said a military court has been trying the accused in South Kivu province since Monday, in the presence of 23 of their victims who joined forces in a civil action.

The women are being supported by Congolese gynaecologist Denis Mukwege, the 2018 Nobel Peace Prize winner, and his Panzi Foundation.

The 21 accused are being prosecuted for rapes and sexual assaults committed this year in the Ruzizi plain between Bukavu and Uvira, in a region destabilised by armed groups and banditry.

“Women of various ages including a nine-year-old girl, but also a young boy” are among the victims, according to the Panzi Foundation.

Mukwege received the Nobel Peace Prize for his work in reconstructive surgery for female victims of sexual violence on the sidelines of the armed conflicts that have destabilised the Kivu region for nearly 30 years.

His foundation also wants to provide legal support to victims to fight against the impunity of warlords.

The trial aims to be “educational” and to “dissuade armed men from committing acts against the law such as taking women by force,” captain Joseph Nganama, military prosecutor, told AFP.

It is also a message so that “civilians emerge from their fear and know that the military is not above the law,” he added.

The crimes were committed this year in several villages including Luvungi, on the border with Burundi, according to the prosecution.

The verdict is scheduled for September 2, the court said.

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

Nigeria: Jihadists Abducted Hundreds Of Displaced (Africa Diplomatic)

August 19, 2020

Insurgents from the Islamic State group West Africa Province (ISWAP), affiliated to Boko Haram, attacked Kukawa in the Lake Chad region late on August 18, seizing hundreds of people who had just returned to their homes after spending nearly two years in displacement camps, said Babakura Kolo, head of a local militia.

“The terrorists attacked the town in 22 trucks around 4:00 pm (1600GMT) yesterday and engaged soldiers guarding the town in a fierce battle,” he said.

Residents of Kukawa, escorted by the military, had returned to the town just on August 2, on the orders of the Borno state authorities.

They had been living in camps in the regional capital Maiduguri, 180 kilometers away, where they fled following a brutal attack in November 2018.

A local chief who accompanied the residents to the town said the people had returned with the hope of cultivating their farmlands “only to end up in the hands of the insurgents”.

“We don’t know what they would do to them but I hope they don’t harm them,” said the chief, who asked not to be identified for safety reasons.

A security source who confirmed the incident to AFP said fighter jets were deployed from Maiduguri on August 19 to “tackle the situation”, without giving further details.

Cameroon: Boko Haram Suicide Bombers Strike Displacement Site Apparent Children Used in Attack; 17 Civilians Killed (Human Rights Watch)

August 25, 2020

The Islamist armed group Boko Haram used apparent child suicide bombers in an unlawful attack on a site for displaced people in the Far North region of Cameroon, Human Rights Watch said today.

The attack, carried out overnight between August 1 and 2, 2020 in the town of Nguetechewe, killed at least 17 civilians, including 5 children and 6 women, and wounded at least 16. There was no evident military objective in the vicinity.

“The Boko Haram’s nighttime suicide attack in Nguetechewe appears designed to maximize civilian deaths and injuries,” said

Ilaria Allegrozzi, senior Africa researcher at Human Rights Watch. "Using apparent children as suicide bombers to attack displaced people is a grossly repugnant war crime."

From August 5 to 15, Human Rights Watch interviewed by telephone 14 victims and witnesses to the Nguetchewe attack, as well as a local medical worker, 2 humanitarian workers, and 3 local activists. Human Rights Watch emailed its findings on August 12 to Cyrille Serge Atonfack Guemo, the Cameroonian army spokesperson, and requested responses to specific questions. In an August 18 email, Atonfack Guemo confirmed the attack, saying it was carried out by "terrorists," and provided information on the security forces' response.

Witnesses said that 20 to 30 fighters whom they recognized as Boko Haram because of the way they dressed and spoke entered Nguetchewe on foot late on August 1, evading detection from local gendarmes. They attacked community volunteer guards and members of a local vigilante group. The vigilante groups, *comités de vigilance* in French, were established in 2014 by government decree to assist security forces in fighting Boko Haram. The Boko Haram fighters then attacked the displacement site, shooting at fleeing residents and looting shelters.

Witnesses reported hearing two loud consecutive explosions as they fled. They said they believe the explosions were caused by two suicide bombers who infiltrated groups of fleeing civilians, then detonated explosive vests. The blasts killed 12 civilians.

Available information from witnesses and independent sources indicates that the suicide bombers were children, but Human Rights Watch could not confirm this finding.

"I was home with my family when we heard shooting and people screaming 'Allahu Akbar!'" a 28-year-old site resident told Human Rights Watch. "We quickly understood it was a Boko Haram attack. We all went out and ran away. But the fighters shot at us. They were shooting randomly at all the people fleeing."

The Nguetchewe site houses over 1,500 people who have been displaced in the past 4 years from across the Far North region due to violence by Boko Haram and counterinsurgency operations by the Cameroonian security forces.

At the time of the attack, between 16 and 20 gendarmes of the *Groupement Polyvalent d'Intervention de la Gendarmerie Nationale* (Polyvalent Intervention Group of the National Gendarmerie) were on duty in Nguetchewe, but none were stationed in the Guirbala neighborhood, where the displacement site is located.

"We are working day and night with little-to-no means or protection," said a 44-year-old vigilante group member. "We are scared and tired." Nguetchewe residents said they volunteered to help the vigilante groups protect the town from Boko Haram attacks but were neither trained nor equipped for such dangerous tasks.

Witnesses said that gendarmes intervened after the attack started but were too few to effectively confront the assailants. The witnesses said that military reinforcements from the 42nd Motorized Infantry Battalion (BIM) in Mozogo arrived only afterward, in the early morning of August 2. The soldiers took the injured to nearby medical facilities. Atonfack Guemo confirmed this information and added that soldiers from the Rapid Intervention Battalion (BIR) had been deployed to Nguetchewe from the nearby Mayo Moskota Base to prevent further attacks in the area.

Midjiyawa Bakary, the governor of Cameroon's Far North region, told the media that following the attack, more security forces were deployed to Nguetchewe. Atonfack Guemo said that the gendarme detachment in Nguetchewe has been strengthened and that a "combat post" was being built in Mbaliouel Village to prevent Boko Haram fighters from entering the town.

The attack displaced over 1,500 people, both residents of Nguetchewe and those sheltered at the site. Many escaped to the surrounding bush. While many have returned, others continue to spend their nights in the forest, fearing new attacks. "We are scared, we live in fear, we panic at the smallest noise," a 35-year-old woman said. "We are afraid to sleep at the displacement site because of the risks of new raids by Boko Haram."

The attack in Nguetchewe was widely condemned, including by the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the European Union, the United Kingdom, and the United States.

International humanitarian law applicable to the armed conflict with Boko Haram prohibits deliberate and indiscriminate attacks on civilians and civilian objects. Those who order or commit such attacks with criminal intent are responsible for war crimes. The recruitment and use in hostilities of children under age 15 is also a war crime. The recruitment and use in hostilities of children under 18 by non-state armed groups also violates international law.

"Attacking civilians, including those who have already been forced from their homes, is beyond reprehensible," Allegrozzi said. "Securing Nguetchewe is a step in the right direction, but Cameroon's government needs to adopt additional measures, including a more careful deployment of security forces to better protect civilians who remain at grave risk". Boko Haram in Cameroon

The armed group Boko Haram, which loosely translates as “Western education is forbidden,” is based in northeastern Nigeria and has spread to countries including Chad, Niger, and northern Cameroon. Since 2014, the group has wreaked havoc in Cameroon’s Far North region, carrying out attacks that are often indiscriminate or deliberately targeting civilians. The attacks have included suicide bombings in crowded civilian areas such as markets, mosques, churches, schools, displacement camps, and bus stations; kidnappings, including of women and children; and widespread looting and destruction of civilian property. UNICEF, human rights groups, and the media have documented the widespread forced recruitment of children and their use as suicide bombers by Boko Haram in the Lake Chad basin, including in Cameroon, since 2015.

The attack in Nguetchewe follows a major rise in violent incidents in the Far North Region since the beginning of the year, with almost daily killings, kidnappings, thefts, and destruction of property attributed to Boko Haram. Human Rights Watch monitoring of local and international media and reports by nongovernmental groups indicate that since January, the armed group has carried out over 200 attacks and raids, killing at least 146 civilians. Cameroon’s government reported that since January, 22 Boko Haram attacks occurred in the northern district of Mozogo, where Nguetchewe is located, alone.

The Boko Haram violence in Cameroon has forced over 322,000 people from their homes since 2014. Internally displaced people live in so-called spontaneous sites or with hosting families. A UN staff member told Human Rights Watch that there are 129 spontaneous displacement sites across the Far North region, many of which are not protected. Cameroon also hosts approximately 116,000 refugees who have fled Boko Haram attacks in Nigeria.

To address the threat posed by Boko Haram, the Cameroonian government has deployed thousands of security forces to the Far North. The government has also used over 14,000 vigilante group members in the Far North to provide intelligence to security forces, act as guides, and protect villages from attack. A separatist insurgency in the Anglophone regions of Cameroon and threats from Central African Republic-based rebel groups in the east exacerbate the difficulties in the Far North.

Boko Haram has repeatedly targeted Nguetchewe since the beginning of the conflict in 2014, including with suicide bombings. On January 18, 2016, a Boko Haram suicide attack on a mosque in Nguetchewe killed five people. On February 10, 2016, two Boko Haram female suicide bombers infiltrated a wake in Nguetchewe and blew themselves up, killing 6 people and injuring more than 30.

Accounts From Witnesses to the Nguetchewe Attack

Shooting at the Vigilantes’ Security Post

Before storming the displacement site after midnight on August 1, Boko Haram fighters attacked a security post in Nguetchewe’s Gokoro neighborhood, firing at vigilante group members and community volunteer guards on duty.

A 38-year-old vigilante group member said: The assailants did not come from their usual way. They bypassed a vigilante post located at the outskirts of the city and attacked the post in Gokoro, controlled by both vigilantes and volunteers from the community. I was there, and they started shooting at us. So, we ran away to save our lives. We could not stop them, but we sounded the alarm and called the gendarmes.

Another vigilante group member, 44-years-old, said: “They came in large numbers. I could not count them because it was dark, and we all fled. But they shot one of us, a man named Gatama. They first struck him with a machete, then shot him, then threw him in a small river. We found his body the following morning.”

Attack on Displacement Site

People living at the Nguetchewe Displacement Site described the Boko Haram attack early on August 2. The fighters entered the site and began firing wildly at people who were desperately trying to flee.

A 70-year-old man, who has been living at the Nguetchewe Site for over three years after fleeing violence in his home village of Talassari, said: I was sleeping. Suddenly, I heard gunfire. I immediately left the house and saw numerous Boko Haram fighters outside. They were screaming: “Allahu Akbar!” They were shooting everywhere. As I ran away for my life, they shot me in the stomach. I found myself on the ground, an inexplicable pain striking my body. I was bleeding profusely, and I lost consciousness. When I woke up, I was at the Adventist Hospital in Koza.

A 32-year-old woman who had been at Nguetchewe for the past year since leaving her home village of Mebori due to violence described the attack: It was late at night when shooting woke me up. I was frightened. I just left my shelter and ran outside. Boko Haram fighters were firing all over the place, bullets were flying. While I was running, I was shot. A Boko Haram fighter shot me in my right hand. I did not stop running and I forced myself not to shout or cry. As I kept running through a millet field, I heard a very strong explosion. It was terrifying. I lay down and shortly after I heard a second explosion. I don’t remember much after. Gendarmes rescued me and the following morning the military took me to the hospital in Koza.

The site was then rocked by two explosions that proved to be suicide bomb attacks. A vigilante committee member, who had been living in the displacement site in Nguetchewe since 2017, said the first explosion injured him: The explosion was big. I saw sparks like lightning in the sky and its sound was louder than a rocket. I touched my body and realized it was covered in blood. I don't remember anything after that. I woke up at the Adventist Hospital in Koza. Medical staff were treating me. I suffered injuries to my right foot, abdomen, and head.

A 38-year-old resident of Nguetchewe said: "I was just few meters away from the first explosion. I don't know how I am still alive. The first explosion killed eight people. The second one, less than three minutes after, killed four people. I counted the bodies and helped rescue the injured."

A 28-year-old man said that he lost two family members in the first explosion: I heard the shooting and ran away. While I was running in the middle of a millet field, I heard a very strong explosion. I was lucky because I was only slightly injured. But my wife and my 15-month-old daughter were more seriously injured in the head and in the hands, respectively. I also lost two female cousins, one 23 and the other 12. The morning following the attack, soldiers from the 42nd BIM took the man, his wife, and daughter to the Maroua Regional Hospital.

A 52-year-old farmer said that he lost four family members in the attack: I live in Mozogo and as soon as I was informed about the attack in the early morning of August 2, I rushed to Nguetchewe because I have family there. I was devastated to learn that my family members had been killed. I identified the bodies of my stepmother, my sister-in-law, and one of her two twin babies and of another child. The other twin was still alive. She was taken to the hospital but died on August 9 of her injuries.

The farmer said that while returning on his motorcycle to Mozogo, seven kilometers from Nguetchewe, Boko Haram fighters shot him in the back. I saw two Boko Haram fighters in front of me. I slowed down. I looked back. I saw more behind me. There was no way I could turn around. So, I decided to speed up and as I did, they shot me in the back. I managed to continue until Mozogo despite the pain and the fact that I was bleeding. Once I arrived in Mozogo, I was taken to the hospital. I was later transferred to Mokolo Hospital where I spent two days and finally to the Maroua Regional Hospital. The doctor said I was lucky because the bullet did not pierce my lungs.

Three Nguetchewe residents along with three other independent sources said they believe the two suicide bombers were children – a girl and a boy – from outside the displacement site. The residents said that when they and the victim's family members identified the bodies of those killed, they recognized everyone except a boy and a girl with heads missing whom they said were neither from Nguetchewe nor from the displacement site.

The vigilante committee member and a 32-year-old man said that they saw the alleged girl suicide bomber before she detonated her explosive vest. The 32-year-old man said: I was fleeing with a group of people and saw a girl on the ground complaining of pain. We approached her. We thought she had been injured. We asked her to stand up and run with us, but she refused. So, we kept running and seconds after we heard the first loud explosion. We believe she was the suicide bomber. She could have been 14 years old or so.

During and after the explosions, Boko Haram fighters entered shelters at the displacement site and looted food and livestock. A 40-year-old resident said: They broke into dozens of shelters and took everything they could find. They looted up to 10 sheep and goats, clothes, and food. People were already destitute before the attack. Many of them had fled their hometowns and villages leaving everything behind due to the violence. Now they have just been left with nothing.

Inadequate Security at Nguetchewe Displacement Site Residents and others said there weren't enough government security forces in Nguetchewe and at the displacement site at the time of the attack.

A 27-year-old displaced man said: The displacement site was left almost unguarded. There are some 10 volunteers and members of the vigilante committee on duty near the site. But there was no presence of the security forces. This recent attack clearly showed that civilians cannot be left to fend off heavily armed Boko Haram fighters. We welcome the deployment of more gendarmes in Nguetchewe [since the attack] and hope they will stay.

A 21-year-old electrician and Nguetchewe resident said: We need more security forces in Nguetchewe. We need to feel safe. Now we are scared. Volunteers and vigilantes cannot ensure our security alone. They are not armed and the best they can do is to launch the alert if they don't get killed. They need to be supported by the state forces.

A local activist said: There were some 16 gendarmes in Nguetchewe when the attack took place. This was totally insufficient to protect the people from Boko Haram, whose fighters are always heavily armed and use brutal strategies to attack civilians. Boko Haram knows the area and the territory well. They know where to enter and escape. They use suicide bombers, and often they are children or women, so they can go unnoticed. If the authorities do not deploy more security forces in our area, they will be failing in their fundamental duty to protect their people. They should prevent Boko Haram from targeting civilians again and protect the displaced communities from further attacks.

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Compensating Kwoyelo unrealistic, says judge (Daily Monitor) By Tobbias Jolly Owiny
August 26, 2020

The head of the International Crimes Division of the High Court (ICD), Justice David Wangutusi, has asked government not to rush to compensate former rebel leader Thomas Kwoyelo, arguing that this may psychologically hurt victims of the LRA war.

While chairing an ICD outreach meeting in Gulu Town on Monday, Justice Wangutusi said it would be unfair and unjustifiable to compensate Kwoyelo when his victims have not been paid by government.

“Should the government go ahead to pay that compensation, there is a likely scenario where the public might misunderstand it; victims and members of the public are expecting compensation from the government to come to them,” he said.

Justice Wangutusi was responding to participants who demanded to know if the compensation awarded by the Court of the African Commission on Human Rights to Mr Kwoyelo had been paid.

Court ruling In October 2018, the African court ordered the Uganda government to compensate the former rebel leader for violating his rights under the African Charter, including his right to a fair trial. Mr Kwoyelo is currently facing charges of war crimes, crimes against humanity, torture and abduction with intent to murder, among others, reportedly perpetrated in Gulu and Amuru districts during the LRA war.

Although the amount of money was not stated, the government was ordered to pay the compensation basing on ‘international standards’ and to report the progress to the commission within 180 days. Mr Kwoyelo’s trial started in 2009.

Justice Wangutusi suggested that once the government moves to pay Mr Kwoyelo, it has to be in compliance with the law.

“We should guard against the people misunderstanding the government’s intention in such compensation; ideally the public and victims expect the compensation to come to them,” he added. Mr Kwoyelo’s defence lawyer, Mr Geoffrey Borris Anyuru,

said he is following up the compensation demand from government.

Justice Wangutusi, meanwhile, explained that Mr Kwoyelo's hearing had delayed due to financial constraints facing the ICD and the complex nature of his charges.

The trial against Mr Kwoyelo resumed at the beginning of October 2019. At least 300 prosecution witnesses have been lined up to testify against the former rebel leader.

Security assurance Meanwhile, police and army leadership assured the ICD of security during the trial after the October 2019 hearing was prematurely ended after a reported plot by gangs to raid the court and abduct Mr Kwoyelo.

The ICD deputy registrar, Ms Beatrice Stella Atingu, challenged the army and police commanders who attended the Monday meeting to explain whether it was still safe to conduct the trial from Gulu.

But Mr Ezekiel Emitu, the police commander for Aswa region, said the alleged plot to attack the court was unrealistic.

"Before we hold sessions here, we usually have a process in which we sit as security and determine how to secure these sessions of the ICD. I want to allay your fears that we have a very competent security team here and with enough manpower," Mr Emitu said.

Maj Telesphor Turyamumanya, the 4th Division army spokesperson, also said no one will disrupt the hearing.

"I want to assure this court that there will not again be any such threats or plans," Maj Turyamumanya said.

Compensation order In October 2018, the African court ordered the Uganda government to compensate the former rebel leader for violating his rights under the African Charter, including his right to a fair trial. Mr Kwoyelo is currently facing charges of war crimes, crimes against humanity, torture and abduction with intent to murder, among others, reportedly perpetrated in Gulu and Amuru districts during the LRA war.

Zaake torture case: Court dismisses state evidence (Daily Monitor) By Juliet Kigongo
August 26, 2020

Court on Wednesday dismissed supporting evidence filed by the state in the matter in which the Mityana Municipality MP, Francis Zaake, sued top security officers over torture.

Justice Esta Nambayo's decision was prompted by Zaake's lawyer, Mr Eron Kiiza, who asked the court to call Mr Moses Mugisha, the State Attorney, to have him cross examined on his affidavit that was filed by the attorney general in support of the case.

Mr Kiiza told court that the evidence brought by Mr Mugisha is full of unsubstantiated statements with hearsay evidence which the court could not rely on. "Your honour, we were served with the affidavit of Mr Mugisha very late yesterday. I would like to cross examine him on his evidence on record which is just a hearsay," he said.

Prosecution led by Mr Johnson Natuhera, opposed the submission asking court not to dismiss the evidence saying that Mr Mugisha is also a state attorney thus the evidence on record should be taken as it is.

However, when Mr Natuhera was asked by the trial judge on whether he could present Mr Mugisha for cross examination, he responded that he was not willing to do so which led to the dismissal of evidence. Mr Natuhera then asked court to grant him more time to file new affidavits, which the court accepted.

The trial judge ordered Mr Natuhera to file the additional affidavits on September 2 and then Zaake's lawyer will file the rejoinder on September 16, and hearing of the case will be on September 29.

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Kenya's LGBTQ Refugees Face Threats, Attacks at Kakuma Camp (Voice of America) By April Zhu
August 13, 2020

LGBTQ refugees in Kenya's Kakuma refugee camp say they are subjected to violent attacks and destruction of property by other refugees and local Turkana people. Some have fled to Nairobi and accuse authorities of failing to prevent the attacks.

In a June video shared with a reporter, a crowd of people surround a group of LGBTQ refugees in Kenya's Kakuma Refugee Camp and thrash them with stones and sticks.

Photos of bloodied LGBTQ refugees circulated on social media.

Transgender Ugandan refugee Doreen Andrews Kigongo was in the camp that day and confirmed the authenticity of the video.

Kigongo was among a group of LGBTQ refugees who were transferred to Kakuma in late 2019, after her Nairobi safe house was raided by police.

"I'm coming there in December, and other people told me, 'Oh my god, you are going to die here,'" she said. "First of all, you're trans. And you want to live that life, where you're expressing as a trans person?"

Another transgender Ugandan refugee, Anita Sebuuma, was among those attacked in the video and says that police were called but took hours to arrive.

At a safe house in Nairobi, Sebuuma shows a reporter a long belly gash and scalp and forehead scars.

Sebuuma said the wounds are from previous attacks by other refugees and locals who don't want them in the camp.

Sebuuma said after a while, people got to know the house where they lived and started coming both day and night, throwing stones and threatening to kill them.

But East Africa's LGBTQ refugees have few options.

Kenya is the only country in the region that accepts LGBTQ refugees but, homosexuality is still illegal and punishable by up to 14 years in prison.

Refugees and asylum seekers are required to stay in camps with exemptions given only on a case-by-case basis.

Just days after the June attack, the United Nations refugee agency (UNHCR) released a statement saying Kenyan authorities were sending five LGBTQ refugees in Nairobi back to Kakuma.

The five had been moved out of the camp in 2018 over threats to their safety.

The spokeswoman for UNHCR Kenya, Eujin Byun, said they have attempted to organize dialogue between refugees and community leaders.

"We have to find a solution, even temporarily. Because this violence is not acceptable. And for UNHCR, their well-being is the priority," she said.

But LGBTQ refugee Kigongo notes if homophobic violence could be solved through talks, she would not have had to leave Uganda.

Craig Paris is the executive director for the Refugee Coalition of East Africa. He said that few LGBTQ refugees stayed in camps until just a few years ago.

Police raids on safe houses increased, he said, and LGBTQ refugees demanded protection.

"But the problem came with visibility and security—general security around queer refugees—and, you know, the host community being homophobic itself," he said.

Activists helped some of the LGBTQ refugees attacked in June get to safe houses in Nairobi.

But an estimated 300 LGBTQ refugees remain in Kakuma, where few of them feel welcome or safe.

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Kabuga 'could be transferred to Arusha this year' (The New Times Rwanda) By Nasra Bishumba

August 25, 2020

Félicien Kabuga, a key suspect accused of playing a leading role in the 1994 Genocide against the Tutsi in Rwanda, is likely to be transferred to the UN tribunal in Arusha, Tanzania before the end of the year, a top official with the International Residual Mechanism for Criminal Tribunals (IRMCT) has said.

Serge Brammertz, the IRMCT chief prosecutor, was Tuesday addressing journalists in the Rwandan capital of Kigali during an official visit.

Kabuga, who was until his arrest outside the French capital of Paris earlier this year one of the world's most wanted fugitives, was apprehended following an international investigative effort involving French authorities, the IRMCT Office of the Prosecutor, and several other countries. He had been indicted by the United Nations International Criminal Tribunal for Rwanda (a predecessor to IRMCT) in 1997 on seven counts; genocide, complicity in genocide, direct and public incitement to commit genocide, attempt to commit genocide, conspiracy to commit genocide, persecution and extermination. His indictment was amended in 2011.

Brammertz said a French court was expected to decide on when the elderly suspect can be transferred to IRMCT's seat in Arusha.

IRMCT updating Kabuga case file

"We have to wait for Kabuga to be transferred and this will take some time; it could be in September or October. Once he is in the custody of the Mechanism, of course, we (will) move to the next phase of our work," he said.

Brammertz said that, to facilitate the UN tribunal's readiness to handle Kabuga's case, he had increased the number of prosecutors and investigators looking into his file – in Rwanda – to more than 15.

He noted that the team is already in Rwanda and will in the next few months gather evidence to update Kabuga's indictment.

"We will go back to victims' organisations, witnesses and (individual) victims who testified, to look at their availability and (to see how they can work) with the Prosecutor General's Office to come up with additional evidence to update the case file as soon as possible," he said.

Fugitives' 'days numbered'

Rwanda's Prosecutor General Aimable Havugiyaremye warned that Kabuga's arrest serves as a reminder to all the fugitives of the Genocide against the Tutsi and that their days are numbered.

"Those who are fugitives should know that we are working with many countries and international justice organisations to track them down and that no stone will be left unturned to bring them to justice," he said.

Who is Kabuga?

Kabuga, referred to as the Financier of the Genocide, was a wealthy businessman with close ties to the politicians who planned the Genocide.

He was a founding and majority shareholder of the infamous hate radio station RTLM that incited killings.

Kabuga, 85, had been on the run since August 18, 1994 when the Swiss security services let him slip from their grasp.

As the Genocide progressed, Kabuga was reportedly given a visa to enter Switzerland only to be later expelled.

After he was expelled from Switzerland in 1994, he went on to spend some time in DR Congo (then Zaire) before moving to Kenya. While there, he is believed to have escaped arrest on several times.

In one incident in 1998, an ICTR team raided a Nairobi house where he was believed to be staying only to find a note indicating that the fugitive had escaped on a police tip-off.

Besides being part of the ideologues that established RTLM, prosecutors say Kabuga helped train and equip the Interahamwe militia, and that there is evidence he used his companies to import vast quantities of machetes from China – which were subsequently used during the killings.

Rwanda seeks extradition of Ntiwiragabo seeking asylum in France (Journal du Cameroun)

August 25, 2020

Rwanda justice officials have requested French authorities to extradite a former senior officer of the defeated Rwandan armed forces, Maj.Gen. Aloys Ntiwiragabo who is hiding in the suburbs of Orléans, in the Central North of France especially for his role part in the genocide against Tutsis 26 years ago. 'Maj Gen' Aloys Ntiwiragabo, 71, who is hiding in France, did not only play a part in the massacres, accusation reports said.

Ntiwiragabo belonged to the most extremist circles and commanded the gendarmes of Kigali until 1993. He was part of the inner circle of power often nicknamed "Akazu" which orchestrated the 1994 Genocide.

In 1993, Ntiwiragabo was head of military intelligence (G2) and deputy chief of staff of the genocidal army. During the Genocide, Ntiwiragabo is alleged to have, among others, taken part in daily Genocide planning meetings of the staff of the then Rwandan armed forces.

He also allegedly availed a police station in Kigali to genocide militiamen to torture, rape and execute the Tutsi.

In July 1994, when many genocidaires fled to Zaire (now DR Congo), Ntiwiragabo was one of them. In 1996, he moved to Kenya. Later, it is reported, he took refuge in South Sudan, until he maneuvered up to France after some time.

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Somalia

Somali forces kill attackers to end siege at popular Mogadishu hotel (CNN) By Omar Nor

August 16, 2020

Somali forces have killed the last of four Al-Shabaab attackers who fought their way into the beachfront Elite Hotel in Mogadishu after a car bombing Sunday, a government spokesman says.

"Somali special forces end a 4 hours-long deadly siege at Elite hotel in Mogadushu after killing the last attacker," Ismail Mukhtar said on Twitter late Sunday.

Mukhtar and police said four attackers were involved in the assault. He put the death toll at 10, including a soldier and two officials with the information and defense ministries. Dozens of others have been wounded, hospital sources said.

Mukhtar said 205 people had been rescued after troops ended the siege at 10 p.m. local time.

The attack began when a car bomb detonated at the gates of the Elite Hotel and gunmen then launched an assault inside.

Somali terror group Al-Shabaab claimed responsibility for the attack in a statement posted on its mouthpiece channel, Radio Andalus.

"The mujahideen carried out an assault involving car bomb[s] and [a] gun raid targeting [the] Elite hotel owned by [a] Somali lawmaker," the al Qaeda affiliated group said. The owner of the hotel, lawmaker Abdullahi Mohamed Nur, said after the siege ended that he was among those freed.

Somali President Mohamed Abdullahi Farmajo issued a statement condemning the "heinous and cowardly" terrorist attack.

"The main purpose of the ambush attacks by the terrorists is to discourage the Somali people who are recovering from difficult circumstances," he said. "It is a fact that their plan is to harm every Somali through some misguided Somali youth."

The president issued his condolences over the victims of the attack and wished a speedy recovery to the wounded.

Somalia's Ministry of Information confirmed the death of Abdirisak Abdi, a ministry official. Elite Hotel

The beachfront Elite Hotel is regularly frequented by locals and foreigners since it is based in a heavily protected area in the city. But it is unclear if there are any foreign nationals currently staying at the hotel.

Al-Shabaab targeted the SYL hotel last year, resulting in a seven-hour battle. The group frequently targets Mogadishu in bombing and gun raids.

US says airstrike kills 6 al-Shabab in Somalia after ambush (MilitaryTimes)

August 26, 2020

The United States military says it killed six al-Shabab extremists with an airstrike in Somalia after the al-Qaida-linked group attacked Somali forces while U.S. forces were nearby.

The U.S. Africa Command statement said Monday's airstrike was carried out near Darasalam village in southern Somalia's Lower Shabelle region after al-Shabab fighters attacked from a building in the area. The statement said three al-Shabab fighters were wounded.

No U.S. forces were killed or wounded, the statement said, dismissing an al-Shabab claim of U.S. casualties. Somalia's government in a separate statement said the U.S. forces were there to advise and assist local ones.

Al-Shabab remains the most active Islamic extremist group in Africa, and the U.S. under President Donald Trump has increased the number of airstrikes against it. The U.S. Africa Command calls the group a "danger to Africa and the United States."

In January, al-Shabab killed a U.S. service member and two U.S. contractors in an attack on a military airstrip in neighboring Kenya. It was al-Shabab's first attack against U.S. forces in that country, and the group quickly shared online images of masked fighters standing next to blazing aircraft.

The U.S. military has since stepped up its warnings about al-Shabab's increasingly sophisticated use of propaganda.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Romanian Court Refuses to Extradite Bosnian Accused of War Crimes (Balkan Transnational Justice) By Madalin Necsutu

August 20, 2020

The Court of Appeal in the Romanian city of Constanta said on Wednesday evening that it has refused to extradite Zoran Stojcic to Bosnia and Herzegovina, where he is accused of committing a war crime by beating a Croat prisoner in 1992.

The Romanian judges justified rejecting the Bosnian Justice Ministry's extradition request by saying that there are not enough guarantees that Stojcic will not face capital punishment in Bosnia's Serb-dominated Republika Srpska entity if he extradited and convicted.

"Doubts remain about the abolition of the death penalty and the execution of the death penalty in Republika Srpska, as well as the observance of minimum guarantees on legal certainty in criminal matters," the ruling said.

Bosnia and Herzegovina does not have the death penalty on its statute book at the state level after abolishing it in the 1990s. Bosnia's Constitutional Court ordered Republika Srpska last year to formally remove any mention of the death penalty from its laws and constitution, but this has not yet been done.

The Constanta judges said the Bosnian authorities gave them written assurances that the suspect could not be executed because the country does not have capital punishment. But they said that they "cannot consider [the assurances] sufficiently convincing/explicit".

The prosecutors have challenged the Constanta court's decision and the High Court of Cassation and Justice, the supreme court of Romania, will now make the final ruling on the extradition request. The hearing is scheduled for September 22.

According to the Bosnian Justice Ministry, a witness alleges that Stojcic and other soldiers went to a man's house in Kalender Ovd in the Derвента area on May 5, 1992, and took him and his mother and sister and detained them in a gym.

Three soldiers including Stojcic came to the room that night and took the victim for interrogation, during which Stojcic allegedly beat him up to get him to reveal the location of Croat troops. He was released a few weeks later.

Stojcic has been living in Constanta for about ten years, after living for five years in Sweden, where he obtained citizenship. He is married to a Romanian citizen and runs a company in Constanta.

He was arrested in May 2019.

Former Bosnian Serb Commander Blasts UN Court As 'Child Of Western Powers' (Radio Free Europe)

August 26, 2020

Former Bosnian Serb military leader Ratko Mladic has dismissed the UN court hearing his appeal against a life sentence for genocide as a "child of the Western powers," as a two-day hearing wrapped up in The Hague, Netherlands.

The man called the "Butcher of Bosnia" has challenged his 2017 conviction and life sentence for genocide, crimes against humanity, and war crimes committed during Bosnia-Herzegovina's 1992-95 war.

These included the massacre in and around the eastern Bosnian town of Srebrenica in mid-1995 when some 8,000 Muslim men and boys were slaughtered by Bosnian Serb forces.

When asked to speak near the end of the August 26 hearing, the 78-year-old Mladic told judges he remained a "target of the NATO alliance" and described the prosecutor as a "blonde lady who has been showering me with snaky, devilish words."

Prosecutor Laurel Baig earlier on August 26 asked the judges in The Hague to uphold Mladic's sentence, saying he "was in charge of the Srebrenica operation, Srebrenica was Mladic's operation."

"And the chamber was right to conclude that he was responsible for these crimes. He used the forces under his command to execute thousands of men and boys."

The previous day, Mladic's lawyer, Dragan Ivetic, told the International Residual Mechanism for Criminal Tribunals (IRMCT) that Mladic was not mentally fit to take part in the appeal hearing. Ivetic said there was a risk of a "miscarriage of justice."

"I am unable to meaningfully gain instruction from Mr. Mladic, nor be assured that he is able to meaningfully participate and follow" the proceedings, Ivetic said during the first day of the hearing, which was being held partially by videoconference due to coronavirus measures.

Ivetic called for an analysis of Mladic's fitness to participate. At a hearing last month, Mladic's legal team warned that the former general could be suffering from early-stage dementia.

"It is a denial of due process to sentence or proceed criminally against someone who is incompetent to stand trial," Ivetic said.

The hearing proceeded despite Ivetic's objections. Mladic, looking frail, was in court and initially wore a face mask because of coronavirus regulations, before pushing it below his chin and then removing it completely.

Lawyers for Mladic have repeatedly complained about his ill-health.

But in a written ruling before the August 25 hearing, judges said that the lawyers hadn't "substantiated that Mladic is unable to communicate, consult with his counsel, and/or understand the essentials of proceedings."

The IRMCT deals with cases left over from now disbanded international war crimes tribunals for the former Yugoslavia and Rwanda.

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

Official Website of the ICTY

Ratko Mladic denounces UN court in Srebrenica genocide appeal (BBC News) August 26, 2020

Former Bosnian Serb commander Ratko Mladic has addressed judges in The Hague as part of an appeal against his conviction for genocide and crimes against humanity.

In a rambling speech, he launched a personal attack on the court, saying it was a child of Western powers.

He was jailed for life in 2017 for his part in the 1995 Srebrenica massacre when about 8,000 Muslims were killed.

Mladic's lawyers have argued he was far away from the town when it happened.

Wednesday is the second and final day of the hearing but the verdict is not expected until the spring.

The hearing is taking place at a UN court which is considering appeals and remaining cases from the International Criminal Tribunal for the former Yugoslavia (ICTY), which ended in 2017.

Mladic's health problems and coronavirus restrictions delayed proceedings earlier.

What did the court hear? Mladic, 78, entered the courtroom wearing a disposable face covering and sat down behind a Perspex screen.

When finally asked to speak near the end of the day, he said he had a low opinion of the court, and attacked the prosecutor, describing her as a "blonde lady who has been showering me with snaky, devilish words".

He said the court was a "child of the Nato alliance".

He also mentioned Srebrenica, which he said was the key to the trial, adding that he signed an agreement with the Bosnian Muslim army to honour it along with other protected areas. and suggested he was not to blame for the violation of these zones.

"My time is only just coming, I am alive and I will live, and this indictment of yours has gone down the drain," he concluded.

Four appeals judges are participating remotely via video link due to coronavirus-related restrictions, with one in court.

Prosecution lawyer Laurel Baig said Mladic had been convicted of some of "the most heinous crimes of the 20th Century".

"Mladic was in charge of the Srebrenica operation," she said.

"He used the forces under his command to execute thousands of men and boys."

A defence lawyer, Dragan Ivetic, denied his client had played a role, saying: "Mr Mladic is not a villain. He was someone who at all times was trying to help the UN do the job it couldn't do in Srebrenica at a humanitarian level."

The prosecution described Ratko Mladic as one of the worst war criminals to ever face international justice. They said his brutal legacy would affect generations, and life imprisonment was the only conceivable punishment.

Following the proceedings from behind a three-sided transparent screen, Mladic at times shook his head in disagreement, before he was allowed to speak.

As he stood to address the judges, his lawyer interjected, warning them his client was on medication, had missed a dose and asked them to "bear in mind his incapacitated state".

The former military leader then stood and asked for 30 minutes instead of 10 on the basis he was an eyewitness.

After five minutes, the presiding judge reminded him he was halfway through his allocated time, at which point, slurred but focused, he switched to analysing the atrocities at the heart of this trial.

"Srebrenica is the key to this trial," he acknowledged, speaking a little about the town's rich history and the fact it was supposed to be a UN-protected demilitarised zone.

"I'm not a saint, madam judge," he went on. "I am a simple man, I said that many times during the war, fate put me in a position to defend my country against [among other things] the Western mafia. Ratko Mladic didn't start war or make plan to attack Yugoslavia."

His voice rose: "My time is only just coming, I am alive and I will live as long as my tribe and our people live, and this indictment of yours has gone down the drain."

With that, his allocated 10 minutes were up.

The hearings have been plagued by technical glitches, but there is a sense that the pursuit of justice must not be delayed. The ageing general is still considered a war hero by some Serbian nationalists while victims' families believe it's crucial he goes down in history with a conclusive legal judgment.

The defence also argued that the proceedings should not go ahead until a medical team had reviewed Mladic's capacity to take part.

The man called the "Butcher of Bosnia" earlier needed an operation to remove a benign polyp on his colon, and had a request for a delay on health grounds rejected.

What was Mladic convicted of?

Mladic was the military commander of Bosnian Serb forces against Bosnian Croat and Bosniak armies. He went on trial at the ICTY in 2012, and was convicted in 2017.

But he was cleared of a second count of genocide in other municipalities and the court will hear an appeal by prosecutors against this acquittal this week.

How did the genocide happen?

Between 1991 and 1999 the socialist state of Yugoslavia broke up violently into separate entities covering the territories of what were then Serbia and Montenegro, Bosnia and Herzegovina, Croatia, Macedonia and Slovenia.

Of all the conflicts, the war in Bosnia was the bloodiest as, ethnically and religiously, it was the most divided.

Yugoslav army units, withdrawn from Croatia and renamed the Bosnian Serb Army, carved out a huge swathe of Serb-dominated territory in Bosnia.

More than a million Bosnian Muslims and Croats were driven from their homes in ethnic cleansing, and Serbs suffered too. By

the time the war ended in 1995, at least 100,000 people had been killed.

At the end of the war in 1995, Mladic went into hiding and lived in obscurity in Serbia, protected by family and elements of the security forces.

He was finally tracked down and arrested at a cousin's house in rural northern Serbia in 2011 after 16 years on the run.

'Butcher of Bosnia' Mladic unfit for genocide appeal: Lawyers (Aljazeera)

August 25, 2020

Lawyers for Bosnian Serb military chief Ratko Mladic have told a UN court he is at risk of a "miscarriage of justice" because he is mentally unfit to take part in an appeal hearing against his genocide conviction.

Dubbed the "Butcher of Bosnia", the 78-year-old Mladic has challenged his 2017 conviction and life sentence for genocide, crimes against humanity and war crimes in the civil war in the former Yugoslavia, including the 1995 Srebrenica massacre.

But Mladic's lawyers said they were taking part under protest as the two-day hearing got under way in The Hague, after judges earlier this week rejected a bid to postpone it pending a fresh medical assessment.

A frail-looking Mladic appeared in court wearing a mask because of coronavirus regulations, which he later removed.

Wearing a suit with his red tie askew, he initially said he could not follow the hearing through headphones.

"This hearing today is inappropriate and threatens ... a miscarriage of justice," defence lawyer Dragan Ivetic told the court.

"I am unable to meaningfully gain instruction from Mr Mladic, or be assured that he is able to meaningfully follow proceedings."

The hearing has already been delayed several times since March after Mladic needed an operation to remove a benign polyp on his colon, and then because of the pandemic.

Srebrenica

Mladic was captured in 2011 after years on the run and sentenced to life behind bars three years ago for his role in the 1992-1995 war in Bosnia.

This included genocide committed by his forces in the small eastern Bosnian town of Srebrenica, Europe's worst bloodshed since World War II, where about 8,000 Muslim men and boys were slaughtered.

About 100,000 people were killed and 2.2 million others displaced in the Bosnian war, which erupted as communal rivalries tore Yugoslavia apart after the fall of communism.

Mladic, who has been serving his sentence at a detention centre in the seaside suburb of Scheveningen, has appealed against both the conviction and sentence. The prosecution has appealed against his acquittal on wider genocide charges.

Ivetic said the original judgement was "replete with errors", including linking Mladic to crimes committed in 1991 before he was in the chain of command.

The trial judges erred by admitting some actions allegedly carried out by Mladic's subordinates, said Peta-Louise Baggott, another defence lawyer.

The case is being heard at the UN's International Residual Mechanism for Criminal Tribunals in The Hague, which deals with cases left over from now-defunct tribunals for the former Yugoslavia and Rwanda.

Mladic will himself be allowed to speak for 10 minutes on Wednesday. He had to be dragged out of the court in 2017 after an outburst in which he accused the judges of lying.

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Domestic Prosecutions In The Former Yugoslavia

New Head of Bosnian TV Regulator Criticised for War Crime Coverage (Balkan Transitional Justice) By Nejra Dzaferagic

August 13, 2020

The appointment last month of Drasko Milinovic to head the Communications Regulatory Agency of Bosnia and Herzegovina has sparked criticism because of his controversial record in charge of Radio-Television Republika Srpska, RTRS, the public broadcaster in Bosnia's Serb-dominated Republika Srpska entity.

The Communications Regulatory Agency fined RTRS more than 260,000 Bosnian marks (around 132,000 euros) for 13 breaches during Milinovic's five-year tenure in charge from 2014 to 2019, including three fines for reports on subjects linked to war crimes.

The broadcaster and Milinovic himself were sanctioned for misleading reports on the Tuzla Gate massacre of dozens of young people by Bosnian Serb forces in 1995, and about Bosniak campaigner Bakira Hasecic of the Women – Victims of War association, who RTRS alleged was “well known for her anti-Serb stance and hate speech”.

Hasecic said that Milinovic should not have been appointed because of his past record. “Knowing what has happened up until now and the news we have watched, he will surely not be able to work [objectively],” she said.

But Milinovic said that the Communications Regulatory Agency had become politicised and was trying “to punish the public broadcaster of Republika Srpska in various ways, with the clear intention to influence editorial policy”.

“Expressing respect for all the victims, I must mention that in Bosnia and Herzegovina, there are three different perceptions of each event, including the topics you mentioned, arising from the war conflict, and each constituent people [Bosniaks, Croats and Serbs] looks at them from their own angle,” he told BIRN.

He said that there are still many ongoing disputes between the Communications Regulatory Agency and RTTS, “and many of these processes are currently in court, and for that reason I cannot comment on those processes”.

Mehmed Halilovic, a former journalist and the ombudsman for the media in the country's Federation entity, said the appointment of Milinovic would prevent the Communications Regulatory Agency from doing its job properly.

Halilovic said that this would lead to “the deterioration of the political and media scene in Bosnia and Herzegovina”, allowing the proliferation of hate speech and the political misuse of the media.

“That is completely unacceptable, because this is a policy of destruction and of making state institutions pointless, and it is also an insult to common sense,” he added.

In the past, Milinovic has held senior positions in the offices of the president and prime minister of Republika Srpska.

Boro Kontic, director of the Sarajevo-based media freedom NGO Mediacentar, said that Milinovic's appointment was political.

“There is no particular concern about what the public thinks or whether the appointment violates any rules, including those of common sense,” said Kontic.

Appointments to positions at institutions under the control of Bosnia's central government, such as the Communications Regulatory Agency, usually involve horse-trading between Bosniak, Serb and Croat political parties, who often tolerate their partner parties' controversial candidates for the sake of getting their own candidates confirmed in office.

The Communications Regulatory Agency was contacted for comment but did not reply by the time of publication.

UN Court Documents Reveal 'Overlooked' Bosnian War Crime Suspects (Balkan Transitional Justice) By Marija Tausan and Lamija Grebo

August 21, 2020

Alma Karabasic turned 16 a few weeks before she and her family were forced to leave her village of Kamicani, near the city of Kozarac in Bosnia's north-western Prijedor municipality, on May 24, 1992.

She said she still remembers the shooting, how she hid in her relatives' basement, and how she fled the village.

"We saw behind us that the houses were already on fire on the 24th, in the early evening. So we left as quickly as we could in order to get to other villages to save ourselves," Karabasic said.

Several members of her family, including her grandmother and grandfather, were killed. Some of their bodies have still not been found.

Bosnian Serb military and police forces and Serb paramilitaries launched an intensive campaign against Bosniaks and Bosnian Croats as they seized control over the Prijedor area by force from late April 1992 onwards.

Karabasic's relatives were among several thousand people who were killed, according to verdicts handed down by the International Criminal Tribunal for the Former Yugoslavia, ICTY in The Hague.

The ICTY also established that thousands of Bosniaks and Bosnian Croats were imprisoned in Bosnian Serb-run detention camps around Prijedor.

BIRN's analysis of all the completed Hague cases related to crimes in Prijedor, including documents included as evidence, witness testimonies and experts' findings, shows that three Bosnian Serb Army brigades, along with police and paramilitary groups, participated in the attacks on villages in Prijedor.

Hague judgments contain the names of numerous members of the Bosnian Serb Army and police force suspected of involvement in these attacks in 1992 but never put on trial.

The Hague cases also include the names of at least ten guards at detention camps who were accused by witnesses of involvement in the beatings or killings of inmates, but who have never been indicted.

Hague prosecutors also drew up an indictment, planning to charge a large group of suspects with crimes committed in detention camps in Prijedor, but did not take it any further, as they thought that the accusations would be prosecuted in Bosnia and Herzegovina. But some of the suspects were never tried at domestic courts, BIRN has learned.

The ICTY sentenced a total of 18 people to 276 years in prison for wartime crimes in the Prijedor area, plus a life sentence for Bosnian Serb political leader Radovan Karadzic. Continuing the prosecutions initiated in The Hague, the Bosnian state court in Sarajevo sentenced 20 people to a total of 352 years in prison for crimes against the Bosniak and Croat population in Prijedor.

Some cases have also been prosecuted in Banja Luka and Belgrade, and six trials involving 30 defendants accused of wartime crimes in the Prijedor area are still ongoing at the Bosnian state court.

But BIRN's research shows that almost 25 years after the war ended, many more suspects have continued to evade judicial scrutiny and potential trial for their alleged involvement in wartime violations in Prijedor.

Trials at the Hague Tribunal determined that units under the command of the Bosnian Serb Army's First Krajina Corps participated in attacks on villages in the Prijedor area from May to July 1992. During those attacks, murders were committed, locals were seized and detained, while the property owned by Bosniaks and Bosnian Croats was pillaged and destroyed.

Evidence shows that the First Krajina Corps units involved in the Prijedor attacks were the 343rd Motorised Brigade from Prijedor, which later became the 43rd Motorised Brigade, the Sixth Sana Brigade and the Fifth Kozara Brigade. Bosnian Serb police forces and Serb paramilitary groups were also involved.

The attacks began with operations in the villages of Hambarine and Kozarac in late May 1992, then continued into the summer.

Mirsad Duratovic, who was 17 at the time and lived in the village of Biscani, said that Bosnian Serb forces began a "clean-up operation" in the village on July 20, 1992.

"The Serb army and police came to our house," Duratovic recalled. "They used me and three other minors, including my brother, as human shields while walking through the village, and shot my father and his family over there in the immediate vicinity of the house."

When the Serbs no longer needed the minors as human shields, Duratovic was sent to the nearby Omarska detention camp, and his brother was killed.

The ICTY's final verdicts in the cases against Prijedor municipality chief Milomir Stakic and Bosnian Serb political leader

Radovan Karadzic determined that the Bosnian Serb Army's 343rd Motorised Brigade and 6th Sana Brigade, plus the police's Public Security Station in Prijedor and paramilitary groups participated in the attacks on Hambarine and Kozarac.

The verdicts established that an attack on Serb soldiers at a Bosniak-controlled checkpoint in Hambarine on May 22, 1992 led to Serb forces retaliating with what military expert witness General Richard Wilmot called an "unwarranted" attack on the Bosniak civilian population and the destruction of dozens of homes.

A First Krajina Corps report dated May 24, 1992, which described the Hambarine incident, was used as evidence in The Hague. "Muslim forces conducted an armed attack and were cleared from that area [of the Prijedor municipality] in an operation by our forces," it said.

Another First Krajina Corps report, dated May 27, 1992, said that "there are 80-100 casualties among the 'Green Berets' [Bosniak forces] and around 1,500 have been taken captive". It said that parts of the 343rd Motorised Brigade supported by two 105mm howitzer batteries and a squad of M-84 tanks participated in the fighting.

The Hague Tribunal verdicts determined that the 343rd Motorised Brigade was commanded by colonel Vladimir Arsic, while major Radmilo Zeljaja had direct command over the attack.

According to witness testimony at Prijedor municipality chief Milomir Stakic's trial, prior to the attack, Zeljaja held a meeting with leaders of the Bosniak-run Party of Democratic Action, asking them to hand in several thousand weapons or else he would raze Kozarac to the ground. Zeljaja was told that the Bosniaks did not have that many guns, but he said that was their problem.

Serif Velic, who was a Party of Democratic Action councillor and commander of the local Territorial Defence force, recalled seeing Zeljaja in his home village of Kevljani, near Kozarac. He said that some of the locals had already left the village, while the remaining residents set out to surrender.

"We surrendered in front of our school building in Kevljani. Commander Radmilo Zeljaja was there on that day," Velic told BIRN.

Zeljaja's presence and role in Kozarac were also determined in other documents used in Hague trials, including the First Krajina Corps' log. The log also indicates that the Fifth Kozara Brigade sent 35 soldiers to the area on May 24, 1992.

Military expert Ewan Brown wrote in a report entitled 'Military Situation in Bosnian Krajina - 1992', which was used at Stakic's trial and in other cases, that Arsic was the commander of the 343rd Motorised Brigade and Zeljaja his deputy when the attacks on Hambarine, Kozarac and Prijedor took place.

"Although lieutenant-colonel Arsic commanded the brigade, major Zeljaja actively participated in commanding the forces in the field in Prijedor from late May 1992," Brown wrote, pointing to a record in the log dated May 23, in which Zeljaja was referred to as "commander of the Prijedor region".

Brown wrote that both officers were later promoted and Zeljaja became commander of the 43rd Brigade. Arsic was commended for the operation in Kozarac and promoted to commander of the Doboj Operational Group.

"He superintended the operation in Kozarac, where he managed, by making the correct decisions and quickly regrouping the units, to break the stronger and more organised Muslim units with minimal losses," said a Bosnian Serb Army assessment of Arsic from July 1993, signed by the commander of the First Krajina Corps, Momir Talic.

Talic was accused in a Hague Tribunal indictment of committing crimes in several municipalities including Prijedor during the war, but died after the start of his trial.

Neither Arsic nor Zeljaja has ever been charged with war crimes. BIRN was unable to contact Arsic. Zeljaja was contacted by telephone in Serbia but declined to comment.

Bosnian Serb police involvement in the Prijedor attacks was confirmed in a report by the police's Public Security Station in Prijedor, which said that its officers participated in operations in "combat activities on the territory of our municipality" from May 22, 1992 onwards.

"Combat activities were most intense in the areas of Kozarac, Kozarusa, Trnopolje, Kamicani, Rizvanovici, Biscani, Hambarine, Zecovi, Carakovo, Kurevo, Raljas, Cela and the town of Prijedor itself," said the report dated January 1993.

Afterwards, it continued, "police officers worked intensively to clear up the area, apprehending and processing certain individuals who were associated with enemy actions in that area".

The Hague Tribunal laid war crimes charges against the chief of the Public Security Station in Prijedor, Simo Drljaca, who was described in a Human Rights Watch report as “one of the most notorious police officials in the whole of former Yugoslavia”, but Drljaca was killed during an attempt to arrest him in 1997.

A report by the First Krajina Corps dated August 22, 1992, which was presented at Radovan Karadzic’s trial, said that the leaders of the Military Police Company, lieutenant Mile Jovic and his deputy Milos Preradovic “have developed a bad reputation. Numerous illegal acts have been attributed to them, while some police officers claim that they could prove they committed individual robberies and abused their position.”

Neither Jovic nor Preradovic have been prosecuted. Contacted by BIRN, Preradovic insisted he had no information about any crimes. “I was a professional policeman... and a professional policeman and a professional soldier will never commit evil crimes,” he said. BIRN was unable to contact Jovic, but he told the Bosnian state court that he did not command the Military Police Company.

Paramilitary groups were also involved in criminal attacks in Prijedor, “pillaging and burning property and killing the innocent population”, according to a report by the Bosnian Serb Army’s Main Headquarters on July 28, 1992, which was cited at Hague trials.

The report alleges that several paramilitary groups, such as the Mackova Group from Misevici, the Zoljina Group and the Cigina Group were active in the Prijedor area. None of the members or leaders of these groups has been prosecuted.

After the attacks in the Prijedor area, from the end of May 1992 onwards, thousands of Bosniaks and Croats were imprisoned in Serb-run detention facilities. These included the Public Security Station in Prijedor, the Omarska, Keraterm and Trnopolje detention camps, the Cultural Centre building in Miska Glava, a stadium in Ljubija and a military barracks in the Prijedor municipality, according to Hague Tribunal judgments.

Large numbers of non-Serb men were held at Omarska, Keraterm and Trnopolje, where there were numerous cases of murders, beatings and sexual abuse, and where detainees were held in extremely inhumane conditions.

Alma Karabasic said that her father was sent to Omarska and later killed, while she was sent to the Trnopolje with her brother, mother and other family members.

“The first night was horrible, there was no electricity or anything. We could not sleep at all, because we heard children screaming, guards entering, we could not see anything, it was dark. Whenever a child began crying, they risked being killed,” she recalled.

Another captured Bosniak, local Territorial Defence commander Serif Velic, was taken to the Omarska camp on May 27, 1992 and was subjected to torture several times while in detention.

“There were five of them and me. They brutalised me for three hours. I was exhausted, half of my ribcage was broken, I fainted and fell down,” he recalled.

In 1995, prosecutors in The Hague charged a series of men with committing crimes at the Omarska and Keraterm detention camps including beatings, killings and rape. Some of them were put on trial in The Hague, others were tried later at the Bosnian state court in Sarajevo.

But in May 1998, the Hague court approved a prosecutor’s request to withdraw indictments against 13 of the suspects – Zdravko Govedarica, Predrag Kostic, Nedeljko Paspalj, Milan Pavlic, Milutin Popovic, Drazenko Predojevic, Zeljko Savic, Mirko Babic, Nikica Janjic, Dragomir Saponja, Dragan Kondic, Goran Lajic and Nedjeljko Timarac.

The chief prosecutor at the time, Louise Arbour, explained that because increasing numbers of suspects were being arrested, the ICTY couldn’t hold individual trials for all of them, particularly if they could be tried at the Bosnian state court instead.

“I want to point out that this decision is not based on the lack of evidence for these defendants,” Arbour said.

BIRN was unable to contact 11 of the defendants. One of them, Nikica Janjic, has died, according to an ICTY document. The only one who spoke to BIRN was Dragomir Saponja, who said that he read online that the indictment against him was withdrawn.

Various detention camp managers, supervisors of guard shifts, guards and so-called ‘visitors’ to the facilities who were responsible for crimes in Omarska and Keraterm have been convicted over the years, and at their trials, witnesses have mentioned a series of names of people they claim were responsible for beatings and murders at both camps.

Some of those whose indictments were withdrawn in 1998 have also been mentioned at trials by witnesses, like Nedjeljko

Timarac and Goran Lajic, who were named alongside a man called Miso Radulovic and a person nicknamed 'Faca' in connection with killings, beatings and various other abuses at Keraterm. Timarac and Lajic remain unprosecuted, and Radulovic and 'Faca' have never been charged.

The verdict in the Hague trial of Dusko Sikirica, Damir Dosen and Dragan Kolundzija said that armed 'visitors' used to arrive at the camp at night and "did as they pleased" to the inmates; it was alleged that Lajic was among them. A witness testified in the same case that a woman told her she was raped by Timarac.

The Bosnian state court's verdict in the trial of Zeljko Mejakic, Momcilo Gruban, Dusan Fustar and Dusko Knezevic said that Milutin Popovic, Drazenko Predojevic and other guards at Omarska beat a man who then died as a consequence of the assault. The verdict also said that guard Milan Pavlic killed another man at Omarska. Popovic, Predojevic and Pavlic have never been prosecuted.

In the second half of July 1992, there were massacres at Omarska and Keraterm. According to some estimates, more than 200 detainees were killed. The perpetrators have not been prosecuted.

Hague Tribunal judgments state that around 200 people were brought from the Brda area of central Bosnia and Herzegovina on July 16, 1992 and detained at the so-called White House building at Omarska, which was known as a place where inmates were taken to be beaten.

One night, witnesses heard gunshots and later saw dead bodies in front of the White House. Some of the detainees were forced to load the bodies onto a truck.

One protected witness at a Hague trial said he saw detention camp guards, including a man called Zivko Marmat, shooting the victims in the head. Marmat has never been indicted for war crimes.

According to another witness, the murders were committed while Milutin Popovic, one of the men whose indictment was dropped by the Hague prosecution, was on shift as a guard.

Unlike Omarska and Keraterm, no large-scale trials for crimes in Trnopolje have been held. Verdicts in other Hague cases stated that, although the abuse in Trnopolje was on a smaller scale than at Omarska, there were incidents of beatings and rape.

According to judgments, Trnopolje was managed by Slobodan Kuruzovic, the commander of the Territorial Defence headquarters in Prijedor, whose assistant commander for a certain period of time was Slavko Puhalic.

Model of the Omarska camp used at the ICTY. Source: ICTY.

A Hague Tribunal document from Radovan Karadzic's trial said that Kuruzovic has since died. Puhalic testified in Karadzic's defence and admitted there were individual incidents of abuse at Trnopolje before military security was introduced. He said he reported those cases to Kuruzovic, who went to the police and demanded an investigation. Neither Kuruzovic nor Puhalic was ever indicted.

Although many names of potential suspects can be gleaned from the verdicts handed down by the UN court and the testimonies of Hague witnesses in cases related to the Bosnian Serbs' military takeover of Prijedor in 1992 and the mass detentions of non-Serb civilians, this does not necessarily mean that there are adequate grounds for prosecution, cautioned Senka Nozica, who has worked as a lawyer in war crime cases and at the Hague court.

"The mere fact that someone's name is mentioned in any court verdict, be it from the Hague court or our [Bosnian state] court, does not in itself constitute sufficient evidence. It may be an indication for the prosecutor to investigate further," Nozica said.

But Nihada Buturovic, a lawyer who has represented defendants at the Hague Tribunal, argued that the Bosnian judiciary has not made enough use of the wealth of evidence from the UN court.

"The Hague Tribunal placed thousands of pieces of evidence in the palm of our judiciary's hand. These are good quality pieces of evidence which can be used," Buturovic urged.

The Bosnian state prosecution did not respond to BIRN's request for a comment about the issues raised by this article.

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Turkey

Syria calls for intervention to stop 'Turkish crime against 1 million Syrians' (Al Masdar News)

August 22, 2020

The Syrian government called on the United Nations on Friday to immediately intervene to stop "the Turkish crime against a million Syrians in the Al-Hasakah Governorate" of northeastern Syria.

The permanent representative of Syria to the United Nations, Dr. Bashar al-Jaafari, said, in a telephone call with the Secretary-General of the United Nations, Antonio Guterres, that "the Turkish aggressive behavior to cutoff drinking water to Hasakah is a war crime and a crime against humanity."

Guterres responded to al-Jaafari's message by confirming that he will do his best to immediately discuss this with the Turkish government and other parties to ensure pressure to resolve the issue as soon as possible, stressing that he will "assign his special envoy, (Geir) Pedersen, to work to address this issue through his meeting with representatives of the United States, Russia and Turkey in Geneva next Monday."

Currently, there are over one million people without water in the Al-Hasakah Governorate; this is due to the obstruction of the water supply from the Al-Alouk Pumping Station, which is under the control of Turkey and its allied militants.

Al-Jaafari said last week that "the presence of the Turkish military forces on the Syrian lands is aggression, occupation and a gross violation of the principles of international law, the provisions of the United Nations Charter and the principles of friendly relations and good neighborliness between countries."

Turkey accused of war crimes after water supply blocked in northern Syria for 22 days (Morning Star) By Steve Sweeney

August 23, 2020

Syrian Kurds called for action against an unfolding humanitarian crisis today as Turkey continued to block the water supply of thousands of people in Hasakah province.

A statement signed by human-rights and civil-society organisations in the north-eastern region urged the UN to intervene, saying that occupying forces had cut the supply from Alouk water station for the 22nd day.

The organisations condemned the "inhuman acts" of the Turkish forces, insisting that they amount to "a war crime and genocide" under the Geneva Convention.

They urged the international community to "pressure the Turkish occupying state to pump water to the people as soon as possible, not to exploit the people's need for water and use their thirst as a weapon in its hand."

UN secretary-general Antonio Guterres said he was aware of the situation after the Syrian representative to the UN, Bashar al-Jaafari, warned him of the "catastrophic" conditions in Hasakah.

UN-mediated talks on Syria are due to take place in Geneva on Monday involving US, Russian and Turkish ambassadors.

Mr Jaafari charged that Turkey was using water as a weapon and that its troops had cut off the supply to Hasakah and its countryside more than 15 times over the past few days.

The station supplies water to about one million people in Hasakah city along with many others in surrounding villages and refugee camps, including al-Hol, which is home to thousands of Isis fighters and their families who were captured by Kurdish forces.

Turkey, which has the second-largest army among Nato countries, launched an illegal invasion and occupation of the region in October 2019, allied with jihadist forces.

Turkey starves Syria's northeast of water as virus death toll mounts (Al-Monitor) By Amberin Zaman

August 24, 2020

The outcry over Turkey's continued disruption of potable water supplies to the Hasakeh region of northeast Syria is growing louder. Humanitarian aid agencies and officials in the autonomous administration in northeast Syria say that Turkey is putting hundreds of thousands of lives at risk through its actions in the midst of the COVID-19 pandemic and soaring summer temperatures.

Some 89 civil society organizations noted in a statement published today that Turkey and its Sunni rebel proxies had once again cut off the supply of water from the Alok pumping station near Ras al-Ain on Aug. 13. The station provides drinking water for around 800,000 residents and is also the main source of water for tankers supplying potable water to tens of thousands of internally displaced Syrians and Islamic State prisoners and their families. It was the eighth such stoppage since Turkey invaded Ras al-Ain in the wake of its military assault against US-backed Kurdish forces controlling the area in October 2019. Alok was rendered inoperable during the Turkish invasion and service has been only partially restored.

“Sporadic water forced the population of Syria’s northeast to rely on unsafe alternatives, endangering their lives on top of their fight against COVID-19,” the statement read. “Suspending the Alok water station puts the lives of hundreds of thousands of people at risk, since washing hands with water and [soap] is essential to protect themselves against the pandemic,” the statement read.

At least 20 people have died as a result of the novel coronavirus in the Kurdish-administered area. There are 294 active cases, according to the Rojava Information Center, a research organization that publishes regular reports on northeast Syria. There is mounting worry about the pandemic spiraling out of control. The London School of Economics predicted in a recent study that the number of cases nationwide could reach two million by the end of August.

Nushin Ibrahim, a 22-year-old woman in Hasakeh city contacted by Al-Monitor through the Rojava Information Center, said, “We haven’t had water for the past 25 days. In this situation, with the virus spreading and the water cut off, we are unable to take any precautions against the coronavirus. The media tells us that we have to wash our hands every half an hour, but when water is unavailable this makes it very hard.”

Ahmed al-Khelil, another resident of Hasakeh city, said, “We don’t have drinking water or even any water. The lack of water creates both health and psychological problems. Water is a basic human right. But we are struggling to find water because it’s very expensive to purchase, and that’s if you actually find someone who is willing to sell it.”

The autonomous administration accuses Turkey of weaponizing water as a means of forcing it to supply electricity to the territory covering 1,100 square kilometers (680 square miles) in northeast Syria currently under Turkish control. If Turkey were to have its way, people living under Kurdish rule would receive comparatively less power as a means to help Turkey placate Syrians living under its own occupation. The stoppages are seen as part of a broader Turkish effort to suffocate the Kurdish-dominated autonomous administration through a mix of political, economic and military pressure. Even as it starves the area of water, Turkey has kept up its attacks against Syrian Kurdish forces with artillery strikes and armed drones.

Sinam Mohammed, the Washington representative of the autonomous administration’s political arm, the Syrian Democratic Council, told Al-Monitor that that the administration had held “an urgent meeting with American diplomats in the region” about the water cuts and had “called upon the United States to impress upon Turkey that its actions are wrong and must be stopped without delay for the sake of more than three quarters of a million innocent Syrian citizens.” Mohammed said the meeting took place on Aug. 22. She said US officials had pledged to discuss the matter with Turkey “and try to solve the problem.” Turkey denies the accusations. The State Department did not respond to Al-Monitor’s request for comment.

Jim Jeffrey, the United States’ envoy for Syria engagement, is known to have raised the issue in private meetings with his Turkish counterparts numerous times. But Washington has yet to formally condemn Turkey for the stoppage. Jeffrey is expected to travel to Ankara Thursday after taking part in UN-sponsored talks between members of the Syrian opposition and representatives of the Syrian government that kicked off in Geneva today. The Democratic Union Party, which is part of the autonomous administration, remains unrepresented at the talks because Turkey opposes its presence.

Russia, which has been mediating between Turkey and the autonomous administration, is either unable or unwilling to get Ankara to change its stance on the water issue.

The central government in Damascus has offered the Kurds some rare support. The permanent representative of Syria to the United Nations, Bashar al-Jaafari, said in a telephone call with UN Secretary General Antonio Guterres, “The Turkish aggressive behavior to cut off drinking water to Hasakeh is a war crime and a crime against humanity.”

Joseph Lahdo, the co-chair of the local administration and municipalities authority in northeast Syria, said emergency measures were underway to address the water shortage. They include digging 100 wells connected to a redistribution center in Khirbat Hammah northwest of Hasakeh. But Lahdo said this would solve only “50% of the problem.”

The flow from Alok reportedly resumed yesterday after the autonomous administration cut off electricity to the Turkish-held zone as a last resort. But the water has yet to reach residential areas in Hasakeh city, said Thomas McClure, a researcher at the Rojava Information Center.

“Even before [Aug.] 13 many neighborhoods were without water for one or two months because the water supply is so low,”

McClure told Al-Monitor.

In an Aug. 21 letter addressed to Guterres, the Damascus-based head of the Universal Syrian Orthodox Church called Turkey's actions "a crime against humanity."

Ignatius Aphrem II said, "Using water as a weapon — which is not the first time — is a barbaric act and a flagrant violation of fundamental human rights. Yet, there has been no response from the international community to this atrocity despite the constant appeal of the people of the region."

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

The Evidence Of Daesh Atrocities Could Soon Be Submitted Via An App (Forbes) By Ewelina U. Ochab
August 21, 2020

The special UN Investigative Team probing Daesh will soon be launching a new method for submitting evidence of the Daesh atrocities. The UN Investigative Team to Promote Accountability for Crimes Committed by Daesh/Islamic State in Iraq and the Levant (UNITAD) is a body created by the UN Security Council Resolution 2379 (2017) to obtain and preserve evidence of the atrocities perpetrated by Daesh in Iraq.

In June 2020, UNITAD presented some of the progress it had made in recent years. UNITAD is helping to address fundamental challenges faced by domestic authorities in prosecuting Daesh members. Its work is made possible "thanks to the collection and exploitation of call data and related records, the forensic digital extraction of evidence from devices formerly used by Daesh and the digitization of documentary records held by Iraqi authorities, the Team can significantly broaden the basis on which accountability processes can be built." As a result, UNITAD has already identified 344 alleged Daesh perpetrators involved in the atrocities unleashed against religious minorities six years ago. This number will only increase as UNITAD continues its work.

As UNITAD continues to collect and preserve evidence, it also seeks to introduce a new way to ensure that they can reach larger groups of people who may have some evidence of the Daesh atrocities. UNITAD is working the development of a secure and structured mobile reporting application (app) which will allow members of targeted communities and others to submit information on the atrocities and the perpetrators. The app was developed in response to travel limitations imposed by the Covid-19 pandemic. It should enable UNITAD to continue with their mandate despite these restrictions. Furthermore, the app could also improve efficiency of data collection. As UNITAD reports, "the [app] contains a series of survey questions and fields, enabling individuals to provide leads and information to the Team, including photographs, document scans and other materials. It is hoped that the application will serve as an effective pre -screening tool, reducing the need for in-person meetings with survivors and witnesses."

The development of the app is an important step to help the team engage with ever growing amount of evidence of the Daesh atrocities.

As UNITAD collects and preserves the evidence of the Daesh atrocities, it is crucial to ensure that there is a tribunal that will be able to engage with the evidence and secure prosecutions. UNITAD resembles the commission of experts established for the International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR). Despite the establishment of UNITAD, the UN Security Council has not yet made proposals to follow this up with a resolution

establishing an ad hoc tribunal. According to the UN Security Council Resolution 2379, evidence is being collated to assist with prosecutions by domestic courts in Iraq. However, it would be a logical (and a crucial) next step for the UN Security Council to establish an ad-hoc tribunal to prosecute Daesh fighters for their crimes in Iraq. This would mirror the approach taken by the UN Security Council to the atrocities in Rwanda and the former Yugoslavia.

It would be a shame, and indeed a failure of the international system, if the evidence professionally collected and prepared for prosecutions, never make it to a competent tribunal. If it were never assessed and used to ensure justice for the victims and survivors. The international community must take a strong stance to ensure that perpetrators of the Daesh atrocities do not enjoy impunity.

UK government says payouts for Iraq abuse claims 'too many to count' (Middle East Eye) By Ian Cobain
August 26, 2020

The UK government has received so many complaints from Iraqis who were unlawfully detained and allegedly mistreated by British troops that its defence ministry says it is unable to say how many millions of pounds have been paid to settle the claims.

Ministry of Defence (MoD) officials in London say they can provide approximate figures for the thousands of Iraqis who have lodged complaints against British forces involved in the 2003 US-led invasion and subsequent occupation of Iraq.

However, they maintain that they cannot disclose how much UK taxpayers' money has been spent settling their claims, saying that it would take weeks for civil servants to collate the figure.

The department is claiming that it is unable to disclose the sums paid at a time when the UK parliament is about to debate a deeply controversial law which would introduce a partial amnesty for the country's service personnel who have committed serious crimes - including murder and torture - while serving outside the country.

Known as the Overseas Operation Bill, the proposed new law has alarmed human rights groups, the UK government's political opponents and many ex-soldiers, who fear that it will effectively sanction war crimes by British forces.

This week the opposition Labour party came out against the bill, arguing that it would undermine the country's commitment to a rules-based international order.

'Decriminalisation of torture'

Even the country's most senior retired soldier, 81-year-old Field Marshal Charles Guthrie, wrote to the Sunday Times newspaper to warn that the proposed new law would provide room for "de facto decriminalisation of torture".

Guthrie added that the measures "appear to have been dreamt up by those who have seen too little of the world to understand why the rules of war matter".

The MoD's current stance - refusing to disclose how many tens of millions of pounds have been paid to Iraqi nationals - is a reversal of its previous position: in June 2017, long before the Overseas Operations Bill had been conceived, the department was willing to give detailed figures for the amount of claims it had received and the payments made by that time.

In response to a request made under the UK's Freedom of Information (FoI) Act, the department disclosed that it had paid £19.8m (\$26m) in 326 cases brought before the UK courts.

In a further 1,145 cases, £2.1m (\$2.8m) had been paid out by British military officers in Iraq between 2003 and 2009.

The payments included £2.8m (\$3.7m) that was handed over in one of the few cases widely reported upon in the UK.

In September 2003, British soldiers detained Baha Mousa, a Basra hotel receptionist, and tortured him to death. Part of the episode was filmed by a soldier.

Having previously given Mousa's family \$3,000 in compensation, the British government was forced to make the multi-million pound payment after human rights lawyers in the UK asked the courts to compel it to hold a public inquiry.

The recipients included Mousa's family and eight other men who were detained and tortured at the same time.

Thousands of payments

Since 2017, however, the number of payments to Iraqi former detainees has rocketed, according to the approximate figures provided to Middle East Eye following an FOI request.

The MoD says that payments have been made in around 1,200 cases brought in the UK. It added that a further 3,200 claims had been made in Iraq, although MEE has established that the true figure is higher.

But the MoD says it cannot disclose the amount of money that was paid in these 4,400-plus cases, claiming in response to an FOI request that it no longer has any self-contained file on the matter, and that it would take many hundreds of hours to scour its records.

MEE is appealing against the MoD's refusal to release the figures.

Up until late 2016, the MoD was able to provide exhaustive figures on the payments that have been made to Iraqi nationals.

When the then-defence secretary, Michael Fallon, gave evidence to a UK parliamentary committee on defence in December that year, the MoD provided the committee with a statement that detailed almost 400 payments to individuals, of up to £425,000 (\$559,000).

A few months earlier, a senior MoD official submitted a statement to a court in London in which he said that 3,326 claims had been settled within Iraq alone, with the largest number of payments being made in 2004.

The parliamentary defence committee was looking into the way in which some British soldiers had faced repeated investigation, year after year. It concluded that those inquiries should be wound up and the government must "not lose sight of its moral responsibility" to service personnel.

In one paragraph tucked away in the middle of its subsequent report, however, the committee acknowledged that Iraqi prisoners had been abused.

It said that this appeared to be in part because British military interrogators had received what it described as "inaccurate" training, which put them at risk of breaking the Geneva Conventions.

The report added that the MoD's admission that training material for interrogations "contained information which could have placed service personnel outside of domestic or international law represents a failing of the highest order".

MEE understand that up to 75 percent of the claims that Iraqi nationals have lodged against the British government have centred upon the conduct of British military interrogators.

Bitter dispute

Within days of the committee's report being published, Fallon shut down the body that was conducting most of the investigations into the military abuses in Iraq.

After that, a bitter dispute opened up on the sidelines of British society, pitting defence ministers, some MPs and some military veterans' groups against NGOs, human rights lawyers and many ex-soldiers.

At stake was control of the narrative of what had happened when British troops detained large numbers of men and boys in southeast Iraq in the years following the invasion.

Had the abuse of which many complained been a systemic matter - as the half-buried paragraph in the parliamentary report had conceded - or had their claims been orchestrated by "ambulance-chasing human rights lawyers", as government ministers, MoD officials and even members of the committee maintained?

The Overseas Operations Bill was introduced into parliament in March this year just as the UK was about to enter its Covid-19 lockdown. It is due to be scrutinised by MPs after parliament returns from its summer break in September.

It proposes that there should be "a presumption against prosecution" of British service personal who commit crimes while serving overseas, except in "exceptional" circumstances, and providing five years have elapsed since the time of the offence.

Sexual offences are exempt from the proposed new law, while murder and torture are not.

Dominic Grieve, a former attorney general for England and Wales, has pointed out that this means a British soldier who rapes and murders a woman while serving outside the UK could be prosecuted for rape, but not murder.

While some politicians believe the proposed measures may be electorally popular in the UK, where support for its armed

forces is traditionally robust, the bill's critics say it is legally fraught, risks sending a dangerous message to young soldiers and is demeaning of the overwhelming majority of service personnel who have never committed a crime.

'Squalid' legislation

Some critics say they believe the proposed new law is rooted in a desire to prevent the prosecution of those military interrogators whose activities in Iraq have cost the UK taxpayer millions of pounds in out-of-court pay-outs, and whose prosecution could lead to uncomfortable questions for army commanders, senior MoD officials and government ministers being asked in court.

Frank Ledwidge, a former army intelligence officer and military historian, warns that the bill - which he calls a "squalid piece of legislation" - could cause more problems than it solves for the MoD and British government ministers.

Ledwidge, who has experience of tracking down war criminals in Bosnia and Kosovo, points out that the International Criminal Court (ICC), which is currently conducting a preliminary investigation into allegations of British war crimes in Iraq, is unlikely to target the interrogators.

"When the ICC does come for us, which it will if this bill is enacted, it won't be the soldiers they'll be after," Ledwidge says. "The men we hunted down in Bosnia were not the trigger-pullers. They were the commanders, the generals and the politicians who sent them and allowed these crimes to happen."

Iraq: Basra Political Group Targeted. Hundreds of Protesters Dead Since October 2019; No High-Level Prosecutions (Human Rights Watch)

August 26, 2020

Unidentified gunmen have since August 14, 2020, assassinated two protesters and wounded another four, all linked to a youth protest group with political aspirations in Basra, in southern Iraq, Human Rights Watch said today. They are the most recent victims of killings of hundreds of protesters in Baghdad and southern Iraq since October 2019, including by abusive security forces.

The authorities have done little to stop the killings. Despite promises since May from Prime Minister Mustafa al-Kadhimi for accountability for excessive use of force by security forces, no senior commanders have been prosecuted. Instead, a few commanders have been fired, and low-level security force members have been prosecuted.

"The situation in Iraq has devolved to the point that gunmen can roam the streets and shoot members of civil society with impunity," said Belkis Wille, senior crisis and conflict researcher at Human Rights Watch. "It's unclear whether the federal government is even able to rein in the violence at this point and ensure justice for victims."

The recent Basra victims had ties to the Al-Basra Civil Youth group, which youth protesters founded in 2014 to organize protests in the city, three members told Human Rights Watch. Members of the group recently decided to form a new political party to participate in parliamentary elections planned for June 2021.

"Since then, unknown Facebook accounts have launched a defamation campaign against our group, including by calling us anti-Islamic, because we are a secular movement," one member said. Special Weapons and Tactics (SWAT) forces beat at least two journalists covering security force abuses at a protest in demanding justice for the killings.

On August 14, two masked armed men in civilian dress shot and killed Tahseen Osama Ali, 30, in his apartment and wounded his brother in the leg. The group members said that Ali was a prominent member of the group and regularly convened meetings of protesters in his office, downstairs from his apartment. In an August 9 Facebook post, Ali accused Basra's police chief, Lieutenant General Rashid Falih, of failing to protect protesters and allowing criminal gangs to roam the city and kill activists and journalists.

On August 16, one of the group members said that as he was returning home from Ali's funeral at about 10 p.m., he spotted a white Toyota Crown Royal Saloon car with blank license plates following him, but he was able to evade it. He said that someone knocked on his door two hours later, but when he opened it he only saw a car speeding away.

On August 17, Ludia Remon, an activist with close ties to group members, said unidentifiable armed men in a white Toyota Crown Royal Saloon opened fire outside her home on her and two friends involved in the protest group, Fahad al-Zubaidi and Abbas al-Subhi. Remon was hit in the leg and al-Subhi in his back, wounding both, she said, before they were able to drive away. The attackers' car was visible in CCTV footage of the incident.

On August 19, an unidentifiable armed man on the back of a motorcycle shot and killed a protest movement leader, Reham

Yacoub, as she was leaving the gym in her car. The attack also wounded a friend of hers in the car. Yacoub also had ties to the group.

“We are under threat,” said the member who had been followed. “A senior security official that I know warned us that our group is being targeted but didn’t know by whom. I have now gone into hiding.”

On August 17, after the attack outside Remon’s home, Prime Minister al-Kadhimi fired Chief Falih, and the governorate’s director of the National Security Service, an intelligence agency that reports to the prime minister. But he did not refer anyone in Basra for prosecution for the killings, as far as Human Rights Watch has been able to determine.

In 2018 in Basra, Interior Ministry forces injured dozens of people and killed several with excessive force when trying to disperse protesters.

On August 16, 2020, protesters gathered outside of the home of the Basra governor, demanding accountability for Ali’s death. Two journalists who attended the protest said that armed forces in SWAT uniforms beat them with wooden batons, kicked and slapped them when they saw the journalists filming SWAT forces beating protesters, and opened fire with live ammunition into the air. Some protesters were also throwing rocks and Molotov cocktails at SWAT forces and lighting cars on fire, the journalists said.

One of the journalists said she went to court on August 18 and filed a criminal complaint against a SWAT commander for hitting her so hard that it burst her eardrum. “Since that day, unknown Facebook and Instagram accounts have been attacking me, accusing me of being supported by the US, and accusing me of giving money to protesters to turn out,” she said. “If they know about the criminal complaint I filed, I don’t know how they found out, I didn’t post anything about it.” She said that these allegations were tantamount to calling for her to be assassinated.

The protests across Iraq that began in October 2019 have continued. Clashes with security forces have left close to 560 protesters dead in Baghdad and Iraq’s southern cities, according to the federal government’s own estimates. In May, when al-Kadhimi took office, he formed a committee to investigate the killings of protesters. But as of late August, the committee had yet to announce any findings. In July, the federal government announced it would compensate the families of those killed, and that it had arrested three low-level security forces members. As far as Human Rights Watch has been able to determine, no senior commanders have been prosecuted.

On July 6, unidentified gunmen on a motorcycle assassinated a prominent political analyst, Hisham al-Hashimi, outside his home in Baghdad. Al-Hashimi was well connected to Iraq’s political elite, including its prime minister and president. Before the killing, al-Hashimi had focused much of his work on researching and criticizing abusive behavior by the Popular Mobilization Forces (PMF or Hashad), formally under the prime minister’s control. Despite commitments from al-Kadhimi, as far as Human Rights Watch has been able to determine, no one has been arrested for the killing and authorities have not provided any transparency on the progress of the investigation.

The Iraqi federal government should make the preliminary findings of the investigative committee into the deaths of protesters public immediately and set out a clear timeline for the committee’s final report.

The government should make public the number of investigations it has referred to the judiciary into armed forces’ behavior, including into PMF members, since protests began in 2019, including the most recent killings. It should include details of the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken. The government should publicize the steps it is undertaking to investigate killings by non-state armed actors and results achieved. It should present publicly all measures it is currently undertaking to prevent future abuses by armed forces in protest contexts.

“The renewed targeting of protesters in Basra highlights the continued climate of impunity and efforts by armed actors to silence dissent,” Wille said. “Until authorities properly prosecute these horrific killings, protesters are risking their life every time they head out into the streets.”

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Syria

August 23, 2020

A huge explosion has struck a major natural gas pipeline near Damascus causing a near-nationwide blackout, Syrian state media has said, quoting the country's electricity and oil ministers.

The Sana news agency and Ikhbariya TV channel showed footage of a huge fire after the blast between the towns of Al-Dhumayr and Adra in the early hours of Monday, which oil minister Ali Ghanem said "may have been caused by a terrorist act".

No deaths or injuries were reported and firefighters extinguished the blaze as power was gradually restored to the south of the country on Monday morning. The minister provided no further details on the possible attack.

The 1,200 kilometre (745 mile) Arab Gas Pipeline, which carries natural gas from Egypt into Jordan, Lebanon and Syria, supplies three power stations in Syria's south.

This part of the pipeline has already been targeted five times during the country's almost decade-old civil war to date, which has killed more than 400,000 and badly affected existing oil and gas infrastructure.

A 2013 power cut caused by rebel shelling of the pipeline affected large swathes of the country. No one has ever claimed responsibility for the previous attacks.

In December, near-simultaneous attacks believed to have been carried out by drones hit three government-run oil and gas installations in central Syria. One of the attacks targeted the oil refinery in the central city of Homs.

In January, bombs planted underwater off Syria's coast exploded, damaging oil facilities used to pump oil into one of the country's two petroleum refineries.

Syria has suffered fuel shortages since last year. Western sanctions have blocked imports to government-held areas of the country, while most Syrian oil fields are controlled by Kurdish-led fighters in the country's east.

The recent collapse of the Syrian pound has exacerbated already sky-high poverty levels across both government and rebel-held territory, putting fuel and basic goods out of the reach of many. Price increases for food, fuel and transport have sparked rare protests against the government across the country's south.

Syria produced around 380,000 barrels of oil per day before civil war erupted following a crackdown on protests in 2011. Last month, a little-known US oil company signed a deal with the Kurdish administration in Syria's north-east to market oil and modernise existing oil fields under Kurdish control, apparently with the "knowledge and encouragement of the White House."

Damascus described the deal as an illegal attempt to steal Syria's energy resources.

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Yemen

Aid groups urge US to halt arms sales, resume assistance in Yemen (ABC News) By Conor Finnegan
August 22, 2020

International aid groups are urging the U.S. government to resume at least some of its halted funding for Yemen, the war-torn country on the Arabian Peninsula, where a U.S.-backed coalition is fighting rebel forces in a conflict that's created the world's worst humanitarian crisis.

The U.S. paused its funding earlier this year because those rebels, known as the Houthis, have impeded humanitarian access or stolen aid. But the blanket pause has hurt Yemeni civilians, the groups warned, as programs to treat hunger, malnutrition, cholera outbreaks and more are forced to downsize or close without U.S. funds.

The warning of dire implications comes days after the State Department's federal watchdog found the Trump administration

had not done enough to minimize civilian casualties as the U.S. provides arms, including precision-guided bombs, to the coalition led by Saudi Arabia.

After five and a half years of brutal war, Yemen now confronts not just continued violence, the persistent threat of famine and the destruction of its economy and health system, but also the spread of the coronavirus pandemic, a plague of locusts and historic floods that have killed at least 148 people.

"The most significant challenge to sustained life-saving humanitarian action today is the severe shortfall in funding, which has been exacerbated by the U.S. suspension," said the leaders of Oxfam America, the International Rescue Committee, the Norwegian Refugee Council, CARE, Save the Children and Mercy Corps.

The United Nations reported this week that its pledge drive has received less than a quarter of the funds it needs for programs in the country. That lack of resources could not come at a worse time, as Yemen's currency drops even further, raising the price of food even more out of the reach of ordinary people; almost half of all children under the age of 5 are expected to be malnourished by the end of this year, the aid groups say.

Despite these dire warnings, the U.S. Agency for International Development (USAID) has not budged since it announced in March that it would suspend its operations for Houthi-controlled areas, where between 70 and 80% of Yemenis live.

Three times the size of Florida, Yemen is home to approximately 29 million people. Houthi-led forces seized the capital in 2015 amid mass protests fueled by the Arab Spring, and given their Shiite ties to Iran, Yemen's Sunni neighbors led by Saudi Arabia and the United Arab Emirates began an intervention to back the exiled Yemeni government.

Both sides have been accused of war crimes, including attacks on hospitals, clinics and water infrastructure. Oxfam and the Yemen Data Project reported this week that medical and water infrastructure has been hit during air raids at an average of once every ten days during the conflict -- damage that has not just killed civilians, but also disrupted access to healthcare, clean water and sanitation.

Since the coronavirus was declared a pandemic in mid-March, three quarantine centers have been hit by airstrikes, according to the Civilian Impact Monitoring Project.

While the coalition's airstrikes have caused the majority of the war's civilian casualties, the U.S. has boosted its air power by providing midair refueling, training and by selling arms like so-called smart bombs. The Trump administration halted midair refueling in 2018, but President Donald Trump has vetoed Congress's push to end U.S. support or block emergency arms sales.

Last week, the State Department's inspector general faulted the agency for failing to "fully assess risks and implement mitigation measures to reduce civilian casualties" when it bypassed Congress and sold the Saudis and Emiratis \$8 billion in emergency arms last year.

Secretary of State Mike Pompeo rejected that finding, saying last week that U.S. weapons sales "prevented the loss of civilian lives." He didn't elaborate, but the top U.S. diplomat has previously argued selling more arms to the coalition will pressure the Houthis into negotiations and protect Saudi and Emirati territory, which have been repeatedly hit by Houthi rocket and drone attacks.

But that hasn't borne out. The rate of bombings more than doubled in the first half of 2020 compared to the prior six months, with nearly 40% hitting civilians or civilian infrastructure, according to aid groups. A one-sided ceasefire announced by the Saudis in April fell apart as even the coalition failed to abide by it. And amid the ongoing fighting against the Houthis, the coalition has also splintered, with Emirati-backed separatists in the south fighting pro-government forces -- a divide that's continued even after a mediated settlement earlier this month.

The continued U.S. arms sales have also made USAID's pause on assistance all the more frustrating to humanitarian groups.

"Instead of supporting Yemen in this catastrophic situation, they suspended aid for the past couple of months to an already dire situation, but they continue to sell weapons and arms to the Saudi-led coalition," said Muhsin Siddiquey, country director for Oxfam.

"They can stop the war if they seriously want," he added, instead of "fueling the crisis and war."

U.S. officials have said that the Houthis are the ones weaponizing aid by harassing humanitarian workers or stealing or blockading supplies, and that the suspension will remain in place until their forces change their behavior.

"We're going to need the Houthis to change the way they do business and not use the humanitarian assistance as a weapon against their own people," David Schenker, the top U.S. diplomat for the Middle East, said in March.

But with coronavirus's spread through the country -- largely undetected because of the lack of health care -- aid groups say it's the U.S. that's now using assistance as a cudgel to bring the Houthis to heel.

"The suspension of aid should not be used as a weapon or to hold hostage the Yemenis to improve the situation," Siddiquey told ABC News from Sanaa, Yemen's capital.

In their joint letter to USAID's acting administrator, the chiefs of the six aid groups also said the suspension could now be lifted because there had been "improved humanitarian access" in Houthi-controlled areas, an end to their "tax" on humanitarian groups and "stringent accountability and monitoring mechanisms" to ensure aid is reaching the Yemeni people.

"But our ability to do so now is jeopardized unless the U.S. changes course," the letter added, warning, "Time is running out for tens of millions of Yemenis."

Yemen government denounces UN envoy indifference to Houthi crimes (Middle East Monitor)

August 24, 2020

The Yemeni Minister of Information, Moammar Al-Eryani, yesterday slammed what he described as UN envoy, Martin Griffiths' "indifference" to the crimes committed by the Houthis in Yemen, Saba news agency reported.

Al-Eryani regretted Griffiths' ignorance of the Houthis' brutal assassination of seven-year-old Ruwaida Saleh who was shot in the head while collecting water in the city of Taiz.

"This crime that shook the Yemeni public opinion and the conscience of every free human being has left a big question mark about the UN envoy's impartiality and his continued disregard for the Houthi militia's crimes and violations," the Yemeni minister said, adding that this indifference and silence about the Houthis' crimes "is a green light" for them to continue with their crimes and violations.

Al-Eryani called on the UN envoy to explicitly condemn the Houthis' action and work to hold those responsible for war crimes and crimes against humanity accountable.

Last Monday, Ruwaida was shot in the head by a Houthi sniper stationed in the Central Security camp, while collecting water for her family, northeast of Taiz.

State Dept. Inspector General Report: A Troubling Message on Arms Sales (Just Security) By Diane Bernabei and Beth Van Schaack

August 26, 2020

The U.S. State Department's Office of Inspector General (OIG) recently released a report that, even in its redacted form, makes plain that the Trump administration circumvented U.S. law in multiple ways to carry out arms transfers to the Saudi-led Coalition in Yemen. In doing so, the administration failed to fully and accurately assess the humanitarian impact of U.S. support, according to the report. That is a stunning revelation given the repeated, severe cases of civilian casualties resulting from Saudi-led Coalition operations over the past several years. Although an unredacted version of the report was leaked, a key annex remains classified so the full extent of how this administration's actions transpired remains hidden from the public. However, what is clear is that Secretary of State Mike Pompeo undertook several steps to evade arms export controls to put lethal munitions into the hands of Coalition members, which human rights groups have alleged have committed war crimes against civilians. (See earlier coverage here). This article discusses the OIG's findings with reference to what is at stake for the people of Yemen and the worrisome deterioration of U.S. arms control policy under the Trump administration.

The Costly War in Yemen

On August 9, 2018, a school bus carrying children on an excursion in Dhahyan, a city in northern Yemen, was struck by a 500-pound paveway MK-82 laser-precision guided munition, made in the United States by Lockheed Martin and exported to Saudi Arabia for its air force's use in the war in Yemen. Fifty-one civilians were killed in the strike — 49 of them were children. The incident was just one in a series of attacks on civilians launched by the Saudi-led Coalition, a group that includes Bahrain, Egypt, Jordan, Kuwait, Saudi Arabia, and Sudan (a controversy in itself). (Qatar withdrew in 2017; Morocco withdrew in February of 2019, and the United Arab Emirates (UAE) followed suit in July 2019). This operation, like others, was apparently executed with American-made weapons. In March 2016, the coalition used an MK-84 precision-guided munition (PGM) in an

attack on a market that killed 97 civilians, including 25 children. Earlier that year, coalition forces deployed a U.S.-made MK-82 PGM in a strike on a funeral hall in Sana'a. One hundred fifty-five people died and 600 were injured. Since 2015, Physicians for Human Rights has documented 120 attacks on medical infrastructure and health workers, a distinctive feature of this already deadly conflict. A similar report counts 380 attacks on, or in close proximity to, educational facilities. Many of these were airstrikes on areas where researchers insist there were no military targets present. Mwatana for Human Rights, the premier human rights documentation organization in Yemen, co-authored both reports based upon their painstaking research on the ground. An open source intelligence investigation by Belléngcat reveals a stunning collection of allegedly unlawful airstrikes by the Coalition in Yemen.

Since its initial involvement in 2015, the Saudi-led Coalition has repeatedly killed or injured civilians in attacks they claimed either targeted legitimate military objectives or were the result of "mistakes." Yet, it is hard not to wonder how bombing hospitals, wedding parties, funeral processions, markets, schools, and school buses could possibly serve any legitimate military purpose and how such a seemingly sophisticated coalition could make so many mistakes that take such a consistent and flagrant toll on human life. Indeed, Justice Renate Winter — an Austrian expert on the Committee of the Rights of the Child and former judge of the Special Court for Sierra Leone — pointedly asked the Saudi representative in a session before her Committee:

You say it's an accident. How many such accidents can you bear and how many such accidents can people in the country bear?

Taken together, these strikes blend into a clear and dominant pattern that has emerged around the Coalition's behavior in the war in Yemen — the reckless, indiscriminate, or intentional targeting of civilians and an overall disregard for human rights. Individuals, armed groups, and states that deliberately or indiscriminately target civilians, or utilize disproportionate force in their operations, are in violation of International Humanitarian Law (IHL), or the laws of war, and the prohibition on war crimes. Furthermore, the continued use of a knowingly flawed targeting process that cannot distinguish between civilians and military objectives also implicates IHL and the prohibition against war crimes in particular, as has been explained in the past on these pages. To be sure, the Houthi rebels and their supporters are not operating with clean hands either. They too have been credibly accused of war crimes. However, that is no excuse for the Saudi-led coalition, or the United States acting in support, to depart from their legal obligations to respect civilian life.

Restrictions on U.S. Arms Sales to Protect Civilians

Although the United States is not ever listed as a formal member of the Saudi Coalition, its munitions have been instrumental in the Coalition's operations and the harm to civilians they have caused. Given the magnitude of weapons (ranging from cluster munitions to laser-guided missiles), intelligence, expertise, and logistical support (including, at one point, mid-air refueling) being provided, and even not counting its airstrikes in the country aimed at al-Qaeda in the Arabian Peninsula (AQAP) and ISIS, one can query what threshold of involvement would have to be crossed for the United States to be officially considered a member of this Coalition — or, more precisely, a party to the armed conflict between the Saudi-led Coalition and the Houthis — notwithstanding that Washington is assisting from the sidelines. This question has been taken up here; this article focuses on the way in which the Trump administration has managed to avoid civilian protection elements of U.S. arms control measures in its sale of munitions to Saudi Arabia.

While the U.S. arms export regime is primarily designed to protect against the export of sensitive military technology and arms sales that could pose threats to U.S. national security, its underpinnings are also meant to minimize civilian casualties and prevent U.S. weapons from being exported to states where they could be used in violation of IHL. For this reason, the U.S. Munitions List (USML) grants an oversight power for the trade of defense-related articles, services, and equipment to the State Department's Bureau of Political-Military Affairs — which must coordinate with State's Bureau of Democracy, Human Rights and Labor — and the Bureau of International Security and Non-proliferation. This system requires a rigorous assessment of end-users, and their history of war fighting, before permission will be granted for foreign military sales or direct commercial sales of U.S.-made weapons to ensure that arms are not used to commit acts that violate the law.

Since Jimmy Carter occupied the White House, the United States has maintained a Conventional Arms Transfer (CAT) Policy. The Obama-era CAT Policy (Presidential Policy Directive 27) explicitly prohibited the State Department from approving arms transfers in instances in which there was a risk the weapons would contribute to abuses of human rights and violations of IHL. In considering arms transfer decisions, the executive branch took into account:

The likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international humanitarian law, retransfer the arms to those who would commit human rights abuses or serious violations of international humanitarian law, or identify the United States with human rights abuses or serious violations of international humanitarian law.

The Obama administration pledged not to authorize any transfer if it knew that arms would be used to commit: genocide; crimes against humanity; grave breaches of the Geneva Conventions of 1949; serious violations of Common Article 3 of the

Geneva Conventions of 1949; attacks directed against civilian objects or civilians who are legally protected from attack or other war crimes as defined in 18 U.S.C. § 2441. Likewise, it would consider whether the transfer of weapons would raise concerns about undermining international peace and security, serious violations of human rights law, including serious acts of gender-based violence and serious acts of violence against women and children, serious violations of international humanitarian law, terrorism, transnational organized crime, or indiscriminate use.

Congress has a role here as well. Perhaps most importantly, the Arms Export Control Act (AECA), while vesting power in the president to authorize the export of defense articles, also requires a formal advance notification of certain arms sales to Congress. This advance notification (see Sections 36(b), 36(c), and 36(d) of the AECA (22 U.S.C. § 2776)) gives Congress the opportunity to review, deliberate upon, and pass a Joint Resolution of Disapproval in instances in which it would like to block an arms transfer.

President Trump's Erosion of These Protections

Across the board, the Trump administration has significantly weakened this export regime and these civilian-protection policies, in part to preserve U.S. dominance in the international arms market. The amended Conventional Arms Transfer Policy (National Security Presidential Memorandum 10, issued on April 19, 2018) contains similar references to taking into account the risk that the weapons transferred would be used to commit atrocity crimes. However, it now includes language that narrows the scope of end-user risks to prohibiting only arms transfers in cases in which the United States has actual knowledge its arms exports will be used in attacks "intentionally" directed against civilians. The addition of the word "intentionally" means that arms sales would only be prohibited under a circumstance in which officials have actual knowledge of plans for an intentional civilian massacre, which could exclude instances of U.S. arms being used in indiscriminate or disproportionate attacks when civilians are collateral damage. The use of disproportionate force, even absent an intent to harm civilians, constitutes a war crime under IHL. The International Committee of the Red Cross designates the following as a war crime:

launching an attack in the knowledge that such attack will cause incidental loss of civilian life, injury to civilians or damage to civilian objects which would be clearly excessive in relation to the concrete and direct military advantage anticipated.

Furthermore, the Trump administration recategorized several lethal articles on the USML as "commercial products" that will now be exported under the authority of the Department of Commerce, therefore no longer requiring end-user vetting from the State Department. (Although the Obama administration migrated a few categories, mostly component parts, none of the categories comprised lethal weapons). Such "commercial products" include lethal munitions such as certain semi-automatic firearms, their ammunition and accessories. Besides nullifying the arms exports laws that apply to these categories, this decision comes with other lethal consequences. Among them, experts expect increased illicit arms trafficking and the increased use of U.S. lethal weapons in human rights violations.

And, in April 2019, President Trump withdrew the U.S. signature from the Arms Trade Treaty (ATT). During the Obama administration, the United States was instrumental in negotiating this treaty so that it would be consistent with U.S. export regulations then in place. Secretary of State John Kerry signed the ATT in 2013, and President Obama submitted it to the Senate for ratification. The ATT, whose members and signatories met virtually last week, contains ground-breaking language at Article 6(3) prohibiting any state party from transferring conventional arms if

it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.

Although the U.S. never ratified the treaty, its signature indicated its agreement with this approach and its pledge not to violate the object or purpose of the treaty.

These are clear examples of a deterioration in human rights considerations in the arms trade and US arms export policy but over the course of the Trump administration, we have witnessed a disintegration of civilian protections in policies governing U.S. operations as well.

For example, the Trump administration implemented retrograde policies on landmines and cluster munitions. First: the Trump administration reversed an Obama-era prohibition on the use of landmines, which had brought U.S. policy in closer alignment with the Ottawa Convention (the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction) and global humanitarian standards. In 2018 alone, civilians represented more than 70 percent of casualties caused by landmines — more than half of those were children. Under the Trump administration, the Defense Department's policy on landmines now permits the use and production of anti-personnel landmines. In 2017, DoD also reversed a long-standing policy that required the United States to destroy all but a small

selection of its active stockpile of cluster munitions. The new policy grants U.S. military commanders the right to approve the use of cluster munitions, DoD the right to acquire new cluster munitions, and U.S. exporters the right to transfer cluster munitions in accordance with existing law, an overarching policy that seems to indefinitely delay the implementation of regulations more in line with the 2008 Convention on Cluster Munitions.

To provide another pertinent example, the Trump White House issued Executive Order 13862, which revokes an important reporting requirement that mandates the Directorate of National Intelligence to release an annual report on strikes undertaken by all U.S. departments and agencies against terrorist targets, a requirement originally contained in Section 3 of Obama's EO 13732 on Pre -and Post-Strike Measures to Address Civilian Casualties in U.S. Operations Involving the Use of Force.

U.S. Track Record in Training Allies in Airstrikes

Notably, EO 13732 features another policy pertinent to the discussion of this article. It directs U.S. agencies and officials to engage with foreign partners on "best practices for reducing the likelihood of and responding to civilian casualties," particularly in airstrikes. However, past efforts to convey this training, especially with the Saudi-led Coalition, have been fruitless. The Coalition has time and again eschewed the rules and regulations suggested by U.S. officials. This is according to Larry Lewis, former State Department Adviser on Civilian Harm, who, in commenting on the Obama administration's decision to withdraw training in an interview with the New York Times, said, "the response was, 'clearly the Saudis aren't learning.'" Likewise, former senior DOD official Andrew Exum wrote: "decades of U.S. training missions had not produced a Saudi military capable of independently planning and executing an effective air campaign that minimized collateral damage."

The State Department Inspector General's Report on U.S. Breaches of These Policies

However watered-down and weakened, this network of laws and policies still expressly prohibits the State Department from approving the sale of arms — like the Mark 80 precision-guided missile (PGM) series — when officials have knowledge that the arms will be used deliberately against civilians. They also clearly grant Congress the right and authority to exercise oversight over, and to block, such transfers. Yet, in its most recent report on the subject, the Office of the Inspector General (OIG) lays bare the fact that the State Department not only neglected its responsibility to consider human rights in approving arms transfers but also intentionally circumvented Congress's attempt to block the \$3.8 billion sale of PGMs to Saudi Arabia and the UAE.

The OIG reported that on May 23, 2019, Pompeo certified "an emergency existed" in the war in Yemen, referring vaguely to "recent Iranian aggression" in the Persian Gulf. Pompeo thus invoked emergency authorities put forth in Section 36 of the AECA to approve and "fast track" 22 arms transfer transactions — \$8.1 billion in defense articles, mostly missiles and missile support systems — to Saudi-led Coalition forces. This process waived congressional review requirements for all 22 transfers and yet, these same items had been the subject of congressional holds in the past: in 2018, Congress put a hold on 15 of these transfers. Six of these had been in place for more than a year. In response to the "emergency" certification, which Chairman of the House Foreign Affairs Committee Eliot Engle described as "phony," Congress — with bipartisan support — passed three bills, again attempting to block the sales, but Trump vetoed all three and the Senate failed to override the presidential vetoes.

The Inspector General specifically avoided assessing whether this was a bona fide declaration of an emergency — an essential question for determining compliance with the law. While this certification maneuver did indeed expedite the transfers, the unredacted version of the report reveals that the schedule of transfers, despite being "fast tracked," would still take at least a year to implement, bringing into question whether or not an emergency actually existed or, in the very least, raising doubts about whether or not these transfers could in earnest be considered a response to a true emergency. It also revealed a timeline showing that State Department officials first proposed pursuing an emergency certification on April 3, 2019 — a full month before the White House began releasing statements on Iran — but that it took until May 24th to transmit the certification to Congress. While the OIG's report avoids commenting on the legal questions around State's decision to declare an emergency certification with respect to events in Yemen — other than noting that it properly adhered to the certification process — it does reach two other clear and damning conclusions:

First, it states that "the Department [of State] did not fully assess risks and implement mitigation measures to reduce civilian casualties and legal concerns associated with the transfer of PGMs." Pursuant to this conclusion, the report makes a recommendation that is only articulated in the classified version of the review and so cannot be reported upon.

Second, the report concludes that State, "approved below-threshold arms transfers that included components of precision-guided munitions," a particularly conniving maneuver that dis-assembled the arms transfers put to Congress for review due to their large size, and re-assembled them into smaller packages that would not require congressional approval.

Pompeo refused to sit for an interview with the IG after being briefed about the report's conclusions, but R. Clarke Cooper, assistant secretary of the Bureau of Political-Military Affairs, did send a letter to the OIG in which he claimed the Department

still “takes the risk of civilian casualties extremely seriously” and stated that “the Department, working with the Department of Defense, established and implemented the Advanced Target Development Initiative,” which is meant to help train end-users of U.S.-made PGMs. Sadly, since this administration took office, the rate of civilian casualties caused by the Saudi-led Coalition has nearly doubled.

The OIG report came out four months after Trump fired State Department Inspector General Steve Linick at Pompeo’s request. Linick had not only been investigating these emergency weapons sales but had also been looking into claims that Pompeo had “improperly directed political appointees to run personal errands for him.” Linick’s successor, a Trump insider, has already quit, after only a few months in office. So, it was left to Diana Shaw, acting inspector general, to submit the report, referencing Linick’s removal from office in her very first sentence.

The OIG report reveals that, in addition to formally dismantling the civilian protection export controls, the Trump administration is also attempting to skirt what limitations remain in place by evading congressional review and placing lethal weapons in the hands of the Saudi coalition — all to the detriment of Yemeni civilians. Even in its redacted form, the report underlines a need for significant policy and legislative improvements, but to help experts strengthen laws and close loopholes in the arms export regime, this or the next administration should declassify and release the entire OIG report. In addition to reversing the harmful changes to the USML, CAT, anti-personnel landmines, and cluster munitions policies, lawmakers will also need to implement more robust measures to improve human rights standards in U.S. export laws. As Rachel Stohl and Diana Ohlbaum argue, Congress should “flip the script and require that sales obtain affirmative congressional approval ... instead of trying to stop an objectionable sale.”

This pressing need to enhance congressional oversight goes well beyond the obvious humanitarian imperatives, although these are legion. Yemen is a human-made humanitarian tragedy, teetering on the brink of mass famine. Besides these heart-rending considerations, there are legal concerns as well. Given that the United States has knowledge of, and has provided substantial assistance to, its client states’ operations in Yemen, continued provision of lethal munitions and other forms of assistance may actually entail legal liability on the part of the United States, U.S. officials implementing the Yemen policy, and even corporate actors producing the munitions being deployed. If these attacks are indeed war crimes, there are at least three legal grounds, according to Oona Hathaway, under which the United States “would potentially be legally responsible for violations of international humanitarian law committed by the Saudi coalition in Yemen.” First: U.S. actors could be liable under a complicity theory of responsibility. Second: the United States could be liable under principles of State responsibility. Third: the United States could be in breach of Common Article 1 of the Geneva Conventions, which obliges state parties to “ensure respect” for the treaty.

These are matters that a Biden-Harris administration, if not the current administration, would need to urgently take up in order to better align U.S. arms exports with the imperative of atrocities prevention and civilian protection. Dozens of former senior Obama administration officials now agree and have said so publicly in an open letter. Although the support for the Saudis started while he was Vice President, Joe Biden has already signaled during his presidential campaign that he plans to change course, stating bluntly: “It is past time to end U.S. support for the war in Yemen.”

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Special Tribunal for Lebanon

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

Rafik Hariri tribunal: Guilty verdict over assassination of Lebanon ex-PM (BBC) By Jeremy Bowen
August 18, 2020

Judges at the Netherlands-based Special Tribunal for Lebanon said Salim Ayyash had a central role in the bomb attack in Beirut in 2005 that killed Hariri.

They acquitted three other defendants, who like Ayyash were tried in absentia.

Hezbollah denied any involvement, and the judges said no evidence implicated the Shia militant group's leaders.

Hariri's son Saad, who is himself a former prime minister, told reporters outside the court: "I think today everybody's expectation was much higher than what came out, but I believe the tribunal came out with a verdict that is satisfying and we accept it." Now, he said, it was time for Hezbollah to "make sacrifices".

"It is clear that the network responsible is from its ranks," he added. "We will not rest until the punishment is carried out."

The verdict comes at a time of crisis in Lebanon, with the country still reeling from a devastating explosion at Beirut's port two weeks ago that killed at least 180 people.

The blast led to the resignation of the government, already embattled by protests over an economic collapse that has seen many people lose their savings and jobs. The tribunal's verdicts will disappoint supporters of Rafik Hariri as well the families of the 21 others who were killed and the 226 who were wounded, many grievously.

The man convicted in his absence, Salim Ayyash, was a well-connected, mid-level operative in Hezbollah, the most powerful military and political group in Lebanon. It is classified by the UK, the US and others as a terrorist organisation.

Hezbollah's leader, Hasan Nasrallah, has denied it was involved and refused to allow the arrest of Ayyash or the other men who have been cleared. One of his top military commanders, Mustafa Badreddine, was also indicted until he was killed in Syria in 2016.

The verdict has nevertheless given Rafik Hariri's son Saad, a former prime minister who might get the job again, a lever to use against Hezbollah.

The Hariri camp, and others, believe Ayyash was acting under orders, from Hassan Nasrallah and most likely from Hezbollah's backers, Syria and Iran. Rafik Hariri was seen as a threat to their power in Lebanon.

One of the judges, David Re, said the court had found motive but not evidence.

Even so, the conviction of a Hezbollah man will feed into the fevered political atmosphere in Lebanon. What's the case about?

Rafik Hariri, a Sunni, was a billionaire businessman who served as prime minister of Lebanon five times following the 1975-90 civil war.

His last term in office ended in 2004, after which he aligned himself with the opposition in parliament and backed calls for Syria to withdraw its forces, which had been in Lebanon since 1976. On the morning of 14 February 2005, Hariri was travelling in a motorcade past the St George Hotel in downtown Beirut when a bomb hidden in a van exploded.

The blast created a crater at least 10m (32ft) wide and 2m deep in the street, and left nearby vehicles smouldering and shopfronts blown out and blackened. The killing brought tens of thousands of demonstrators onto the streets in protest against the pro-Syrian government, with the finger of blame for the assassination pointed at Lebanon's heavily influential neighbour.

The government resigned two weeks later and Syrian troops pulled out that April. After collecting evidence, the UN and Lebanon set up the STL in 2007 to investigate the bombing, and four suspects were ultimately put on trial in absentia.

The prosecution's case relied on the analysis of calls between mobile phones that it said were used to plan, prepare and execute the attack.

A Lebanese investigator who started the trawl of the phone data and made crucial early breakthroughs, Wissam Eid, was assassinated in Beirut in 2008.

What did the judges say?

They found Ayyash, 56, guilty of five charges, including conspiracy aimed at committing a terrorist act, committing a terrorist act by means of an explosive device, and the intentional murder of Hariri with premeditation by using explosive materials. STL prosecutors alleged that Ayyash co-ordinated the physical perpetration of the attack and, together with Mustafa Badreddine, the surveillance of Hariri.

Ayyash was also accused of purchasing the van that exploded, and of having played a role in preparing what prosecutors said was a false claim of responsibility made by a Palestinian man on behalf of a fictional Sunni fundamentalist group.

Ayyash's court-appointed defence lawyers said the prosecution's case relied on circumstantial evidence that did not prove his involvement in the conspiracy.

But Judge David Re told the court on Tuesday: "Mr Ayyash had a central role in the execution of the attack and directly contributed to it.

"Mr Ayyash intended to kill Mr Hariri and had the required knowledge about the circumstances of the assassination mission, including that explosives were the means to be used."

The judge said there was not enough evidence to prove beyond reasonable doubt the guilt of the other defendants - Assad Sabra, 43, Hussein Oneissi, 46, and Hassan Habib Merhi, 54.

The panel also concluded that while Syria and Hezbollah "may have had motives to eliminate" Hariri and some of his political allies, there was "no evidence that the Hezbollah leadership had any involvement in Hariri's murder and there is no direct evidence of Syrian involvement", according to Judge Re.

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Israel and Palestine

Rare Israeli ruling against practice of demolishing homes of Palestinians accused of violence

(Washington Post) By Steve Hendrix

August 19, 2020

An Israeli court decision last week stopping the military from demolishing the family home of a Palestinian man accused of killing a soldier represents a rare intervention against a policy that is widely popular in Israel but sharply criticized abroad.

The man, Nazmi Abu Bakr, is accused of dropping a block on an Israeli army unit from the roof of his third-floor apartment during a predawn clash in his village in the occupied West Bank.

A three-judge panel of Israel's Supreme Court ruled it would be "disproportional" to displace the accused man's wife and eight children, who were apparently asleep and unaware of the unfolding events.

The move was hailed by human rights activists who said it showed an emerging discomfort in the courts about a policy that amounts to collective punishment. Judges have only occasionally halted such home demolitions but in several recent cases have limited demolition to only parts of structures.

"It's not just a violation of Israeli law but of ancient Jewish law. You don't punish the son for the sins of the father," said Jessica Montell, head of the HaMoked, a human rights group that brought the case to court on behalf of Abu Bakr's family.

Her organization has no objection to the accused being tried and, if convicted, imprisoned, she said. But it regularly files to stop related demolition orders. "There is a growing group of judges that recognizes this policy is problematic."

But the ruling against "punitive demolition" sparked outrage among conservative Israeli politicians at a time when control of judicial appointments is at the heart of frictions within Israel's fractious coalition government. Protesters gathered Saturday outside the Tel Aviv home of Supreme Court President Ester Hayut to condemn "judicial dictatorship."

Prime Minister Benjamin Netanyahu, who has railed against "liberal judges" in response to his indictment last year on corruption charges, immediately called for the high court to reopen the case after what would normally be the judges' final word. "My policy as prime minister is to destroy the homes of terrorists, and I intend to continue with it," Netanyahu said in remarks in front of the Knesset, Israel's parliament.

Abu Bakr, 49, has been charged in military court with the murder of 21-year-old Staff Sgt. Amit Ben Ygal. In the early hours of May 12, Ygal was part of a unit that entered the West Bank town of Yabad in pursuit of four suspects from a previous rock-throwing incident. Several people taunted soldiers or threw stones, according to reports at the time.

According to the indictment, Abu Bakr was in his family apartment on the top-floor of the three-story building he shared with his extended family. He allegedly heard the disturbance about 4:30 a.m., saw the soldiers below and dropped a concrete block. It struck Ygal, who died soon after at a hospital in Haifa.

Army investigators said Abu Bakr admitted to dropping the block. According to alleged transcripts of his interrogation leaked to the media, Abu Bakr said he had only meant to injure the soldiers. At his first court appearance, he said, "I didn't murder anyone on purpose."

Abu Bakr has yet to be convicted. But in keeping with its policy, the Israeli military ordered the destruction of his top-floor apartment soon after he was indicted.

Supporters say the policy is not meant to serve as punishment for a crime and should not be connected to a final verdict. Rather, it is meant to make others think twice about carrying out violent attacks.

"Demolishing the house is not a punishment according to the law. It's an act of deterrence," said Eran Ben-Ari, legal adviser of a right-wing advocacy group for settlers and victims of terrorist attacks. "Both soldiers and citizens could be killed in the next terrorist activity that won't be deterred because of this verdict."

His organization has called for the Israeli army to seek a review of the ruling by the complete high court and is confident there are enough supporters on the bench to uphold the order to raze Abu Bakr's house.

The military's punitive demolition policy has had an up-and-down history. The strategy, which dates to the British Mandate period, was used by Israeli commanders during the second intifada, or uprising. A 2005 military commission questioned the deterrent value of punitive demolitions, and the practice stopped for almost a decade. The army resumed demolitions in late 2014, after three Jewish religious school students were kidnapped and killed.

A spokesperson for the Israel Defense Forces declined to comment for this story.

In recent years, some judges have been willing to curtail demolition orders, in some cases directing that only the accused attacker's own room be destroyed or filled with foam to prevent damage to surrounding structures. And several judges have staked out limits to the practice, halting those they say were ordered too long after the fact and those not proportional to alleged offenses.

In the most recent case, the majority of the three-judge panel said rendering Abu Bakr's children and wife homeless was an excessive response.

The home-demolition policy puts a particular burden on women, according to Palestinian activists. Often, they say, the wife or mother of an accused attacker is left scrambling to find shelter for the rest of the family.

"Our research shows it is usually the woman who bears the pressure of both the psychological and the physical impact," said Reem Natsheh of the Women's Center for Legal Aid and Counseling in Ramallah.

Abu Bakr's wife and children have been living with other family members. In an interview, she said they still worried they would lose the house where she has lived for 23 years.

"I hope they will not punish innocent children and their mother for something they haven't done," said Sohila Asfour, 45.

After the court's decision, a video went viral of the killed soldier's devastated father lowering the Israeli flag to half-staff in protest of the ruling. Baruch Ygal said halting the demolition only added to his family's pain.

"This Palestinian family has their husband alive, they have their children alive," he said in an interview. "Our only child is in the cemetery. Who is suffering more?"

Israeli warplanes carry out more attacks on Gaza (Al Jazeera)

August 24, 2020

Israeli warplanes carried out more air raids on Hamas positions in the Gaza Strip early on Monday, according to the Israeli army.

The Israeli army has carried out attacks on Gaza almost daily since August 6, along with tightening a blockade under which it has banned the entry of fuel for Gaza's sole power plant, plunging the Palestinian territory into darkness.

Monday's attacks targeted a Hamas tunnel and some military points, the Israeli army said in a statement, and were carried out in retaliation for the launching of incendiary balloons from Gaza that Israel blames on Hamas, the group that rules the Gaza Strip.

No casualties have been reported so far.

According to Palestinian news agency Wafa, Israeli warplanes targeted an area east of the town of al-Qarara, in the southern city of Khan Younis, with at least three missiles, leaving behind a deep crater.

Moreover, Israeli artillery struck a site east of Rafah in the southern Gaza Strip, which led to its destruction and catching fire.

An Egyptian delegation has been trying to broker a return to an informal truce.

The Gaza Strip has a population of two million people, more than half of whom live in poverty, according to the World Bank. The Palestinian territory has been under a devastating Israeli blockade since 2007.

Israel and Hamas have fought three wars since 2008.

The latest Israeli attacks came just before US Secretary of State Mike Pompeo touched down in Tel Aviv, the first stop in a five-day trip to the Middle East.

His visit will focus on the United Arab Emirates's normalisation of diplomatic ties with Israel, seen as a betrayal by many Palestinians, and urging other Arab states to follow suit.

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Gulf Region

Saudi strongman 'encouraged' Russia intervention in Syria, lawsuit claims (The Guardian) By Julian Borger

August 16, 2020

In the summer of 2015 Mohammed bin Salman, then Saudi defence minister and third in line to the throne, turned his country's foreign policy on its head and gave a covert green light for Russia's intervention in Syria, according to a lawsuit by a former top intelligence official.

In his complaint filed in a federal court in Washington, Saad Aljabri alleges that the abrupt switch of course by the man who is now Saudi Arabia's crown prince alarmed the then CIA director, John Brennan, who met Aljabri in July and August of 2015 to pass on a rebuke from the Obama administration.

"Brennan expressed concern that defendant bin Salman was encouraging Russian intervention in Syria, at a time when Russia was not yet a party to the war in Syria," the lawsuit, filed last week in the District of Columbia district court, alleged. "Dr Saad passed Brennan's message to defendant bin Salman, who responded with fury."

Aljabri said the meetings with Brennan cost him his job as the second most powerful man in Saudi intelligence and his country's liaison with the CIA. He later fled Saudi Arabia and is now living in hiding in Canada, where he alleges the crown prince tried to have him killed by a Saudi death squad, shortly after the murder of the Saudi dissident and journalist, Jamal Khashoggi.

Aljabri filed his accusation of attempted extrajudicial killing as a "flagrant violation of US law and international norms and standards" under the Torture Victim Protection Act and the Alien Tort Statute.

Neither the Saudi government nor the Saudi embassy in Washington has commented on the allegations. Aljabri did not provide evidence for his allegations and the Guardian has not been able to independently verify them.

In March Aljabri's 20-year-old daughter, Sarah and his 21-year-old son Omar, were arrested, and have not been seen since. Aljabri says they are being held as hostages to force him to return home, because of his detailed knowledge of Prince Mohammed's rise to power. The Royal court has not commented on Aljabri's children's whereabouts.

The claim that Prince Mohammed secretly invited Russia to intervene in Syria at a time when Bashar al-Assad was close to falling, is an explosive one. The Saudi monarchy was ostensibly supporting anti-Assad rebels, and Russian bombing of rebel-

held cities in support of Assad has since killed tens of thousands of Syrian civilians.

Western diplomats say that soon after Prince Mohammed became defence minister, with the ascent of his father to the Saudi throne following the death of King Abdullah in January 2015, he was strongly influenced by the crown prince of Abu Dhabi, Sheikh Mohammed bin Zayed, another young moderniser with radical ideas.

This week Sheikh Mohammed caught the Arab world by surprise by striking a US-brokered agreement to establish diplomatic relations with Israel.

A source familiar with the sequence of events in 2015 said that Prince Mohammed and Sheikh Mohammed (widely known as MBS and MBZ) met at the Idex arms fair in Abu Dhabi in February.

“That was a turning point in MBS’s ambition and vision and belief,” the source claimed. Sheikh Mohammed is said to have argued that the threat of a Muslim Brotherhood revolution in Syria was worse from the point of view of their Gulf monarchies than Assad’s survival.

The Emirati prince also persuaded his ambitious Saudi counterpart that if he was going to compete with, and eventually oust, his cousin, Mohammad bin Nayef – then deputy crown prince and intelligence chief (and Aljabri’s patron) with close ties to Brennan and the Obama administration – he would have to find friends beyond Washington.

“MBZ said you have to start building new alliances, and you need to pivot to China and Russia and MBZ had a good relationship with Putin,” the source said.

Hassan Hassan, director of the non-state actors program at the Center for Global Policy in Washington, said: “I was privy to some of the high-level conversations regarding the Gulf states’ support for a Russian-led role in Syria after the Yemen war was launched in [March] 2015. At the time, the UAE was pushing for the idea of helping Russia stabilize Syria and enabling the Assad regime to reclaim control of the country.”

“When I read Aljabri’s claim about MBS asking Russia to intervene in Syria, that immediately made sense to me, considering the conversations I heard in 2015 and 2017,” Hassan said.

One of the effects of this drift towards Moscow was a draining of political will and resources from a joint intelligence effort by the US, UK, Turkey, Saudi Arabia, the United Arab Emirates and other members of the Gulf Cooperation Council, in support of an agreed list of Syrian rebel groups.

The initiative which was started by Bin Nayef and Aljabri with CIA assistance, was known as the Riyadh Room because representatives from the parties involved met in a facility in the diplomatic quarter of the Saudi capital, to discuss which factions to back and which were unacceptable.

The Riyadh Room achieved some success in imposing some discipline and structure to western and Gulf support for anti-Assad forces in 2014, but it dissipated in the spring and summer of 2015 with Prince Mohammed’s rise.

In June of that year, Prince Mohammed – by then deputy crown prince – went to St Petersburg where he met Putin. They signed cooperation agreements on oil, space and nuclear energy, but also, according to Aljabri’s account, discussed Russia’s entry into the Syrian war.

When the CIA heard about these discussions, Brennan asked Aljabri for an urgent meeting in July in Dublin, roughly halfway between their two capitals, to convey US displeasure, according to a source familiar with the exchanges between the two men.

“They [the Americans] were enraged,” the source said. “It was as if Assad was about to be given a knockout punch and MBS gave him the kiss of life.”

Brennan, now retired from public service and working on a memoir, declined to comment on Aljabri’s claims. Saudi officials also did not respond to requests for comment.

A few weeks later, Aljabri met Brennan a second time in the US and at about the same time had talks in London with the British foreign secretary, Philip Hammond, who expressed similar concerns.

When Aljabri reported back on those conversations to the Saudi national security council, Prince Mohammed took it as a direct challenge to his authority, according to the exiled intelligence official, and orchestrated his dismissal on 10 September, less than three weeks before Russia began airstrikes in Syria.

Aljabri remained an adviser to Bin Nayef until May 2017 when he left the kingdom a month before his patron was deposed as crown prince and replaced by Prince Mohammed.

A former diplomat in the region said that the inclusion of the claims about the crown prince, Putin and Russia's intervention in Syria in Aljabri's lawsuit in Washington was intended to send a message.

"I assume that the purpose of this deposition is to tell MBS that Saad is not going to back down," the former diplomat said. "You can arrest one of my sons one of my daughters, but if you persist in this, I have information on you which will hole you below the waterline."

The retired diplomat said: "He's signaling that he knows stuff, and some of that is about Syria."

While the allegation of connivance with Moscow is damaging to the crown prince, most western diplomats argue Russia would have entered the war without covert encouragement from Saudi and Emirati princes. They suggest another visitor in July of 2015 was far more instrumental, the Iranian Revolutionary Guard general, Qassem Soleimani.

In Moscow, according to an account by Reuters, Soleimani unfurled a map of Syria for his Russian counterparts to explain Assad's precarious position and how Putin's intervention could turn the tide.

"I don't think Putin gave a Siberian shit about what the Saudis and Emiratis wanted, basically," the western former diplomat said. "But I think he would have enjoyed them wanting the Russians to come in, because it was a kick in the teeth for the US."

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ASIA

Afghanistan

Taliban truck bomb, other attacks kill dozen across Afghanistan (Al Jazeera)

August 25, 2020

A wave of attacks across Afghanistan has left at least 12 dead and many wounded in the last 24 hours, officials said, including a Taliban truck bombing in the country's north that targeted a base for Afghan forces.

At least three people, including two Afghan commandos and a civilian, were killed in the truck suicide bomb attack in the northern Balkh province, according to Munir Ahmad Farhad, the spokesman for the provincial governor.

According to Hanif Rezaie, the spokesman for the Afghan army corps in the north, an initial military report said at least six commandos and about 35 civilians were wounded in that explosion, which also destroyed or damaged dozens of nearby civilians houses.

"Most of the wounded civilians are women and children," Rezaie said on Tuesday.

Taliban spokesman Zabihullah Mujahid claimed responsibility for the Balkh attack, saying "tens" of military personnel were killed.

Afghan civilians continue to bear the brunt of the war across the country, despite efforts to launch peace talks between the Kabul government and the Taliban, and to find a plan for post-war Afghanistan.

The talks were envisaged under a US-Taliban peace agreement signed in February, but their start has been hampered by a series of delays over prisoner releases.

Also on Tuesday, an attack at a checkpoint of pro-government forces in western Ghor province killed eight troops and wounded five, said Arif Aber, spokesman for the provincial governor.

The attack in Shahrak district set off five hours of gun battle.

No one immediately claimed responsibility for that attack, but authorities blamed the Taliban.

In the capital of Kabul, a roadside bombing killed a police officer while a policewoman and her driver were wounded when unknown attackers opened fire on them, said Ferdaws Faramarz, spokesman for the Kabul police chief.

The policewoman, Saba Saher, also a well-known actress, is said to be in stable condition.

No one claimed responsibility for the attacks in Kabul.

Separately, the Ministry of Defence released a statement late on Monday saying 91 Taliban fighters were killed during an air and ground operation by Afghan army troops trying to open the highway between northern Kunduz to Khanabad districts.

The statement said another 50 Taliban fighters were wounded in the fighting and the highway was later reopened for traffic.

According to a UN report released in July, 1,282 people were killed in violence in Afghanistan in the first six months of 2020.

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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)

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War Crimes Investigation in Myanmar

**Ethnic Ta'ang Groups, Families Accuse Myanmar Army of Killing Three Civilians (Radio Free Asia) By Kan
Thar**

August 25, 2020

**Ta'ang civil society groups and the relatives of three missing ethnic Ta'ang villagers
whose bodies turned up last week in a township in Myanmar's restive northern Shan**

state have demanded that the Myanmar military — the alleged perpetrators of the killings — be brought to justice for the crime, they told RFA on Tuesday.

Mai Nyi Tun, 28, from Man Kan village; Mai Alone from Lwe Mon village; and Nyi Leik, 40, from Mai Sat village, all in Namhkam township, disappeared at the end of May after being detained by government soldiers following a clash with the Ta'ang National Liberation Army (TNLA), they said.

Residents found their buried corpses in Muse township's Neng Kat village tract on Aug. 20, and they were dug up in the presence of police, local civil administration staffers, a doctor, and members of the Ta'ang Literature and Culture Organization.

The causes of death have yet to be determined, officials from the Ta'ang organization said.

The military denied responsibility for the killings.

Fighting that broke out near Nant Phat Kar village in Muse district's Kutkai town on May 29 was the first clash following declarations of temporary cease-fires by both sides in an effort to help prevent and contain the spread of the coronavirus.

Both the national and ethnic armies routinely detain civilians in conflict zones for questioning to determine if they are involved with the enemy, or to force them to work as local guides and porters.

'He never returned'

Mai Nyi Tun left home on May 28 to search for firewood and spent the night in a friend's hut as TNLA troops stationed near the home engaged in fighting with a Myanmar military regiment, said his sister, Mai Nyi Tun, who lost contact with him the following day.

"The Myanmar military had taken him," she said. "We'd lost contact with him. He never returned. Wherever the troops are, they should not do such things. We want to demand justice for him."

TNLA soldiers brought Mai Alone into the area and he was left behind during the fighting only to be detained later along with Mai Nyi Tun by government troops, said Mai Alone's father. His son left home in April to try to find work, he added.

Tar Aik Thein Win, secretary of the Ta'ang Literature and Culture Organization said the third man, Nyi Leik, went missing after he left home on May 29.

Though the vice commander of the military's regional division visited the area, villagers did not say anything about the missing trio, he said, adding that they informed his organization about the disappearances about 10 days after they occurred.

"So, I gathered biographies of the missing persons and gave the information to Myanmar military intelligence," he said. "Then they were found."

Myanmar military spokesman Major General Zaw Min Tun said the area where the bodies were found is a site where TNLA troops had been stationed.

"This is the only information we got so far, so it is not possible that they were killed by the military," he told RFA.

TNLA spokesman Major Mai Aik Kyaw said Ta'ang, also known as Palaung, soldiers were mobilized in the Muse and Namhkam areas in May and that fighting had occurred near the hut in the hills.

"Our troops were stationed in the area a few days ago, but they are gone now, because military troops arrived and engaged in fighting," he said.

Seeking justice

Locals say they do not believe the Myanmar Army's denial of involvement in the murders.

"If they were interrogating the victims as suspects, they should not have brutally tortured and killed them," said Lue Po Palar from the Ta'ang Women's Organization (TWO), a civil society group that documents human rights issues concerning Ta'ang women.

"Their families had lost contact, and we were still wondering where they were. We will help the civilians seek justice," she added.

Police Commander Banyar Oo of the Shan state police said officers have opened a case and begun investigations into the deaths.

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.

The TNLA, the armed wing of the Palaung State Liberation Front (PSLF), has not signed the government nationwide cease-fire agreement (NCA), inked by 10 other ethnic armies since October 2015.

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AMERICAS

North & Central America

Movements Sustain Historical Memory in Latin America (NACLA) By Diana Ramos Gutiérrez
August 18, 2020

To speak of memory is imperative in a pandemic. It is in memories that we recover our humanity and remember our vulnerability, as the actions of some states recall the darkest moments of our recent social conflicts. The roll-out of authoritarianism and militarism in Latin America bring back historical memories we do not wish to repeat, but that we cannot forget. We build the society we wish to live in on the grounds of collective memory.

La Red de Sitios de Memoria Latinoamericanos y Caribeños (The Network of Latin American and Caribbean Memory Sites, RESLAC) warned at the start of the pandemic in a press release that the current moment, "is being used as a platform for the advance of authoritarian and denialist tendencies that have been developing in our region, and calls our attention to the risk of growing inequality, and repressive social surveillance in our countries during the public health crisis."

In several Latin American countries, social movements have remained active during the pandemic, coming up with ways to maintain their demands for memory and justice. "We don't march, but we don't forget," was one of the slogans of the Abuelas de Plaza de Mayo in Argentina. The decision not to mobilize was not an impediment for collectives to demonstrate as they have every year. Social networks, and balconies, were filled with pañuelos (handkerchiefs) on March 24, the National Day of Memory for Truth and Justice in Argentina. Images went viral on social media with hashtags like #PañuelosConMemoria (Bandanas with Memory), #24M, #44AñosDelGolpe (44 years since the coup), #Son30000, and #MemoriaVerdadYJusticia (Memory, Truth and Justice).

In Buenos Aires, El Espacio Memoria (The Memory Space), the former mechanic school of the navy (ESMA), in the capital, organized a "proyectazo" with projections in windows, terraces, and balconies that were later shared online. El Museo de la Memoria (the Museum of Memory) in Rosario used the hashtag #ConLaMemoriaDespierta (Awake with Memory). "To prevent contagion, we cannot go to the public square, but we want the hope for 'never again' to be contagious," the organizations wrote in a communiqué. In the final march of 2019, more than 150,000 people participated.

The film "Todos son mis hijos" (All are my children,) a project of the organization, was released on social networks. And along with the CEL and Memoria Abierta, the Desclasificados.org.ar website was launched, where secret files about state terrorism, declassified by the United States, can be accessed. With #NosQuedamosEnCasa and #VuelvanACasa the Abuelas continue, online, the active search for grandchildren who were taken by the dictatorship.

March 24 is the International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims, as recognized by the United Nations. It commemorates the memory and struggle of Monsignor Óscar Arnulfo

Romero of El Salvador. The names of 25,000 victims of the Civil War are engraved on the Monument to Memory and Truth in the Salvadoran capital. The name of Romero is one of them. Plaques and memorials to the dead have been placed in other parts of the country marked by the violence. Last year the current president, as one of his first acts in office, removed the name of Domingo Monterrosa from a military base, who the U.N. Truth Commission has implicated in the massacre at El Mozote, where more than 1,000 people died.

“A fraternal, physical encounter is impossible at this time, but historic memory is not in quarantine,” said José Lazo, representative of the Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos (Association for the Search of Disappeared Children), during an event to commemorate victims of the Guinda de Mayo massacre, which was transmitted over community radio. The organization released a communiqué, saying that the measures taken against Covid-19, “appear to seek to kill democracy, not the virus.” The disappearances continue. El Salvador recorded 3,093 disappeared people during 2019.

This February, on the eve of the pandemic, El Salvador’s Legislative Assembly passed the National Reconciliation Law, for crimes against humanity and war crimes committed during the armed conflict, which critics worry will lead to an amnesty for the perpetrators. All of this goes against securing reparations and justice for victims. The law is now awaiting the president’s signature.

On April 9, Colombia recognizes the National Day of Memory and Solidarity for the Victims of the Armed Conflict, on the day of the assassination of Jorge Eliécer Gaitán. Victims organizations called for people to light a candle of “solidarity and memory for those who never came home,” in honor of the nearly 9 million victims of the armed conflict. Six decades of conflict have left more than 262,000 dead. El Centro Nacional de Memoria Histórica (The National Center for Historic Memory) promoted the hashtag #9AUnaSolaVoz to share photos and videos on social media in solidarity with victims and their families. El Museo Nacional de Memoria (the National Museum of Memory) also created a digital micro-site. El Centro de Memoria, Paz y Reconciliación (The Center for Memory, Peace and Reconciliation), in Bogotá, joined the events.

The Attorney General of Colombia ordered at the start of the pandemic that district and local authorities could exhume cadavers that have been stored at municipal morgues without being identified, or identified without being claimed, or abandoned due to poverty. In Colombia, and around the region, the murders, disappearances, and persecution of social leaders continue to increase, despite the pandemic.

The virus and the quarantine announcements reactivated debates about the sentences of people convicted of crimes against humanity. In Chile, discussion has resumed around a “Humanitarian Law” that would regulate carceral punishments, allowing people over 75 years old or who suffer from terminal diseases to be released to house arrest. The Appeals Court of Santiago de Chile decided on April 9 to reduce the sentences of 17 members of the military who were convicted of human rights abuses, allowing them to serve out their sentences under house arrest. The decision is still pending the decision of the Supreme Court. Members of the military in other countries are echoing similar requests.

We remember because we cling to memories. Amid the pandemic, the Museum of Memory and Human Rights in Chile, alongside their followers, has built a virtual #Álbumde la Memoria, filled with stories and recollections. They encourage uploading family photos taken between 1973 and 1990 to Instagram using the hashtag #Álbumde la Memoria. On the new website conectadosconlamemoria.cl, the public can access historical archives, talks, workshops, and activities, in addition to an educational section for students on the rights of children and youth. At the start of June, the Network of Memory Sites in Chile announced budget cuts for six memory sites under the National Directorate of Patrimony. “The memory sites are fundamental for the reconstruction of historical memory and the right to truth in countries and communities that have suffered serious and systemic human rights violations,” they wrote in a statement. We are what we remember.

Mother’s Day in Mexico is celebrated on May 10. On this day, for the past nine years, family groups and NGOs in the country have organized marches calling for the return of their loved ones. “In the midst of this Covid-19 pandemic, we have stayed organized, and on such an important day, we mobilized to reiterate our demands,” read a statement from the Movement for Our Disappeared in Mexico that included more than 60 collectives of family members of missing persons, representing 22 Mexican states and three Central American countries. The heart of the struggle has been the demand for the search of missing persons dating back to the 1960s in Mexico and Central America.

In Mexico, a 75 percent reduction in operating expenses for the Comisión Ejecutiva de Atención a Víctimas (Executive Commission for Attention to Victims, CEAV) was announced during the pandemic. Due to budget cuts, 60 percent of staff will be laid off and CEAV will not be able to cover rent for their building. One-hundred employees were told they would be without work. Besides the assistance, the safekeeping of personal data in the National Register of Victims is also threatened, since not enough funding has been allocated for data systems. In front of the National Palace in the Mexican capital, relatives of the disappeared and other victims have organized a sit-in protest for over a month to stop the budget cut, among other demands. They demand the state stop re-victimizing them. “We aren’t going to allow ourselves to not be heard, that’s why we’re here. So we’re going to stay here until we’re heard,” they affirmed, while drawing an immense ¿Dónde están? (Where are they?) in large, bright white letters by the front door to the National Palace.

According to official figures, there are 61,637 disappeared persons in Mexico. The country endures this reality while also facing another crisis going back many years: there are more than 37,000 unidentified bodies. A feeling of desperation that continues with each day.

In Uruguay, the Silent March takes place every May 20. This year's tagline was, "Son memoria. Son presente. ¿Dónde están?" (They are memory. They are present. Where are they?). Mothers and Relatives of Detained and Disappeared Uruguayans and other human rights organizations extended an invitation to connect to any of the different social media platforms "so that together, wherever we may find ourselves, across the country, we can shout, ¡Presente! after each of the names." The instructions were to put your radio on a balcony, by a window, at the entrance of your home, and say "Presente" after each name, as they do at each event. It was encouraged to upload videos and speeches to social media using #MarchaDelSilencio, #MarchadelSilencio2020 and #MarchadelSilencioPresente. That morning, photos of the disappeared were seen on the Avenida 18 de Julio in Montevideo, where the march usually passes. They were there, their images, their memories: Presentes.

In the past few months, comments and hints of "turning the page" were heard, mostly from the military party, Cabildo Abierto, looking for amnesty for those who committed crimes against humanity during the civic-military dictatorship in Uruguay.

"Tertuliadero de la memoria: juntando los fuegos" was the name of the meeting between H.I.J.O.S. Guatemala, Peru, and Mexico, moderated by Hijos e Hijas por la memoria y contra la impunidad de Colombia (Sons and Daughters For Memory and Against Impunity in Colombia), which was held virtually this past June. Quarantine has only strengthened the desire to be together, to unite ourselves. Organizations and grassroots collectives that work with memory in the region have deployed countless creative appeals to be able to heal these wounds—working toward healing processes, reconciliation, and social dialogue, while at the same time exposing what governments owe. Serious violations of human rights, persecution, disappearances, and torture continue. Achieving peace requires justice, the ability to continue searching, and, in legal terms, moving forward with every measure needed to continue in order to achieve the restoration of stolen dignity, as well as prevent recurrences, a key element for true justice to exist.

"Hablarte, Y escucharte. Construir con palabras, Un puente indestructible. Mi táctica es, quedarme en tu recuerdo. No sé cómo ni sé, con qué pretexto. Pero quedarme en vos," wrote Mario Benedetti in his poem, "Táctica y estrategia" (Tactic and Strategy). "To speak to you and listen to you. To build with words. An indestructible bridge. My tactic is to remain in your memory. I don't know how, I don't know why. But to stay with you."

In the meantime, and through every available mechanism, whether material or symbolic, demanding the guarantee of human rights continues from the collective until truth, justice, and restitution have been achieved.

El afecto tiene memoria. Affect has memory.

The Lost State of Sequoyah: The Five Tribes' fight against Oklahoma statehood (Indians) By Albert Bender
August 25, 2020

The recent historic Supreme Court decision that the Muskogee Creek land in Eastern Oklahoma is still a reservation brings to mind the valiant efforts of the Five Tribes to fight being brought under the jurisdiction of the state of Oklahoma over a century ago. Their struggle crystallized in the attempt by the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations to create the proposed Indian state of Sequoyah to maintain some control and sovereignty over their lands. This resulted in the State of Sequoyah Convention, a tribal movement led by delegates of the Five Tribes meeting in Muskogee in 1905.

The name of Sequoyah was chosen for the proposed state to honor the Cherokee who is credited with inventing a writing system for the Cherokee language (By traditional Cherokee accounts, the syllabary actually existed long before and was revitalized by Sequoyah to strengthen Cherokee culture in the face of white encroachment.)

Some background is required to understand how this novel development came to pass. In 1890, the U.S. Congress passed the Oklahoma Organic Act in preparation for creating the state of Oklahoma. At that time, the land now comprising the state of Oklahoma was two separate territories, Oklahoma Territory to the west and Indian Territory to the east. Indian Territory was composed of the lands of the Five Nations and of course had a large Indigenous population. But by 1890, Indian Territory had a population of 50,000 Indigenous and some 178,000 non-Indians. Due to the sinister machinations of the United States government, the Native people were already greatly outnumbered by a non-Indian populace in the late 19th century in what was supposedly their designated territory.

Up until 1903, the Five Tribes and the small Native tribal nations in Indian Territory had opposed all national and local efforts

by non-Indians for statehood. But that opposition changed because subsequently Congress, in egregious violation of sacred treaties—the law of the land, mandated March 4, 1906, as the date for the dissolution of tribal governments and Indigenous communal lands in Indian Territory. Congress sought to combine Oklahoma Territory and Indian Territory into one state, Oklahoma, which would be white dominated and controlled.

Statehood against their will

The Tribes regarded state control with horror, remembering with great bitterness the Southern states' racist oppression of Native people in their ancient homelands. In 1829, the state of Mississippi extended its laws over Choctaw and Chickasaw land and imposed citizenship on tribal members. Citizenship for Indians of course had a different definition than for whites. Indian citizenship meant the loss of political, legal, and human rights. Native citizens were forbidden under penalty of fine or imprisonment to hold any political office or to exercise any legal rights.

Georgia followed the same course with the Cherokee Nation, forbidding tribal councils from convening except to ratify fraudulent land cessions. Indian individuals were prohibited from testifying in court. Racist white gangs roamed the countryside robbing and plundering at will, cognizant of the fact that Native testimony against them in legal proceedings was precluded. It was illegal for an Indian to bring suit or testify against a white man. This is what state jurisdiction meant to the Five Tribal Republics—the racist rule of the “white man's law.”

All of the tribes were grimly resolved to never passively surrender to state authority. Tribal leaders, desperate to maintain some aspect of Native sovereignty and avoid state jurisdiction, conceived the idea that Indian Territory, the land of the Five Tribes, be admitted as a single Native American state, set apart from Oklahoma Territory. This sentiment culminated in the State of Sequoyah Convention, which met in August and September 1905.

The convention drew up a constitution, a plan of government, and drafted a map of counties to be established. It elected delegates to meet with Congress to petition for statehood. Congress refused to even consider the petition. Subsequently, President Theodore Roosevelt—a reputed Indian hater infamously quoted as saying, “I don't go so far as to think that the only good Indians are dead Indians, but I believe nine out of ten are, and I shouldn't like to inquire too closely into the case of the tenth,”—proposed joining Indian Territory with Oklahoma Territory. Shortly thereafter, the Oklahoma Enabling Act was passed. Roosevelt signed the law in June 1906, and Oklahoma became the 46th state in November 1907.

This ended the last desperate legal efforts to create an Indigenous state. The Native citizens of the Five Tribal republics were smothered by an avalanche of white settlers. Because of racist politics, whites rapidly dominated the new state to the detriment of the Indigenous peoples who had been driven west decades before. Allotments compelling Native families to accept specific acreages of land were forced on the dismantled republics, and the surplus land was given to Euro-American settlers, who took no rest from their transgressions against Indigenous people. The Native citizens looked upon the surplus land made available to white homesteaders as just another instance of land stolen from its rightful owners in violation of treaties that had been promised to last “as long as the grass grows and water flows.”

Before Oklahoma

More mention should be made of the Native republics dismantled with the emergence of the state of Oklahoma. They've long been referred to as the “Five Civilized Tribes” by mainstream historians. The term is rightfully considered pejorative, however, because of its European colonialist origins, its implication that these polities adopted white civilization, and the way it ignores the brilliant Pre-Columbian civilizations of the Southeastern nations.

These tribal nations only borrowed very selectively from the white man's ways, while maintaining dominant Indigenous societal, economic, and cultural attitudes, practices, and mores. Indigenous ethos predominated prior to the era of statehood and thereafter.

Beginning in the early 1800s, migrations of Cherokees began to take place to escape the encroachment of rapacious white settlers. This writer's great-great-grandfather was among those early émigrés going west.

The southeastern Indigenous peoples surviving the westward travail organized Native republics with written constitutions and adopted some Anglo-American legal practices, but all the while maintaining a dominant Indigenous core. These republics were far ahead of the adjacent white populations and established public school systems teaching in both English and their own Native languages. They set up public mental health facilities, published tribal newspapers, produced schoolbooks, and organized political parties.

As a result of the educational systems established, there was actually a larger proportion of formally educated tribal people than among the white people of the neighboring states. In particular, the Native leaders, bitterly recounting the racist oppression of state and federal authorities, could quote the treaties with such eloquence, fluency, and skill that they easily outdebated their white adversaries.

The political leadership of the Five Nations, who were more often than not better educated than the legislators and governors of the neighboring states of Arkansas and Texas, focused on education as a means of holding at bay the ever encroaching greedy, racist world of white America.

Corporate America coveted the land of the Five Tribes as it was rich in resources, and white settlers, as usual, were its shock troops. The Indigenous republics abounded in rich agricultural land, great reservoirs of oil and gas, huge coal fields, and extensive timber areas.

Land in the republics was held in common. Citizens could use as much land as they could cultivate, and the laws of the nations protected their rights of occupancy and the possession of improvements. But the land, as soon as it was no longer used, reverted to the tribal domain. It was a system that could be referred to as “Indigenous socialism.” This was in opposition to the European concept of private property. The invading white hordes advocating for the dissolution of the Indian republics wanted the communal landholding system transformed into that of individual ownership, which would permit white ownership. That transformation came with statehood.

Destruction of the Indigenous republics

The illegal dismantling of the republics was based on demographic changes—in other words, the burgeoning non-Indian population became the excuse for breaking the sacred treaties. The railroads played a pivotal role in this racist scheme. The genesis of the railroad intrusion goes back to the Railroad Act of 1866, which secured land grants at the geographical expense of the Five Nations. These land grants extended on either side of the railway routes. Towns were founded along the railroad tracks, and white citizens from the neighboring states settled in those towns.

As preeminent Oklahoma historian Angie Debo so aptly stated, the non-Indian immigration “began as a trickle into Indian Territory after the Civil War and became a deluge that engulfed the Indian settlements by the close of the century.” The coming of the railroads meant huge numbers of whites settled in the midst of Five Nations Indian Territory lands. This demographic development resulted in Indigenous citizens being greatly outnumbered in their own homelands.

With the dismantling of the Native republics, the Anglo system of private land ownership was imposed in eastern Oklahoma. The 20 million acres comprising the Indigenous polities that had brought general prosperity to republic citizens now saw stark poverty. Outright hunger suddenly becomes the reality for thousands upon thousands of Five Nations citizens.

Also, with the flood of whites to eastern Oklahoma came the barbaric system of racist discrimination derisively called Jim Crow, which was directed most harshly at African-American citizens of the former republics. It’s reasonable to assume that African Americans dreaded statehood as much as did Native Americans.

A byzantine labyrinth of laws was passed by Congress to destroy the tribal communal land systems, including the General Allotment Act of 1887, the Oklahoma Organic Act of 1890, the Curtis Act of 1898, the Five Civilized Tribes Act of 1906, the Oklahoma Enabling Act of 1906, and the Burke Act of 1906.

The politics of Oklahoma statehood was a traumatic and bitter pill for all the citizens of the republics, which brought to fruition the Sequoyah Statehood Convention Movement. It has been observed by many historians that no other state in the country was settled so rapidly by so many non-Indians from different parts of the United States as was the new state of Oklahoma.

The recent Supreme Court decision is movement in the right direction to begin the correction of long endured wrongs against this country’s Indigenous peoples. All things considered, the restoration of a reservation is better than the reanimation of a lost state.

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South America

Colombia Requests Extradition of Ex-Paramilitary Boss From United States (New York Times) By Luis Jaime Acosta, Oliver Griffin, Dan Grebler

August 20, 2020

Colombia has asked the United States to extradite former paramilitary boss Salvatore Mancuso to the Andean country and will seek international help to bring him to justice if he is sent to Italy, President Ivan Duque said on Thursday.

Mancuso, who is accused of war crimes and violating human rights, is in custody in the United States, where he was convicted of drug trafficking following his extradition along with other paramilitary leaders in 2008.

The former paramilitary boss' lawyers are seeking his deportation to Italy, where he also has citizenship and faces additional drug-trafficking charges.

"Salvatore Mancuso owes serious debts to the Colombian justice system, for which I have requested his extradition. If he is deported to Italy, we will follow the principles of universal jurisdiction for crimes against humanity. His crimes will not go unpunished," Duque said via his Twitter account.

Mancuso, 56, is accused of being involved in thousands of crimes that took place during Colombia's internal armed conflict and was one of the main leaders of the United Self-Defense Forces of Colombia, the country's main paramilitary group.

Far-right paramilitary units surged in the 1980s with support from farmers, land owners and others who sought to defend themselves from attacks by leftist guerrillas amid state absence.

The groups were taken over by powerful drug traffickers and converted into feared organizations responsible for hundreds of assassinations and massacres.

Although Mancuso has promised to confess what happened during his involvement in Colombia's conflict, which has left more than 260,000 dead, his lawyer in the United States recently said he should not be locked up because he took part in a 2005 peace deal that allowed paramilitary groups to demobilize.

US Signals It Will Deport Colombian Warlord to Italy (New York Times) By Josh Goodman
August 24, 2020

Attorneys for the Justice Department signaled the U.S. would deport a former Colombian paramilitary warlord to Italy within the next two weeks despite a last-minute challenge by the South American nation to seek his extradition.

The announcement came in a hearing Monday in Washington, DC federal court in which Salvatore Mancuso was seeking a judge's order to force Attorney General William Barr to immediately remove him to Italy, where he also has citizenship, after completing a 12-year narcotics sentence in March.

Mancuso, the former top commander of the United Defense Forces of Colombia, known as the AUC, argued that U.S. Immigration and Customs Enforcement have "illegally detained" Mancuso beyond the maximum 90 days allowed for the removal of aliens, according to a pre-hearing memorandum filed by his attorneys. Included in the emergency petition is a copy of a final administrative removal order dated April 15 that compels ICE to remove Mancuso to Italy.

In Monday's appearance before Judge Richard Leon, Assistant U.S. Attorney April Seabrook said she had agreed with Mancuso's attorneys on a draft order that would stay the proceedings pending Mancuso's removal by Sept. 4. She didn't say where the former warlord would be sent but Mancuso's attorneys said they expected to dismiss all claims once the removal had taken place—an indication that their client's wish to restart his life in Italy had been granted.

Mancuso's attorneys attributed the delay of Mancuso's removal to strong pressure from Colombia's conservative government, which last week submitted to the U.S. what it said was its fourth extradition request.

One of the earlier requests was unilaterally withdrawn in July after Mancuso's legal team, led by Miami defense attorney Joaquin Perez, pointed out in U.S. federal court that it was based on an arrest order already canceled by a Colombian judge.

It's not clear what happened to the other two requests provided to the U.S. but neither has been recognized by a U.S. court. While Colombian courts have judged Mancuso responsible for more than 1,500 acts of murder or forced disappearance, many of the crimes are not recognized as offenses under U.S. law because they stem from his position atop AUC's chain of command — not specific orders he gave. In 2001, the U.S. designated the AUC a foreign terror organization.

"Colombia has had 12 years to formalize a proper extradition request. Mr. Mancuso's liberty should not bear the weight of government bureaucracy, or international failings; nor should this Court be the arena where such failings are raised for legitimizing an illegal detention," Perez and two other attorneys, Héctor Mora and Manuel Retureta, wrote in their pre-

hearing memorandum.

If returned home, Mancuso's lawyers argue he is likely to be jailed, or even killed, despite having fulfilled his obligations under a 2003 peace deal he negotiated, which caps prison terms at eight years for militia leaders who confess their crimes.

Mancuso, 55, was the most remorseful of the former right-wing militia leaders after demobilizing and his eagerness to discuss the paramilitaries' war crimes has already shaken Colombia's politics.

His boast in 2005 that a third of Colombia's congress was elected with paramilitary support triggered a wave of judicial investigations that ended with dozens of elected officials behind bars. His lawyers contend that others still in power have not hidden their desire to find a Colombian court to order Mancuso's arrest in an effort to silence him.

Colombian President Iván Duque this month called for Mancuso's return, saying his "future should be in a Colombian jail cell" so he answers for "crimes against humanity." Mancuso's lawyers argued

In 2008, then-President Alvaro Uribe stealthily extradited Mancuso and 13 other warlords to face drug charges in the U.S. His critics say the shock move, an apparent peace accord violation, was an attempt to quiet the men just as they began to reveal secrets about their crimes and politician collaborators — including Uribe, who as a governor in the 1990s backed the creation of legal, armed groups to protect ranchers' land from leftist guerrilla fighters.

The fight over Mancuso's future has garnered the attention of Mancuso's many victims as well as Human Rights Watch, which accused Colombian officials of being "notably negligent" in their pursuit of Mancuso's extradition.

According to correspondence submitted with the petition, Mancuso applied for asylum in the U.S. — where his ex-wife and youngest child were granted protection — as well as indicated that he would not oppose removal to Italy but would fight any orders sending him to Colombia.

Colombia's Supreme Court receives 'proof' Uribe was involved in massacres (Colombia Reports) By Adriaan Alsema
August 26, 2020

Colombia's former chief prosecutor said Tuesday he has surrendered evidence that would prove former President Alvaro Uribe was complicit in two massacres to the Supreme Court.

According to former Prosecutor General Eduardo Montealegre, he filed criminal charges against Uribe and surrendered a 93-page document that would contain the evidence proving Uribe was complicit in the 1996 La Granja Massacre and the 1997 El Aro massacre.

The massacres, carried out respectively by paramilitary group ACCU and the AUC paramilitary organization, left more than two dozen civilians dead.

"He told them not to kill him, to take him to his mother's, that his mother lived in El Aro, that's what a paramilitary told me laughing. He told me that when "Yunior" gave the order to kill him, all my little brother did was call for the Virgin."

Brother of the El Aro Massacre victim

Montealegre delivered the evidence he has been gathering over the past years after the court last week called Uribe to trial on September 16 to testify on his alleged complicity in the massacres.

The former president, who has been placed under house arrest for allegedly trying to manipulate witnesses linking him to the paramilitaries, at the time was governor of the Antioquia province where the massacres took place.

Multiple paramilitaries have testified that Uribe and his late former chief of staff, Padro Juan Moreno, knew in advance of the massacres that was carried out with the help of the security forces.

According to Montealegre and his former vice-Prosecutor General Jorge Perdomo, Uribe is complicit in the massacres for failing to either prevent or act on the massacre.

"He is not accused, for the time being, of having contributed materially or as mastermind to carrying out the events, nor of having ordered them. What he is accused of is the failure to comply with his duties."

Eduardo Montealegre

The Supreme Court is additionally investigating if Uribe was involved in the 1998 assassination of human rights defender Jesus Maria Valle, who warned the former president of the impending massacres and was assassinated shortly after Uribe left office.

The war crimes tribunal is additionally investigating the Hidroituango hydro-electric dam project on suspicion that the paramilitary groups in the region were sowing terror to save Medellin energy company money in buying up land from local farmers.

The former president has consistently denied any involvement in the massacres.

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Venezuela

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TOPICS

Truth and Reconciliation Commission

Five Survivors of the Lutheran Church Massacre You Have Not Read About (Liberian Daily Observer) By Joaquin M. Sendolo
August 21, 2020

July 29, 2020, marked the 30th anniversary of the 1990 St. Peter's Lutheran Church Massacre, the single worst atrocity of the Liberian Civil War. An estimated 600 people—mainly women and children—were shot and hacked to death by soldiers of the Armed Forces of Liberia (AFL). The civilians, predominantly Gios and Manos, had gone to seek refuge in the church's compound on 14th Street in Sinkor, Monrovia, as the war reached the capital. Victims are buried in three locations in the churchyard.

In this year's observance of the tragedy, survivors gathered on the church's compound—like each of the last 29 years—in mournful reflection of the day they will never forget.

The Truth and Reconciliation Commission (TRC) recommended that former President Samuel Doe and AFL soldiers including Youbu Tailey, George Dweh and Jerry Gban (all of them now deceased) face prosecution for war crimes. However, only Moses Thomas, the former AFL commander who some witnesses claim masterminded the killings, has been prosecuted in connection with the massacre—though not in Liberia. Four survivors filed a civil lawsuit against Thomas in Philadelphia, United States of America, in 2018.

The TRC recommended reparations for war survivors, including those of the Lutheran Church Massacre. But that recommendation also has not been implemented.

Three decades have passed since the church killings, but to some survivors with the severest injuries, the massacre is still as

fresh in their minds as if it happened today.

Here are five survivors whose personal stories you may not have heard:

1. Rufus Kartee

Rufus Kartee, 53, was shot by AFL soldiers in his knee and buttocks. He recalls that he was among men in the main church building when he saw armed soldiers with face masks forcibly entering during the night hours of July 29, 1990.

“As they entered, shooting began without control, and that’s how I felt the bullet piercing my body and I fell like a dead man,” says Kartee. “I just saw myself at a treatment center without knowing who took me there and where really I was. But as the war was getting tougher by the day, my family took me to the bush where I was undergoing herbal treatment.”

The wounds on Kartee’s left leg and buttocks have still not healed. Yet he is fortunate that he did not lose family members in the massacre as others did. His wife had refused to seek refuge at the Lutheran church after soldiers killed scores of civilians at the United Nations headquarters, then in Congo Town.

“I thought because of our tribal connection we may be hunted in our Gaye Town residence, and I told my wife that we should go to Lutheran, but she refused,” says Kartee. “Since she speaks the Kpelle local language in addition to Gio, she used the Kpelle language to save herself and the children, and I am the only person that got affected in the massacre.”

Kartee’s life has never been the same since the incident. He struggles to walk through pain. His wife, with whom he had four children, left him and lives in Tappita with one daughter. Two daughters, who were his breadwinners, died within the last two years of different health conditions. Kartee now depends solely on his son, who is a petty trader, for survival. Both of them live in Soul Clinic, Paynesville, in an unfinished building that has no windows and doors at the front and back.

“I am suffering,” says Kartee with a quivering voice. “The pain is too much for me. I have to buy pain killers weekly to reduce it, but it cannot stop. These sores on my leg and butt have not cured since [the massacre]. Let the government or some humanitarian workers help me get treatment.”

2. Richard Duo, Jr.

Not far from Kartee, another survivor of the massacre, Richard Duo, Jr., lives with his two children, his mother and sister in a zinc shack in Bernard Farm, Paynesville. Duo, 32, was just two years old when a bullet severed his left leg from his upper thigh. He now uses crutches to walk.

Duo is unemployed. He depends on his mother, Victoria Duo, who is the major provider for the family. She peddles plantains in Monrovia’s busy Red Light Market. She also sustained injuries to her shoulders in the massacre and complains that she still has a bullet in her body. Richard Duo, Sr., died in the bloodbath from multiple bullet wounds.

“The living condition is actually bad off with me and my family,” says Richard Duo. “Since this thing happened, we the survivors affected by actions of other people have not been catered to.”

3. Bobby Sirleaf

Bobby Sirleaf, 42, limps on his left foot because he was left crippled from bullet wounds. “I was sitting and looking when the shooting started and, being confused about where to go, I fell to the ground,” says Sirleaf. “That’s how bullets hit my foot and swept away the muscle below the knee and one of the bones. Now I have no muscle but left only with one bone between my knee and ankle.”

Sirleaf was taken by the Red Cross to John F. Kennedy Memorial Hospital. His wound would not heal, but he refused to allow his leg to be amputated. After fighting intensified, humanitarian workers relocated him outside Monrovia and later to Ganta Hospital in Nimba County, where he spent many years receiving treatment and getting back to work.

Sirleaf is a shoemaker. He sits by the side of the road at 72nd Junction, Paynesville and repairs shoes – the trade he learned at various vocational institutions.

“I saw that there was no help when this thing happened, and I fought my way limping to attend the Booker Washington Institute, Don Bosco Vocational Training Program, and the Liberia Opportunity Industrialization Center (LOIC) where I learned shoemaking and building construction,” says Sirleaf. “It is the shoemaking idea that I am living by, sending my four children to school and catering to my wife.”

But life is not easy for Sirleaf. He has to limp to and from the Monrovia Vocational Training Center (MVTC) community everyday to work at his makeshift, roadside spot under an umbrella. He goes to the clinic every three days to get his wound

dressing changed.

Sirleaf lost his father, two brothers, two sisters and an aunt in the massacre. They got separated and died in different locations on the church grounds.

“When I think about this condition that I have, coupled with the killing of my father and siblings, I feel afraid to even enter the Lutheran compound,” he says.

4. Linda Yormie

Linda Yormie suffered gunshot wounds to both hands and her back in the Lutheran Church Massacre. Like others taking refuge in the adjacent school building, she was confused and terrified when she heard the sporadic gun sounds.

“When the bullets hit me, I could feel severe pains in my body, but did not know where I had the wounds until after some days when I was taken by the Red Cross for treatment,” says Yormie. “Today, I still have a bullet in my back, and my hands are crippled.”

Yormie cannot use her hands anymore, not even to perform home chores, and struggles to get by on her own.

Her husband was killed in the massacre. One of her two sons has earned a college degree, while the other is out of high school. But neither son has been able to find a job, and they have moved on from her 72nd community of Paynesville.

Neighbors help Yormie wash clothes and do house work that she cannot do for herself. The house in which she lives is in urgent need of repair.

“My boy children have no job to do, and I am in this old building alone without even a mattress to sleep on,” says Yormie. “Who is the man that will come around me to help in my condition?”

5. Saye Dolo

Saye Dolo was 12 years old and badly wounded on the night of the massacre. Dolo can still recall seeing armed men in masks enter the classroom in which he and others had taken shelter. The men started firing at him and the other refugees. Soldiers with cutlasses and machetes slaughtered those who did not die from the gunfire.

“After the shooting, plenty people were lying dead in the school building we were in, and I laid down like a dead person [even though] I was feeling pain after my leg had been shot with all my bones shattered,” says Dolo. “In the morning, Dr. Robert Kpoto came and asked who all were living, and I talked. That’s how he took me to the St. Joseph Catholic Hospital in Congo Town, where my leg was amputated.”

Doctors tried in vain to save Dolo’s left leg, but the bullet damage was too severe. Without a leg, he needed crutches to walk.

Dolo lost his father, Joseph Dolo, during the massacre. His mother, Dorothy Cooper, was taken by the Red Cross from St. Joseph Catholic Hospital to Phebe Hospital in Bong County for treatment of her bullet wounds.

“When the pain became severe for my mum, she gave up and died at Phebe, but my father died on the Lutheran compound from gunshots,” says Dolo.

Having lost his parents and other relatives and left all alone, Dolo lost hope too until Catholic Sister Mary Laurene Browne took him from Phebe Hospital to her home to live.

Browne hosted Dolo for years. He later was turned over to the care of other Catholic nuns at the Don Bosco campus, where he spent more than six years. During that time, Dolo was given the prosthetic leg that he walks on today to replace the crutches.

Dolo makes a living as a construction worker, a trade he picked up at the Don Bosco Youth Center like Sirleaf. He lives in Sinkor with his wife and two children.

Unlike other survivors of the church horror, Dolo yearns for justice more than he does for reparations. The TRC recommended a war crimes court for Liberia in its 2009 report, but that has not happened for more than a decade now. Former President Ellen Johnson Sirleaf ignored it. Hopes were revived when President George Weah took office in 2018, but the football legend has not shown sufficient support for the court.

“I feel that if what happened in this country remains as it is without justice, others will continue to do the same and go free. The society is becoming a don’t-care environment where people can do anything at anytime,” says Dolo. “No one should believe that we can continue to protect peace without justice in this country. My concern is that we, the survivors and victims,

must have justice.”

Nepal’s Transitional Justice Process Runs the Risk of Failing (The Diplomat) By Kamal Dev Bhattarai
August 25, 2020

As [the] world remains occupied in the fight against the COVID-19 pandemic and Nepal’s civil society remains polarized, the country’s transitional justice process currently stands at crossroads. The victims of the 10-year long Maoist insurgency are gradually losing hope of getting justice.

Nine years after the signing of the Comprehensive Peace Agreement, the Truth and Reconciliation Commission (TRC) and Commission of Investigation on Enforced Disappeared Persons (CIEDP) were formed in 2015. However, there hasn’t been any substantial progress in addressing the issues they have been tasked with. On January 13 this year, the government conducted province-level consultations with the victims and civil society organizations about amending the transitional justice law. New office bearers of the TRC and CIEDP were appointed on January 18.

Both processes have been challenged by victims and civil society groups, as well as international organizations, as being insufficient and ineffective in the past. Then on April 26 this year, a full bench of the Supreme Court rejected the government’s petition to review the 2015 verdict, which bars authorities from granting amnesty in cases related to serious human rights violations. The United Nations High Commissioner for Human Rights welcomed this decision of the Court to stand by its ruling.

The Supreme Court Verdict

The current approach to transitional justice in Nepal is not holistic. The expert Tika Dhakal says: “Approved by the United Nations Human Rights Commission in 1997, the holistic approach to combat impunity, also known as Joinet/Orentlicher principles (because they were developed by Loius Joinet, who was the UN Special Rapporteur and Diane Orentlicher, a Professor of Law) consists of four basic components: Right to Know the Truth, Right to Reparation, Right to Justice, and Guarantee of Non-recurrence through a set of institutional reforms.”

Since the signing of the peace process, a section of politicians, rights activists, and conflict victims continue to focus on prosecution, while others— including former Maoists — stand in favor of blanket amnesty. Transitional justice is caught between these two opposing sides, pushing the discussion on a holistic approach far into the distance. The process can move ahead smoothly if all stakeholders converge on it. In order for that to happen, there is a clear need to amend the law in line with Supreme Court’s verdict, and to make clear how the government plans to address all issues guided by the Court’s ruling.

Beyond this, there are areas where even the Supreme Court’s verdict is insufficient. Section 16 of The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2071 (2014) says: “Notwithstanding anything contained in Section 25, if it is found reasonable to grant amnesty to any perpetrator on the basis of the criteria and conditions as referred to in sub-sections (4), (5) and (6) while conducting investigation pursuant to this Act, the Commission may make recommendation to the Government of Nepal setting out sufficient ground thereof.”

The same section stipulates that the commissions may not recommend amnesty in case the perpetrator was involved in rape or another offense of grave nature, if the commission’s investigation does not find sufficient ground and reason to do so. The Supreme Court interprets this provision as the commission’s ability to grant amnesty even in cases of serious human rights violations if it wishes so. It has therefore found this clause objectionable. The court has ordered the government to replace this provision with: “The commission cannot recommend amnesty in the rape and other serious human rights cases.” In other minor cases, according to the existing law, commission can recommend amnesty.

Section 26(5) of the The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act says: “If an application is submitted to the Commission for amnesty pursuant to sub-section (3), the Commission must decide to make recommendation for amnesty upon considering agreement and disagreement of the victim as well as the gravity of the incident for granting amnesty to that perpetrator.” The Supreme Court has found this clause problematic, stating that the word “disagreement” mentioned here may allow the commission to grant amnesty if even the victims disagree. The Court wants to change this provision to state that there would be no amnesty in serious cases of human rights violations and if there is no consent from the victim.

The Court also wants to change the current provision to ensure that cases currently filed in the regular court system will not be transferred to commissions. Maoist leaders have serious objections over this existing provision. They are of the view that all the war-era cases should be dealt with by the commissions. The Supreme Court has also outlined the need for clear jurisdictions of the attorney general when it comes to filing cases related to serious human-rights violations.

Another issue that needs addressing while amending the law is related to the investigation of rapes. Per existing law, First

Information Reports of rape cases should be registered within six months of the incident. There are no provisions on how to take up the cases of sexual violence beyond this time frame. There have been new appointments in the TRC and CIDEP but they have not resulted in substantial outcomes when it comes to these heinous crimes. “Frankly speaking, we cannot do anything substantial without amending the law in line with the Supreme Court ruling,” a high-level official at the TRC told The Diplomat. “We are trying to expedite the investigation of complaints filed by the victims. The previous commissions have conducted preliminary investigation on 3,787 cases and we are making efforts to make further progress on it,” he said.

Lack of political will and divergent views on the part of — and within — different political parties are one of the major reasons behind the sluggish progress in transitional justice process. Political parties do not have a clear stand and position on how to address the cases; neither do they seem to have taken the matter seriously. There are also intra-party differences over the issue. At the same time, parties are divided on how to deal with the war-era cases.

After the signing of the peace deal in 2006, they seriously discussed other aspects of the peace process — such as the integration of Maoist combatants and drafting of the new constitution — but there was never any serious negotiation on the modality of the transitional justice process. Since then, the Maoist party — a major stakeholder — took the position that as per the spirit of the Comprehensive Peace Agreement, there should be general political amnesty for war-era cases.

The TRC and CIEDP have done little in the past four years save for collecting nearly 66,000 complaints from conflict victims. To yield concrete results, present and former members and officials of both commissions confess that there is a need to improve the appointment processes for both. One of them noted that as members of political parties, commission officeholders take stances along party lines on most issues. “So, along with legal amendment, there is a need to change the pattern of appointments,” the official noted. The current office bearers have a one-year term but they have not made any substantial progress so far. With less than five months are remaining, it is unlikely that they will be able to complete their work.

As the transitional justice process stalls in Nepal, all stakeholders must be mindful of the fact that if they fail to set up a credible domestic mechanism to look after the insurgency-era human rights issues, it will be internationalized following their universal scope and legal ambit. Already certain human rights violation cases have become so: the arrest of Nepal Army Colonel Kumar Lama on war-era cases in the United Kingdom serves as an example.

Ultimately, it is not only about setting up commissions; it is upon all stakeholders to ensure their success. Experiences of other countries show that a legal framework is not sufficient to settle the cases at hand. Therefore, the immediate priority of the Nepal government should be amending the law in line with the Supreme Court verdict; rethinking the appointments process in the transitional justice mechanisms; following the holistic approach; and securing full support from all political parties for the commissions.

Otherwise, there is a high risk of failure of the transitional justice process in Nepal.

Victims, rights activists criticise ruling party bid to form political mechanism to facilitate transitional justice (The Kathmandu Post) By Binod Ghimire

August 26, 2020

Victims of the armed conflict and human rights defenders have opposed the idea of forming a political mechanism to facilitate the conclusion of the transitional justice process, as proposed by the six-member task force formed to propose measures to end the months-long dispute within the ruling party.

The idea, first proposed by Nepal Communist Party co-chair Pushpa Kamal Dahal during the Standing Committee meeting in December last year, will politicise the entire process if implemented, and work in favour of the perpetrators, they say.

“I am shocked to see the recommendations. They are against the principles of jurisprudence and transitional justice,” said Ram Bhandari, chairperson of Network of the Families of Disappeared referring to the recommendations made by the task force.

The document talks in detail about the transitional justice process should revolve around reconciliation and how a fast track approach can be adopted to conclude the entire process in a year by devising a favourable law. It talks about providing compensation to the victims and motivating them to reconcile with their perpetrators. “The local and provincial governments will be motivated to engage in reconciliation between the victims at the local level,” reads one of the points of the document.

However, it does not talk about prosecution—one of the most important pillars of the transitional justice process along with reparation, truth seeking and assurance of non-repetition of atrocities.

Conflict victims say the recommendations are the most regressive ones to be discussed since the transitional justice process

began in 2015. They say they are particularly worried about amending the Truth and Reconciliation and the Enforced Disappeared Inquiry Act to induct favourable provisions to make it possible to conclude the process in a year.

“Concluding the transitional justice process has always been a major focus for the former Maoists. These provisions were incorporated into the draft submitted on Saturday as per their demands,” said a member of the task force on the condition of anonymity.

The taskforce led by party general secretary Bishnu Poudel consisted of representatives from factions led by Prime Minister KP Sharma Oli, Dahal and senior leader Madhav Kumar Nepal. The proposal on transitional justice came from former Maoist leaders Janardan Sharma and Pambha Bhusal, both of whom are considered allies of Dahal.

Bhandari said that as Nepal Communist Party holds a comfortable majority in Parliament, it can easily amend the laws the way it wants to. The Nepali Congress won't oppose the new law as most of the atrocities were committed while it was in power. “Every recommendation is targeted at favouring the perpetrators,” he said.

The task force has attacked the international community for raising the issue of transitional justice time and again. Its report says that some parties (agencies) are inappropriately harbouring unnecessary and undiplomatic concerns and making comments on the peace process.

The international community, the United Nations and other international human rights organisations have on different occasions raised concerns over delays in concluding the transitional justice process, even 14 years after the signing of the Comprehensive Peace Agreement to end the decade-long insurgency.

They have been urging the government to amend the existing laws related to transitional justice based on a 2015 Supreme Court's verdict to comply with international principles and Nepal's international obligations towards human rights. But, the document of the ruling party nowhere mentions that the court's verdict should be respected while revising the law.

“Parties should stop politicising the transitional justice process. Forming a political mechanism would be an illegal move,” Kalyan Shrestha, a former chief justice at the Supreme Court whose bench directed the government to remove the amnesty provisions in the transitional justice Act, told the Post.

He said the political parties, who were the parties to the conflict, are in one place now treating the victims as the defeated force. Shrestha said that transitional justice has a universal jurisprudence and it must be abided by.

Experts who have closely followed the transitional justice process say the deal on transitional justice proposed by the task force is a result of a quid pro quo between the Oli and Dahal factions within the ruling party. The Oli faction might have agreed to conclude the process within a year to please the other faction, they say.

The Dahal-Nepal faction had been demanding that Oli step down from his position in the party as well as the government. The task force report, however, says Oli won't have to resign from any of the positions. It proposes Dahal to take command of the party as its executive chair while Oli focuses on the government.

“The agreement is a result of quid pro quo within the ruling party to satisfy the interest of both factions,” Surya Kiran Gurung, former chairperson of the truth and reconciliation commission, told the Post. “However, concluding the process in a year doesn't seem possible.” He said a year is not even enough to study over 63,000 cases registered with the truth and the disappearance commissions.

The leaders of the party, however, say concluding transitional justice in a year is possible if all parties stand together. Bhusal, a member of the task force, said they want to end the long wait for justice. “Many things that looked impossible have been turned into reality in the past and the transitional justice process is no exception,” she told the Post. She, however, refrained from commenting on the need to form a political mechanism.

Gurung, who also served as general secretary at the parliament secretariat, said the objective of forming the political mechanism is to politicise the process so that parties can dictate to the transitional justice commissions and grant amnesty even for perpetrators of heinous crimes. “The transitional justice process hasn't been concluded because all parties to the war are making efforts to ensure they don't face prosecution. The recent agreement in the ruling party is an example of this,” he said.

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Terrorism

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Piracy

Oil rig workers defenseless in face of pirate attacks: 'We fear for our lives' (Mexico News Daily)

August 18, 2020

Working on an oil rig in the Gulf of Mexico is not for the faint-hearted.

Frequent attacks by modern day pirates on Pemex oil platforms have left some workers scared that they could be killed while working and living offshore.

"We fear for our lives," said Martín Gómez, who has worked on state oil company rigs for almost three decades.

"There are still pirates on the high seas; they dismantle and loot the satellite platforms and also come onto occupied ones to seize everything they can," he told the newspaper Milenio.

The fear another oil rig worker was feeling when five pirates attacked two platforms off Mexico's southern Gulf coast in late July is clearly evident in his Mayday call to a Pemex marine control center.

"Pirates have climbed up! They're attacking people! They're shooting at us! Do you copy?" the man said in a radio call at 11:30 p.m. on July 26, according to Milenio.

The attack, during which 40 self-contained breathing apparatuses, tools and workers' personal belongings were stolen, occurred despite an ongoing operation by the navy aimed specifically at avoiding such incidents off the coast of Tabasco and Campeche.

Workers told Milenio that they took shelter in panic rooms on the two oil rigs while they came under attack. They also said that there were unnecessary delays in dispatching the navy after the distress call was made.

When pirate attacks are reported in the Gulf of Mexico, the response by the navy is usually slow, a recent study found, with vessels taking up to seven hours to reach the crime scene, giving pirates plenty of time to escape.

On one occasion when the navy was able to foil a pirate attack, Gómez recalled, another threat to workers' lives arose.

He told Milenio that when the navy showed up during an oil rig attack two years ago, pirates shot at the marines, precipitating a gunfight between the two parties. The shootout caused "a lot of tension" among the workers on the oil rig, Gómez said, because an errant bullet "could cause a huge explosion."

He said the attack late last month showed that the piracy problem in the southern Gulf of Mexico has not been controlled and that as a result oil rig workers face constant danger while doing their jobs and living offshore.

Gómez said that oil rig workers are defenseless in the face of pirate attacks, adding that they are particularly vulnerable – and anxious – at night.

"We don't have guns or cell phones, nothing – we're in the hands of God. You can't relax, ... you're thinking, 'at what time will they come up and grab you while you're sleeping?'"

Ernesto Cavazos Soto, another oil rig worker, said the pirates operate in groups of three to six, arrive at the platforms in fishing boats, carry high-caliber weapons as well as knives and often wear clothes that make them appear that they are Pemex workmen.

If they encounter a navy patrol boat after robbing a platform they throw everything they stole into the sea to discard the evidence, he said.

Cavazos said the possibility that a pirate's gunshot could damage piping on an oil rig and cause an explosion is of great

concern to workers.

“It would be a disaster and a lot of lives would be lost; it’s very dangerous, ... [the pirates] are men who aren’t aware of anything, they’re [sometimes] even on drugs,” he said.

Oscar Ortiz Vázquez, another rig worker, said: “We know that our work is risky but these pirate attacks are something extreme.”

He raised the possibility that some Pemex workers are complicit with the pirates given that in some robberies entire oil platforms were dismantled and hauled away.

Jorge Luis Ríos, supervisor of the Abkatún Alfa platform, said that prior to attacking an oil rig pirates study it in order to establish the precise time to strike without being discovered.

Whatever their strategy is, it’s working: pirates got away with oil rig booty worth some 224 million pesos between 2016 and 2018 and the number of reported attacks in the latter year – 197 – off the coast of Tabasco and Campeche was up 310% compared to the former.

Among the pirates’ loot have been drilling equipment, measuring instruments, batteries, firefighting and diving suits, wire rope, non-slip aluminum floor plates, hoses, ladders, lighting, gate valves, metal beams and even screws.

In one particularly brazen attack in 2018, pirates got away with a large portion of a 20-million-peso heliport from the Tsimin-B platform.

Pirate attacks have shown no sign of abating this year, prompting two maritime experts to assert that Campeche Sound in the southern part of the Gulf of Mexico should be declared a high-risk area by the International Maritime Organization.

Such a declaration, argued Adriana Ávila-Zúñiga Nordfeld and Dimitrios Dalaklis of Sweden’s World Maritime University, could help to reduce the number of pirate attacks because it would oblige the Mexican government to increase patrols and cooperate with other countries to combat piracy.

Similarly, the energy committee of the federal Senate has urged the navy to bolster protection of Gulf of Mexico oil platforms and also called on the federal Security Ministry to contribute to efforts to prevent piracy.

Somali Pirates Release Last Three Hostages as Armed Men Attack Panama-Flagged Ship (New York Times)

By Katharine Houreld

August 20, 2020

Somali pirates have released three Iranian hostages held for five years, a maritime security official said on Thursday, as conflicting reports emerged whether another ship had been seized after a three-year hiatus in hijackings.

The three Iranians are the last of the crew of the Iranian fishing vessel FV Siraj, which was captured by pirates on March 22, 2015.

"This marks the end of an era of Somali piracy and the pain and suffering of Somalia's forgotten hostages," said John Steed, the coordinator of the Hostage Support Programme, a volunteer organisation based in Nairobi begun to help rescue crews abandoned by their employers.

The release was meant to mark the end of an era for Somalia's pirates, who held over 2,300 crew between 2010 and 2019.

But instead, six armed men hijacked the Panama-flagged Aegean II late Wednesday after it had engine problems, a regional governor in Somalia told Reuters. Musse Salah, the governor of Gardafu in the semi-autonomous northern region of Puntland, said the ship was travelling from the United Arab Emirates to Mogadishu port when pirates attacked it, in what would be the first successful hijacking since 2017.

There were 20 crew onboard, said a resident in contact with the men who had seized the ship.

A regional security official said the men appeared to have links to a local militia that functioned as a police unit in the Bari region. The official asked not to be named as he was not authorised to speak to the media.

POLICE, PIRATES, OR BOTH?

Jay Bahadur, a Somali piracy expert who was previously head of a United Nations group of experts enforcing an arms embargo

on Somalia, said that being a pirate and a member of the Somali police had not historically been mutually exclusive.

He said it appeared that a group of men wearing police uniforms had boarded the ship, robbed the crew and taken the weapons of a private security team on board.

The man reported to be the ringleader of the attack on the Aegean II had repeated phone contact with another pirate who was part of a group that carried out Somalia's last hijacking in 2017, he added. The contact happened in the months prior to the 2017 hijacking.

"If it was indeed the police, it bears resemblance to one of the earliest Somali piracy incidents, when members of the Puntland coast guard hijacked the boat they were supposed to be guarding," he said.

Satellite tracking data showed the ship appeared to have rounded the Horn of Africa and was going south past the Somali port of Hafun before suddenly turning sharply to the north and docking in Bereeda. Pictures sent to Reuters from Bereeda showed the Aegean II, a small tanker that carries chemical or crude products.

The European Union Naval Force, known as EU Navfor, was checking on the incident, said a source in their Somalia Joint Operation Centre.

At the height of their power in 2011, Somali pirates launched 237 attacks off the coast of the country, the International Maritime Bureau says, and held hundreds hostage.

The number of attacks later tumbled as shipping firms implemented better security protocols, including posting look-outs, sailing further away from Somalia, and hiring private security. International warships operating as part of a coalition also prevented several attacks.

Somalia has been riven by civil war since 1991 and is controlled by a patchwork of local militias, pockets of federal forces, African Union peacekeepers and Islamist insurgents. The Horn of Africa nation has also been intermittently plagued by pirates.

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Gender-Based Violence

Why no ISIS member has been charged with genocide or sexual violence for crimes against Yazidis (Fox News) By Hollie McKay
August 19, 2020

In August 2014, the world watched in horror as ISIS operatives swarmed Yazidi-majority villages in and around Sinjar Mountain.

Thousands of men were slaughtered on the spot and thousands of girls and women were carted off into sexual slavery.

Yet more than six years on – and in spite of a U.S. formal designation of Yazidi genocide – no ISIS members have been prosecuted or tried for a crime.

So what has gone wrong?

"The Iraqi court system basically prosecutes suspected ISIS members based on their association with the group and on membership to a terrorist organization and gives long and death sentences as a result," Anne Speckhard, adjunct associate professor of psychiatry at Georgetown University and director of the International Center for the Study of Violent Extremism (ICSVE), told Fox News.

"The Iraqi justice system is overwhelmed with these cases and does not see a need to also prosecute for rape, which would require investigative work, calling witnesses and showing evidence when they have a good terrorism conviction easily obtained.

"The Yazidi have suffered unspeakable horrors at the hands of ISIS but there has been no specific justice meted out to them in response to the mass genocide and mass rapes."

The ancient Yazidi community, falsely portrayed by the Islamic extremists as being “devil worshippers,” is regarded as one of the most brutally impacted by ISIS' reign of terror in Iraq and Syria – with girls as young as 8 bought and sold multiple times to ISIS men from all pockets of the planet.

For survivors, the lack of accountability only compounds the pain and confusion.

“I was only 14 when Da’esh jihadists attacked my village and destroyed my home,” recalled Iman Elias, who is living in limbo in a camp in the Kurdish region. “I was kidnapped with my mother, 12-year old sister and my baby brother. I have been enslaved, sold in public markets three times, spent 12 months in captivity, was beaten, forced to convert to Islam, and reduced to a sex slave.

“I’m overwhelmed by constant fear; fear of being attacked again, of being kidnapped, tortured, enslaved, flooded in winter and burnt in summer. I’m still woken up regularly by nightmares screaming and calling for help.”

Human rights attorney Amal Clooney, who represents Yazidi victims, also lamented that “no progress” has been made in efforts to create or empower an international court to put ISIS members on trial for their grave crimes.

“None of the pathways to a court have been studied, pursued or seriously discussed at the United Nations, or by the Security Council,” Clooney said in a taped address earlier this month. “No conference of foreign ministers has been convened. No government proposals, or counter-proposals, have been put forward and analyzed. No state has offered to host international trials.”

In remarks commemorating the somber six-year anniversary of the Yazidi genocide this month, Pramila Patten – the United Nations' special representative of the secretary-general on sexual violence in conflict – pointed out that the Security Council has enacted two important resolutions that directly bear on the issue of recovery, but without concrete action.

“In Resolution 2331, the Security Council acknowledged that sexual violence and trafficking in persons was used by ISIS as a serious international crime. Last year, in April, the Security Council adopted Resolution 2467, in which it spells out the importance for all member states and the United Nations to adopt a survivor-centered approach to addressing sexual violence in conflict,” Patten said. “These resolutions cannot and are not intended to be mere words on paper.”

The matter has continued to fall through the cracks even though two years ago, the United Nations established an Investigative Team to Promote Accountability for Crimes Committed by ISIS, known by the acronym UNITAD. Team members have commended a draft law introduced in Baghdad last November that would allow Iraq to prosecute acts committed by ISIS as genocide, crimes against humanity or war crimes, which includes sexual violence.

Hussein Kassim Hasoon, an adviser to Nechirvan Barzani, president of the Kurdistan Region in Iraq, explained that the Iraqi penal code does not currently recognize such crimes, but that Barzani’s office is working closely with UNITAD – and that UNITAD has put the investigation of sexual offenses at the core of its operations – on the quest for change.

He pointed out that the investigative team has compiled a considerable amount of evidence, but they are unable to share it with Baghdad because the death penalty is still in use in Iraq, which runs counter to U.N. mandates.

Further complicating the issue is a provision of Iraqi law related to rapists and perpetrators of sexual assault. Mariana Katarova, founder and chair of the London-based human rights group RAW in WAR (Reach All Women in War), said criminal actions against such men are null and void, and any sentence already passed is quashed, if the perpetrator has lawfully married the victim.

“In many cases, ISIS members married Yazidi women and girls to avoid having to purchase them, and many survivors of ISIS abductions referred to rape as ‘marriage,’” she explained. “Yazidi women were also raped when they refused to marry ISIS fighters or were forced to marry them and were subsequently raped. This exception in the law allows Iraqi courts to potentially exonerate ISIS members from the thousands of rapes they committed, including in the context of forced marriages. This also violates international law, which does not permit a marital exception from prosecution for rape.”

Statistics provided to Fox News this week from the Kurdistan Regional Government’s Office of Kidnapped Affairs, which was established by then Prime Minister Nechirvan Barzani to help facilitate funding and rescue missions for Yazidis, showed that the total number of kidnapped stands at 6,417, among them 3,548 females and 2,869 males. Since then, 3,530 – 1,199 women, 339 men, 1,041 girls and 951 boys – have been returned to a decimated life.

“While tens of thousands of ISIS militants are in custody in Iraq, only a handful of them have been put on trial, and all under the anti-terrorism law,” echoed Murad Ismel, a Yazidi activist. “In short, there has been no justice when it comes to sexual violence. The systemic rape of Yazidi girls and women, probably one of the largest cases of collective rape since WWII, has gone unpunished, and I am afraid, will go unpunished.”

With respect to Syria, he noted, more than 22,000 ISIS militants are in the custody of the Syria Democratic Forces, and currently, there is no path to bring them to justice at all.

“Our people are concerned they may never face justice,” Haskany asserted. “For these reasons, Yazidis are demanding a tribunal court in Iraq to process cases from both Iraq and Northeast Syria. The world cannot risk thousands of ISIS members being freed. We need to move quickly before they become the seed for ISIS 2.0.”

But the mourning that comes from having so many missing loved ones – unable to let go, yet unable to move on – is only one of many pains the Yazidis continue to face, some three years after ISIS was officially declared defeated in Iraq. Most still cannot return to their ancestral homeland of Sinjar, which remains contested terrain between the Erbil and Baghdad governments.

The dusty tracks are still littered with ISIS-implanted mines and strewn with reminders of the ISIS invasion. There is limited medical care for the estimated 100,000 living in tattered tents in camps – an existence made all the more brutal by the wave of coronavirus infections further depleting the survivors. Basic services such as water and electricity are luxuries and piles of rubble still rot in the searing heat. Education is something of a distant memory, with most schools having been destroyed and Yazidi students continuing to fear for their safety amid ongoing persecution.

Signs of reconstruction are few and far between among the deteriorating camps scattered across the country’s north. The overwhelming majority of the beleaguered religious and ethnic community exist in an enduring state of displacement, with no sign of it being stable enough to go home anytime soon.

Several armed outfits maintain a strong presence in the region, including Turkey, which is waging its own visceral battle against Kurdistan Workers Party (PKK) guerrillas throughout the area. While the PKK played an active role in rescuing Yazidis and pushing back against ISIS when it overran Sinjar, it has long been considered a terrorist organization by both Ankara and Washington.

A report released by Amnesty International last month illuminated the extent to which Yazidi survivors are battling severe psychological scars and an unpredictable future, prompting a sharp rise in suicides.

“I dream of going back home, of living in a proper house, having a room to myself, being able to take a shower in the morning, being able to see a doctor when I’m ill, of going to school in a proper building and reaching university to study international law,” Elias added. “I might be a powerless teenage girl in a refugee camp, but I decided to share my story with the hope of establishing truth and justice.”

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Commentary and Perspectives

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WORTH READING

The Crime of Genocide in General Assembly Resolutions: Legal Foundations and Effects
Human Rights Law Review
Michael Ramsden

August 15, 2020

The past decade has seen increased scholarly attention on the practice and latent potential of the United Nations General Assembly ('Assembly') to secure

accountability for atrocity crimes. This increased focus has arisen primarily due to growing frustration over permanent member deadlock in the Security Council in the face of documented atrocity crimes. One aspect of this nascent research agenda yet to be analysed is the invocation of the crime of genocide in Assembly resolutions and practice. Studies have shown the Security Council to have applied the genocide label selectively and only where aligned with the permanent members' interests. Can the same be said about the Assembly? This article tracks the use of the genocide norm in Assembly resolutions, revealing two major functions: prescriptive and quasi-judicial. It notes that Resolution 96(I) (1946) has had a pervasive influence on the development of the crime of genocide. Still, later attempts to develop the genocide definition have enjoyed less success. Although the Assembly has been beset with political selectivity in the use of the genocide label, the rise of commissions of inquiry in UN practice can usefully augment a closer dialogue between their outputs and Assembly resolutions, as recent resolutions on the Rohingya show.

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