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Watch

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

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##### **Unanimously Adopting Resolution 2552 (2020), Security Council Authorizes One-Year Mandate Extension of United Nations Stabilization Mission in Central African Republic (United Nations)**

November 12, 2020

**The Security Council today decided to extend the mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) until 15 November 2021, outlining protection of civilians, supporting the peace process and preparing for elections as priorities.**

Unanimously adopting resolution 2552 (2020), and acting under Chapter VII of the Charter of the United Nations, the Council maintained MINUSCA's current troop levels of 11,650 military personnel and 2,080 police personnel as well as its strategic objective of creating the political, security and institutional conditions conducive to sustainably reduce the presence of armed groups and the threat they pose.

Taking note of the upcoming presidential, legislative and local elections in 2020 and 2021, the Council decided that the Mission's mandate shall prioritize assistance to authorities in the country to encourage inclusive dialogue among all political stakeholders and to mitigate tensions throughout the electoral period. The Council also urged the Central African Republic authorities and all national stakeholders to ensure the elections are fair, free, transparent and peaceful.

Further, it called on all stakeholders to engage urgently and constructively to implement the 2019 Political Agreement on Peace and Reconciliation between the Central African Republic authorities and 14 armed groups, demanding that the latter end violations of the agreement.

The Council once again authorized MINUSCA to continue supporting the Central African Republic authorities in implementing a strategy to extend State authority as part of efforts to establish interim security and administrative

arrangements acceptable to the population.

The Mission was also tasked with helping the authorities to take active steps to anticipate, deter and effectively respond to serious and credible threats to the civilian population. This shall include mitigating the risk to civilians before, during and after any military or police operation, including by tracking, preventing, minimizing and addressing civilian harm resulting from the Mission's operations.

Speaking after the adoption, the representative of the Russian Federation said she supported the mandate's extension as peacekeeping forces play a central role in the global peace architecture. She called for adherence to the principles of sovereignty and territorial integrity and urged the authorities of the Central African Republic to facilitate the assistance it is being provided.

Indonesia's representative noted that his country is the Council member which contributes the largest number of troops to the Mission and said that protection of civilians during upcoming elections is a clear priority. The Mission is foremost a peacekeeping operation and the safety and security of its personnel is paramount, he said, welcoming language on the protection of peacekeepers included in the text. He stressed that peacekeeping troops must be ready to act in the face of changing dynamics and receive adequate resources.

The meeting began at 10:27 a.m. and ended at 10:32 a.m.

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**Congolese Activists, Tired of Waiting, Demand Justice for Decades-Old War Crimes (World Politics Review)** By Sophie Neiman  
November 6, 2020

**In 2018, the Congolese gynecologist Denis Mukwege was awarded the Nobel Peace Prize for his work to end rape as a weapon of war. Speaking to a rapt and tearful audience at that year's Nobel award ceremony in Oslo, he mentioned a report that was "gathering mold in an office drawer in New York."**

The 550-page tome he referred to was released by the United Nations High Commissioner for Human Rights in October 2010. It painstakingly documented and mapped the locations of 617 instances of war crimes, crimes against humanity, and perhaps even genocide, allegedly committed by local combatants, militias and foreign armies during a decade of brutal violence in the Democratic Republic of Congo during the late 1990s and early 2000s. Yet few of these abuses have been brought to trial.

"This investigation explicitly names the victims, the places and the dates," Mukwege said in his speech. "What is the world waiting for before taking this into account? There is no lasting peace without justice."

Two years later, and 10 years after the report's publication, activists in Congo and abroad are joining Mukwege's call. They are

demanding a tribunal made up of both Congolese and international judges, and they want the crimes documented by the U.N. to finally be tried. As the country remains plagued to this day by high levels of violence, their rallying cry is simple: There can be no stability in Congo without truth and accountability.

The U.N. report covers the volatile period between 1993 and 2003, beginning with abuses committed under the ailing Congolese dictator Mobutu Sese Seko. In the wake of the 1994 genocide in neighboring Rwanda—in which 800,000 people, mostly members of the Tutsi ethnic group, were slaughtered by Hutus—Rwandan forces and their allies invaded Congo in pursuit of fleeing genocidaires, and ultimately helped to overthrow Mobutu in 1997. Later, during what came to be known as the Second Congo War, between 1998 and 2003, eight African countries again vied for control of Congo and its vast mineral wealth, becoming enmeshed in a web of brutal conflict and shifting alliances. Foreign armies partially withdrew in 2001 before a final drawdown in 2003, which left Congo devastated and destabilized.

The crimes catalogued in the report are unsettling, to say the least. In 1998, in Mwenga, a territory in the eastern province of South Kivu, Rwandan soldiers and their Congolese rebel allies massacred more than 1,000 people. Women were raped and subjected to genital mutilation, and babies were thrown into pit latrines. Ugandan troops developed a particularly cruel method of detention during military operations in Beni, in the early 2000s, repeatedly forcing prisoners into three-meter-deep pits, where they lived exposed to the elements. And Angolan forces allied with the Congolese government of Laurent Kabila, Mobutu's successor, were infamous for systematically looting property and killing civilians.

The list of horrors goes on and on, but it represents only the most serious offenses committed. “We were not able to cover the entire country [and] all the incidents” due to time limits and budget restrictions, said Federico Borello, who served as investigations coordinator and legal adviser to the team that compiled the report.

A draft of the report was first leaked to the French newspaper *Le Monde* in August 2010. At the time, journalists zeroed in on possible crimes of genocide that the report said may have been committed by Rwandan forces and their allies, who slaughtered tens of thousands of Hutus with hoes and hammers in their pursuit of alleged genocidaires hiding among fleeing refugees. The majority of people killed were women, children and the elderly or sick. On multiple occasions, troops lured refugees into a false sense of safety, promising they'd be repatriated to Rwanda, before massacring them.

Rwandan authorities responded by calling the report “malicious, offensive and ridiculous” and pressured the U.N. to bury it, including by threatening to pull their troops out of peacekeeping missions. When the U.N. published it anyway, Rwanda disavowed the report, along with Uganda, Angola and other countries whose forces were implicated.

Their strenuous denials may have been unnecessary, as the report landed with a dull thud. According to Borello, the broader international community had little interest in its recommendations, which included setting up the international tribunal that activists have since demanded.

“By the time the mapping report came out, there was growing concern by many backers of international justice about the cost and effectiveness” of a tribunal, said Borello, who had by then left the U.N. “There wasn't the appetite at that time to head up yet another mechanism.”

Ten years on, it is unclear if the current Congolese government has any interest in making good on the recommendations of the report either. President Felix Tshisekedi has specifically asked his administration to draft two decrees focused on transitional justice, including one to establish a national commission for truth and reconciliation. He has not, however, called for an international tribunal.

The International Criminal Court in The Hague has tried a handful of cases that are included in the report, but its jurisdiction covers only crimes committed after 2002. Victims of violent abuses dating back to the 1990s still have not received reparations, which would be the end result of ICC proceedings. And Congolese military courts attempting to fill this gap frequently fail to actually deliver reparations to victims. “The lack of reparations programs means the victims remain poor,” Julianne Lusenge, a prominent Congolese advocate for the rights of survivors of wartime sexual violence, told *World Politics Review*.

Eastern Congo is still wracked by violence, as a bevy of armed groups operate in the region. And last year, U.N. peacekeepers documented more than 1,000 cases of conflict-related sexual violence there.

Researchers draw a direct line between the current instability and the inaction that followed the U.N. report. “Today's perpetrators feel emboldened by the fact that there has been no accountability for previous crimes, and they can carry out abuses with total impunity,” said Thomas Fessy, a Congo researcher at Human Rights Watch, which this month released a joint statement with Amnesty International calling on the Congolese government and the U.N. to take serious steps to end impunity in the country.

The 10-year anniversary of the U.N. report's release has been accompanied by a groundswell of grassroots activism. On Oct. 1,

thousands of women led demonstrations in four Congolese cities, demanding a tribunal for unprosecuted rapes and murders. And a coalition of activists and human rights groups initiated an online petition to U.N. Secretary-General Antonio Guterres calling for justice and reparations.

They are paying a steep price for speaking out. Mukwege, who has gained international prominence since becoming a Nobel laureate, remains under the protection of U.N. peacekeepers after receiving a slew of death threats in response to his advocacy. As a result, he could not join the Oct. 1 march in his home city of Bukavu.

Olivier Vanderveeren, a special assistant to Mukwege, answered quickly when I asked if he fears for the doctor's safety. "Of course, of course, and it is not only me," he said. "We are all concerned." He added that there has been no credible investigation into the many threats against Mukwege, despite recommendations from the U.N. High Commissioner for Human Rights to look into them. "This should be on the record," Vanderveeren told me.

Despite this atmosphere of hostility and uncertainty, messages of solidarity with Mukwege have spread beyond Congo's borders. Claude Gatebuke, cofounder of the U.S.-based African Great Lakes Action Network, has spent the past month working to raise awareness about the mapping report and pay homage to the strength and resilience of the Congolese people, culminating in the 12th installment of an annual commemorative series of events called Breaking the Silence Congo Week. "When people are aware, they care. When they care, they act," Gatebuke said in an interview.

Another activist, Kambale Musevuli, fled Congo in 1998, but vividly recalls his boyhood in Kinshasa. "I was supposed to become a lawyer," he said. "Growing up, I studied Latin. I was an altar boy. I sang in the choir. I was good at soccer."

Today's Congo is very different from the country of his memories. Many young people have never seen their homeland at peace. "All they know is war," he added. "That is why it is upon us to bring an end to it. You cannot have any peace without justice.

### **ADF Militia Kill More Than a Dozen in Attacks Near DR Congo's Beni (The Defense Post)**

November 9, 2020

**More than a dozen people have been killed in two attacks near Beni in eastern Democratic Republic of Congo that were blamed on the Islamist ADF group, local sources said Sunday.**

Late Saturday, an initial assault killed seven people, territorial administrator Donat Kibwana told an AFP correspondent, adding that "the attack took place at 11 pm and it was the ADF," which originated in the 1990s as a Ugandan Muslim rebel group.

Kibwana said the toll was still provisional and that the attack occurred at a town called Kisima.

A second assault took place early Sunday near Oicha, which is in the same region as Beni, where the local authority and other sources said six people had died.

The ADF is one of more than 100 militias that plague the eastern provinces of the vast DR Congo.

The group has killed more than 640 civilians since the army launched a crackdown on it last November, according to an unofficial count.

The ADF has never claimed responsibility for attacks. But since April 2019, several of its assaults have been claimed by the so-called Islamic State's Central Africa Province, which has sometimes made factual errors in its statements.

A total of 2,127 people have died in eastern DRC since President Felix Tshisekedi's inauguration in January 2019, according to an estimate in late October by experts at the Kivu Security Tracker (KST).

That is more than during the 20 years his predecessor Joseph Kabila was in power, during which 1,553 civilians are believed to have been killed, the KST says.

### **European Union backs peace and security in the Democratic Republic of the Congo with new aid for police reform (reliefweb)**

November 16, 2020

**The European Union (EU) is maintaining its commitment to the security of the people of the Democratic Republic of the Congo (DRC) by earmarking €20 million from the 11th European Development Fund for the Police Reform Support Programme over five years. This brings EU support for police reform up to a total of €60 million.**



run up to a total of €60 million.

European Commissioner for International Partnerships, Jutta Urpilainen, said: "There can be no development and sustainable growth without a more peaceful environment. That is why the European Union is stepping up its support for security, peace and stability in the DRC. We are therefore backing the DRC's government in its determination to continue the security, defence and justice reforms now under way, with full respect for human rights. "

The resumption of police reform is of paramount importance to increasing public confidence in the security forces and supporting the rule of law throughout the Democratic Republic of the Congo.

This new European aid programme is aimed at improving governance, protection for human rights and efforts to combat impunity and corruption. It has four specific objectives: improving the implementation of reforms and the accountability of the police; increasing the professionalism of the police and the criminal justice chain; improving human resource management; and, lastly, getting community policing up and running in order to restore public confidence.

Given the importance of recognising the equality of men and women and combating gender-based violence, including sexual violence, particular attention will be paid to gender issues.

## Background

In the Democratic Republic of the Congo, the European Union has been a long-standing partner, having provided a total of €670 million from the 11th European Development Fund for the period 2014-2020.

The priority sectors for European aid in the DRC are health, sustainable agriculture and the environment, infrastructure and governance, including defence, policing, justice and public finances.

The support programmes for the security sector, and more specifically the police, have contributed decisively to the implementation of police reform in the DRC, as highlighted by the creation of the Police Reform Monitoring Committee; the drafting of a framework act on the Congolese National Police (PNC) and strategic plans for the implementation of the reform; the creation of a database of police officers; the modernisation of the administration and the creation and construction of a police academy (ACAPOL).

This support has helped professionalise the police, paving the way for a civilian police force that is impartial and at the service of the community.

The EU support for security in the country follows on from the EUPOL DRC mission carried out from 2007 to 2014 as part of the common security and defence policy (CSDP), the first and second phases of the police reform support programmes financed by the EDF (€35 million) and the Congolese National Police reform support programme implemented from 2006 to 2020 with funding from the Instrument contributing to Stability and Peace (€5 million). Rebels kill at least 35 in eastern DR Congo (Anadolu Agency) By Rodrigue Forku November 18, 2020 <https://www.aa.com.tr/en/africa/rebels-kill-at-least-35-in-eastern-dr-congo/2047378>

At least 35 people have been killed by rebels in the eastern Democratic Republic of Congo, local media reported Tuesday.

Six people were killed and another was wounded after rebels stormed Kokola village in Beni territory, North Kivu province, said UN-run Radio Okapi, citing government officials.

The brutal attack was blamed on the Ugandan rebel group the Allied Democratic Forces (ADF).

In a separate incident, 29 bodies were found Monday by a Congolese military patrol in the area of Mwalika in Beni.

"This brings to at least 811 the number of civilians killed in this territory since Oct. 31, 2019," said the Kivu Security Tracker (KST), a joint project of the Congo Research Group and Human Rights Watch.

"The attack in Kokola occurred around 6 a.m. (0500 GMT). For the moment, there is no displacement of populations [...] We have asked the people to stay calm," Sabiti Mbafumoja, an administrative official in the Eringeti region, was quoted by Radio Okapi as saying.

He said the injured were transported to a local hospital.

The Central African country has been battling rebel groups for over two decades.

The ADF, which originated in Uganda's northeast in the 1990s, has been attacking and killing civilians in eastern DRC for

several decades.

The illicit exploitation of natural resources continues to be a root cause and driver of conflict in the east of the country, according to the UN.

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

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## WEST AFRICA

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

#### **Thousands of IDPs in Nigeria want to return home (Anadolu Agency)**

November 11, 2020

#### **Thousands of internally displaced persons (IDPs) in Nigeria want to return to their homes and livelihoods, a senior UN official said on Wednesday.**

“We were able to visit many of the IDPs, clearly the thousands that we found in that camp want to go home, they are impatient to do so,” UN Deputy Secretary-General Amina Mohammed said after visiting a camp in the town of Banki, near Nigeria’s border with Cameroon.

“They would like to come back to their livelihoods, back to access to basic services, and that, I think, was very clear in our visit today.”

She said her visit to the camp, which hosts IDPs as well as Nigerian refugees who have returned from Cameroon, “was to see the collaboration between the state government and the UN, its support the displaced communities and how the partnership is evolving.”

Mohammed said she was pleased to see signs of normalcy in the region but conceded that “it would still take some time for life to return to normal,” according to a UN statement.

The UN official is on a two-week “solidarity visit” to West Africa and the Sahel region to “underscore the UN’s support to countries during the COVID-19 pandemic.”

She started her tour from Nigeria on Monday and held meetings with President Muhammadu Buhari and other senior officials in the capital Abuja, the statement said.

According to the UN Refugee Agency, over 3.4 million people have been displaced in the Lake Chad Basin region, including over 2.7 million IDPs in Nigeria, over 684,000 IDPs in Cameroon, Chad and Niger, and 294,000 refugees in the four countries.

**Boko Haram Violence against Civilians Spiking in Northern Cameroon (Africa Center for Strategic**

## Studies)

November 13, 2020

### **The number of violent incidents linked to militant Islamist groups in Cameroon's Far North Region jumped 90 percent, to roughly 400 events, over the past 12 months. This compares to a 52-percent increase in Nigeria, the epicenter of the insurgency.**

The spike of violence in the Far North coincides with an increase in battles between militant Islamist groups and Nigerian security forces on the Nigerian side of the border. The increased pressure in Nigeria has most likely forced these militants into Cameroon, underscoring the regional dimensions of this security threat.

Boko Haram has been moving through the Mandara Mountain range into the area surrounding Mora. Further north, the Boko Haram splinter group, the Islamic State of West Africa, is simultaneously moving into the area around the Chadian border near Fotokol.

Most of the violence reported in Cameroon has been in the form of attacks against civilians (over 59 percent). The number of attacks against civilians in Cameroon over the last 12 months (234) is higher than in Nigeria (100), Niger (92), and Chad (12) combined. These attacks consist of Boko Haram raids, kidnapping for recruitment and ransom, and looting of villages and displaced persons camps.

These attacks have led to new population displacements within Cameroon, bringing the total number of internally displaced Cameroonians in the Far North region to 321,900. Since the militant Islamist violence began, Cameroon has suffered more than 5,000 fatalities in this region.

Cameroon's military has been primarily focused on the Anglophone separatist movement in the West, treating the Boko Haram insurgency as a "cross-border menace." Though the government has committed some troops to protect the Far North Region, it relies on vigilance committees and civilians as the first line of defense for the affected villages. This has made these communities soft targets for Boko Haram.

Without better and sustained coordination among the governments in the region and through the Multinational Joint Task Force, Cameroon will likely see the Boko Haram threat continue to expand.

**Nigeria: Boko Haram terrorists down helicopter, kill 5 (Anadolu Agency)** By Adam Abu-bashal  
November 18, 2020

### **Multiple people were reportedly killed in northeastern Nigeria Wednesday when Boko Haram terrorists targeted a helicopter.**

According to local reports, members of the Boko Haram terrorist group downed a helicopter in Bama region of Borno state, killing five civilians.

Boko Haram launched a bloody insurgency in 2009 in northeastern Nigeria but later spread its atrocities to neighboring Niger, Chad, and Cameroon, prompting a military response.

More than 30,000 people have been killed and nearly 3 million displaced in a decade of Boko Haram's violence in Nigeria, according to the UN Office for the Coordination of Humanitarian Affairs.

According to the UN Refugee Agency, violence by Boko Haram has affected 26 million people in the Lake Chad region and displaced 2.6 million others.

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

**Official Website of the ICTR**

**Genocide convict Munyagishari enters guilty plea during appeal (The New Times)** By Hudson Kuteesa  
November 12, 2020

**Genocide convict Bernard Munyagishari changed his plea to guilty in an appeal hearing that started on Thursday, November 12 at the Court of Appeal.**

The 60-year-old was handed life imprisonment in 2017 after he was found guilty by High Court in 2017 on two counts; participation in the Genocide against the Tutsi, and committing murder as a crime against humanity.

He lodged an appeal afterward.

The information regarding his change in plea came up during the first hearing on Thursday, though the trial could not go on due to constraints regarding physical access to his lawyer.

During the court session, the judge asked prosecution to submit a certain document concerning the case, but the prosecutor answered that it was no longer necessary since Munyagishari had chosen to plead guilty.

Munyagishari attended the court session via video link from prison, due to measures in place to prevent the spread of Covid-

19.

Given chance to speak, he told court that he was not ready to plead in the absence of his lawyer who had not made it to prison to be with him physically as is the procedure.

The lawyer, who was present in court, supported his client's argument, saying it can only be feasible if they are physically together so as to easily consult.

Following cases of Covid-19 that were reported in prison facilities, lawyers, who have been normally allowed into the facilities to meet their clients, have now been restricted.

In response, prosecution said they had no problem concerning Munyagishari's request to adjourn the session to allow for him to be physically together with his lawyer.

After taking a brief retreat, the judges decided to postpone the hearing to November 17.

However, they noted that technology will be used to connect Munyagishari with his lawyer in-camera discussions during the hearings, noting that there is little hope for them to be allowed to be together in the prison since the pandemic is still going on.

Munyagishari is a former zonal head of MRND – the political party that masterminded the genocide – in the former Gisenyi Prefecture.

He was transferred to Rwanda in July 2013 from the International Criminal Tribunal for Rwanda (ICTR) as the court wound up its activities to pave way for the Mechanism for International Criminal Tribunals.

In its ruling, the High Court affirmed that the suspect attended several meetings in which the Genocide was prepared in 1994; and played a major role in drawing up lists of Tutsi to be killed.

He also facilitated the setting up of roadblocks where Tutsi were slaughtered, mainly in Gisenyi, currently Rubavu District.

During his trials in the high court, witnesses testified that he used to train Interahamwe militia and supplied them with weapons to use in the killings.

He was arrested in May 2011 in the Democratic Republic of Congo, following an arrest warrant from the International Criminal Tribunal for Rwanda (ICTR).

In the early days of the trial, Munyagishari had maintained that he was not Rwandan but a Congolese citizen, despite several witnesses who knew him well pinning him.

According to an indictment issued by the ICTR, Munyagishari wielded a lot of powers during the genocide, which he mainly derived from his close association with the then government and military officials.

The UN court said that he closely worked with Joseph Nzirorera, the Secretary-General of MRND, the then planning minister Augustin Ndirakobuca and the military commandant in Gisenyi area Col Anatole Nsengiyumva.

All these were tried and convicted to varying terms by the ICTR.

**Rwanda businessman pleads 'not guilty' to genocide charges (Jurist)** By Alexandra Briscoe  
November 13, 2020

**In an initial appearance before the International Residual Mechanism for Criminal Tribunals (IRMCT) Wednesday, a Rwandan businessman suspected of financing Rwanda's 1994 genocide entered a plea of "not guilty" to numerous genocide-related charges.**

The 87-year-old Félicien Kabuga remained silent throughout the tribunal proceedings. At the request of Kabuga's lawyer, Judge Iain Bonomy registered a plea of "not guilty" in accordance with the IRMCT's Rules of Procedure and Evidence.

Kabuga was the president of the Comité d'Initiative of Radio Television Libre des Mille Collines (RTLM), a radio station that operated in Rwanda during its 1994 genocide. It is alleged that Kabuga used RTLM to incite violence and ethnic hatred between the Hutu ethnic majority and Tutsi minority. It is further alleged that he established the National Defence Fund to finance the mass slaughter of Tutsis by the Interahamwe militant group.

Kabuga was first indicted by the International Criminal Tribunal for Rwanda (ICTR) on November 26, 1997, on charges of

genocide, complicity in genocide, direct and public incitement to commit genocide, attempt to commit genocide, conspiracy to commit genocide, and the crimes of extermination and persecution. He was finally arrested in May, pursuant to a warrant of arrest and order for transfer issued by the IRMCT in 2013.

The order for transfer originally provided for Kabuga's transfer to the Arusha branch of the IRMCT. However, after Kabuga's counsel filed an urgent motion for amendment, Bonomy agreed to modify the order such that Kabuga would be held temporarily at the Hague branch, pending medical assessment. Kabuga was transferred to The Hague branch on October 26.

A final decision as to the location of Kabuga's trial remains to be made.

### **Rwandan ex-leader's widow asks France to close case against her (Yahoo News)**

November 16, 2020

#### **The widow of former Rwandan President Juvenal Habyarimana has appealed against a French judge's decision to keep investigating claims she was involved in the country's 1994 genocide, her lawyer said on Monday.**

Agathe Habyarimana is wanted in Rwanda on genocide charges but in France she has the status of "assisted witness" -- someone suspected of a crime but not officially charged.

In September, she asked for a Paris investigating magistrate to close the 13-year investigation into her alleged role in the killings, arguing that there had been an unreasonable delay in the proceedings.

On November 4, her request was refused on the recommendation of French prosecutors investigating her alleged crimes in Rwanda.

Her lawyer, Philippe Meilhac, said they were appealing against that decision.

"All these years of work by the French courts have produced nothing," he said. Given the seriousness of the crimes alleged, the investigation cannot be allowed to go on forever.

The accusations laid against her meant she was unable to get settled status in France, he added.

Habyarimana, 78, has been living since 1998 in France, which has refused to extradite her to Rwanda but has also denied her asylum on the basis of suspicions against her.

She fled to Europe three days after her husband's assassination, and is suspected of having been a part of the Hutu inner circle of power that planned and orchestrated the genocide.

She denies the claim.

Following decades of tension between Rwanda's Hutu ethnic majority and the minority Tutsi, a killing spree erupted in April 1994 after the plane carrying her husband, a Hutu, was shot down.

Over the next 100 days, some 800,000 people -- mainly Tutsis but also moderate Hutus -- were killed.

In France, Habyarimana is the subject of an investigation and has been questioned twice: in 2010 as a witness, and in 2016 as an "assisted witness".

### **Kabuga's Initial Appearance In UN Court Elicits Debate On His 'Frail' Health (KT Press)** By Edmund

Kagire

November 12, 2020

#### **Genocide fugitive Félicien Kabuga appeared before the International Residual Mechanism for Criminal Tribunals (IRMCT) on Wednesday, for the first time, following his arrest in May this year, in Northern Paris, France.**

His appearance in The Hague-based international court is also the first time he was seen in video, with many Rwandans, especially genocide survivors taking to social media to say that Kabuga did not look as old or frail as he has been portrayed since his arrest.

His health and old age were key motivations in the decision to transfer Kabuga, 87, to The Hague, instead of Arusha, Tanzania, as it had been decided by the French top court, his lawyers citing the New Coronavirus as another risk factor.

Kabuga appeared before Judge Iain Bonomy, from United Kingdom, who is the Presiding Judge of the Trial Chamber where Prosecutors laid bare charges that make up the seven counts of genocide and crimes against humanity.

According to the IRMCT, based on the request of Kabuga's Counsel and in accordance with the Mechanism's Rules of Procedure and Evidence, Judge Bonomy entered a plea of not guilty on Kabuga's behalf and indicated that it could be changed at any time.

At the initial appearance, Judge Bonomy ensured that Kabuga, who is represented by French Lawyer Emmanuel Altit, was informed of his rights and the charges against him and allowed Kabuga to raise any concerns.

The Registrar of the Mechanism, Gambian Abubacarr Tambadou read out the rights of the accused in the Statute and the full indictment before Judge Bonomy asked the Prosecution – represented by the Mechanism's Prosecutor, Serge Brammertz to present their case against one of the most wanted Genocide suspects in the world.

As the trial commenced, the Judge urged the Prosecutor to 'conclude as swiftly as possible' in regard for the health of Kabuga but for many Rwandans who followed the proceedings, Kabuga, who genocide survivors said should be tried in Rwanda, does not look as old or frail as it had been reported.

"These are mind games being played. When they talk about his health, you would think he would drop dead the next day," said one Lionel Ndizeye while Peter Nshimiimana said that he thought the Kabuga who appeared in the dock was different from the one that is said to be too old and sickly.

In The Hague, the UN Court said Kabuga is undergoing a detailed medical assessment to determine his fitness to travel to the Mechanism's Arusha branch for trial.

Other than the COVID-19 concerns, Gatete Ruhumuliza Nyiringabo, a lawyer and commentator on legal issues said that only medical doctors can determine, there are no medical abnormalities observed, other than old age, and possibly underlying chronic diseases.

Gatete argues that Kabuga at the twilight of his life, even contemplating a jail sentence for the remaining part of his life could be a source of ill health but his lawyers should have never used the argument of trying him in Europe to keep him closer to his relatives as another reason to motivate the decision.

"He is assigned to the Arusha chamber, so is the bench appointed to hear his case. His presence in The Hague is a matter of pandemic infection prevention, not, as argued by his lawyer, to enable him to hobnob with his family," Gatete said, adding that relatives of people he is accused of massacring or facilitating their massacre were deprived of a right to visit or see their relatives.

Kabuga, who was on the run for 26 years was the President of the Comité Provisoire of the Fonds de Défense Nationale (National Defence Fund) from about 25 April 1994 to July 1994 and President of the Comité d'Initiative of Radio Television Libre des Mille Collines (RTLM) during the time of the crimes pleaded in the indictment.

He is charged with genocide, complicity in genocide, direct and public incitement to commit genocide, attempt to commit genocide, conspiracy to commit genocide, and extermination and persecution as crimes against humanity, in respect of the 1994 Genocide against the Tutsi in Rwanda.

Kabuga was first indicted by the International Criminal Tribunal for Rwanda (ICTR) on 26 November 1997, and was arrested near Paris on 16 May 2020, pursuant to a warrant of arrest and an order for transfer issued by the Mechanism.

After his arrest, Kabuga contested his extradition before the French courts, and on 30 September 2020, the French Cour de cassation rejected his appeal and authorised his transfer to the Mechanism's custody.

Following that decision, Kabuga filed an urgent motion on 5 October 2020 requesting, inter alia, that his arrest warrant and order for transfer be amended to provide for his transfer to the Hague branch of the Mechanism rather than the Arusha branch, citing in particular his medical conditions and the health risks associated with travel.

Both the Office of the Prosecutor and the Registrar of the Mechanism supported the request for Kabuga to be temporarily transferred to The Hague.

On 21 October 2020, Judge Iain Bonomy amended the arrest warrant and order for transfer to allow for Kabuga's transfer to the United Nations Detention Unit at the Hague branch of the Mechanism. He was transferred to the Hague branch of the Mechanism on 26 October 2020, after having been at large for more than 22 years.

Kabuga's case will be heard before a Trial Chamber composed of Judge Bonomy (United Kingdom), Presiding, Judge Graciela

Susana Gatti Santana (Uruguay), and Judge Elizabeth Ibanda-Nahamya (Uganda).

The Mechanism was established on 22 December 2010 by the United Nations Security Council to carry out a number of essential functions of the ICTR and the International Criminal Tribunal for the former Yugoslavia, including the trial of fugitives who are among the most senior leaders suspected of being most responsible for crimes that had been under the jurisdiction of these two tribunals.

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## EUROPE

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

**Official Court Website [English translation]**

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

**Official Website of the ICTY**

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

**Bosnian Serb Wartime Commander to Stand Trial in Belgrade (Balkan Insight)** By Emina Dizdarevic  
November 6, 2020

**Rajko Kusic, the former commander of Bosnian Serb Army's Rogatica Brigade, who is accused of commanding and participating in attacks in which civilians were unlawfully detained, raped and killed, is due to appear at the Higher Court in Belgrade on December 10.**

The Bosnian state court indicted Kusic in 2014 but because he lives in Belgrade, his case was handed over to the Serbian judiciary.

“Kusic is accused of commanding and participating in attacks on the civilian population in which victims were murdered,



forcibly relocated, unlawfully detained at detention facilities where they were beaten, mistreated, taken to work or to unknown places after which they have since been listed as missing,” the Bosnian prosecution said when the indictment was initially raised.

During the attacks, the prosecution alleged, a large number of imprisoned women and girls were raped and sexually abused.

“The defendant is charged with coordinating the activities of the military and police forces in the Rogatica municipality, from where almost the entire non-Serb population of the municipality – several thousand Bosniaks – were forcibly resettled outside the territory of Republika Srpska,” the prosecution said.

Kusic was also charged with the murders of more than 100 people from the Rogatica area, as well as killings of 50 people at the Paklenik pit near the town of Sokolac.

But Kusic’s lawyer Aleksandar Lazarevic said that it was problematic that the Serbian indictment is different to the original Bosnian one.

“The problem is that [in Serbia] he is accused of a war crime against the civilian population, while in Bosnia he was accused of a crime against humanity. It is not the same,” Lazarevic told BIRN.

He also pointed out that it will be difficult to conduct the case during the coronavirus pandemic because all the witnesses have to come from Bosnia and Herzegovina.

**Belgrade Court to Try Female Bosnian Serb War Crime Suspect (Balkan Insight)** By Haris Rovcanin  
November 9, 2020

**Belgrade Higher Court will hold a preliminary hearing on November 16 in the trial of wartime Bosnian Serb fighter Visnja Acimovic, who has been charged with committing war crimes against civilians in the Vlasenica area.**

Acimovic was initially charged by the Bosnian authorities with having knowingly and willingly participated, in collaboration with several Bosnian Serb Army soldiers, in the killing of 37 Bosniak men at Mracni Dol near the Susica detention camp in the municipality of Vlasenica.

According to the Bosnian indictment, Acimovic participated in the murder of the men who had been brought by bus from a prison located behind the court building in Vlasenica.

“The defendant is charged with having shot the victims with firearms while they were standing just a few metres away from the bus,” the Bosnian state prosecution said when the charges were announced in 2017.

The victims’ bodies were only discovered at the Mracni Dol site in 2000.

Acimovic has citizenship of both Bosnia and Herzegovina and Serbia, where she currently lives.

The Bosnian authorities asked Interpol to issue a ‘red notice’ calling for her arrest, and then asked the Serbian Justice Ministry to take over the case on the basis of a protocol on cooperation in war crimes prosecutions agreed between the two neighbour states.

**Top Court Rejects Bosnian Ex-Soldier’s War Crimes Appeal (Balkan Insight)** By Emina Dizdarevic  
November 12, 2020

**The Constitutional Court on Thursday dismissed Enes Curic’s appeal against his conviction and upheld his eight-year sentence.**

Curic had argued in the appeal that the Bosnian state court’s verdicts in his case had violated his right to a fair trial and that the law had been arbitrarily applied.

The Constitutional Court ruled however that the regular court did not apply the law “to the appellant’s detriment”.

“The Constitutional Court has found that there was no violation of the right to a fair trial,” it said.

Curic was convicted in December 2018 of participating in the unlawful detentions and inhumane treatment of Croat civilian prisoners in Bijelo Polje, near Mostar, forcing them to do hard labour and using them as human shields. Three of the civilians were killed as a result.

Two other former Bosnian Army soldiers, Ibrahim Demirovic and Habib Copelj, were convicted in the same trial, while another two, Samir Kreso and Mehmed Kaminic, were acquitted. The Constitutional Court's decisions are final.

**Bosnian Serb Ex-Soldiers Charged with Executing 78 Civilians (Balkan Insight)** By Albina Sorguc  
November 13, 2020

**The Bosnian state prosecution on Friday charged Ilija Krcmar, Bosko Uncanin, Svetislav Racic, Zeljko Bajic, Marinko Miljevic, Dragan Despot and two men who both have the name Nikola Cuk with committing crimes against humanity.**

They are accused of participating, together with others, in the shooting of at least 78 people during a widespread and systematic attack on the Bosniak civilian population in the Bosanska Krajina area of the municipality of Kljuc.

The indictment alleges that on June 1, 1992, they forced Bosniak civilians who were detained in the Radenko Stojnic school in the village of Velagici out of the building and shot them.

"After forcing them to go out, they ordered the civilians to line up in front of the school, after which the defendants and other people shot at the civilians with automatic weapons, killing at least 78 victims, whose bodies were transported by trucks and buried in a mass grave," the indictment alleges.

"Immediately after the end of the war, in 1996, their remains were found and exhumed from the Laniste II mass grave [near Kljuc]," it adds.

According to the prosecution, suspect Dragan Despot has a dual citizenship of Bosnia and Herzegovina and Serbia, Uncanin and Miljevic are Bosnian citizens, while the five other defendants are Serbian citizens.

The indictment has been sent to the state court for confirmation.

**Freed Bosnian Croat War Criminal Shot Dead in Mostar (Balkan Transitional Justice)** By Emina Dizdarevic and Haris Rovcanin  
November 10, 2020

**Police in Mostar said that a suspect has been arrested after war criminal Marko Radic, alias Maka, a former officer with the Croatian Defence Council, the Bosnian Croat wartime force, was killed on Monday night.**

"Two-and-a-half hours after the commission of the crime our officers detained the suspect," the Interior Ministry of Bosnia and Herzegovina's Herzegovina-Neretva Canton told BIRN.

The suspect was named as Josip Cvitanovic, alias Cviki, who was previously sentenced to eight years in prison for killing his father-in-law and attempting to kill his mother-in-law and her sister in 2004. The motive for the shooting of Radic is so far unknown.

Radic had been free since December 2018 after his sentence was controversially reduced by a court in the Croatian capital Zagreb and he was released because of the jail time he had already served.

He was convicted by the Bosnian state court in 2011 of committing crimes against humanity against Bosniaks in the Mostar area during wartime and sentenced to 21 years in prison.

The court found that Radic, as commander of the First Bijelo Polje Battalion of the Croatian Defence Council's Second Brigade, participated in setting up prisons and ordering the arrests and unlawful detentions of several dozen Bosniak civilians, including women, children and elderly people.

His request to serve his sentence in Croatia instead of Bosnia and Herzegovina was granted and the Zagreb court agreed to take over the execution of the Bosnian court's judgment.

But the Zagreb court's verdict then cut Radic's sentence from 21 years to 12-and-a-half because the Croatian legal system does not recognise the concept of a 'joint criminal enterprise', which was part of the Bosnian verdict.

The decision to grant Radic's request to serve his sentence in Croatia, which was made by Bosnian Justice Minister Josip Grubesa, sparked outrage among Bosniak politicians.

It also caused concerns that other Bosnian convicts with Croatian passports might ask for a transfer to Croatia in search of shorter sentences.

Former Croatian President Ivo Josipovic told BIRN at the time that crimes committed by Radic were “so grave that the newly determined sentence is insufficient”.

Radic was also charged by the Bosnian prosecution in another case. He was accused with three others of staging an attack on a group of several hundred Bosniak civilians in Mostar in February 1997, which resulted in the death of one man and injuries to others.

The indictment alleged that he committed the crime while he was commander of the Police Department in Mostar. The other attackers were also policemen.

The case came to trial but was then halted for unknown reasons, and a verdict has never been handed down.

**Serbian Ministry Again Defends Privacy of Wanted War Criminal (Balkan Transitional Justice)** By  
Ivana Nikolic  
November 12, 2020

**The Serbian Interior Ministry has refused to reveal if there is an international arrest warrant for former Serbian Army officer Rajko Kozlina, who never appeared to serve his 15-year sentence for war crimes in Kosovo.**

The First Basic Court in Belgrade issued a warrant for Kozlina’s arrest in June this year.

In a written response to BIRN, the ministry argued that giving out the information would “violate the right to privacy of the person”, and claimed that there is also no public interest in providing it.

In December 2019, Belgrade Appeals Court found Kozlina, a former Yugoslav Army soldier, guilty of leading his unit into the Kosovo village of Trnje/Terrne on March 25, 1999, shooting two civilians, who both survived, and ordering his soldiers to fire on other civilians in the village, causing the deaths of 15 people.

Among the victims were elderly people and a four-year-old boy. Many of their bodies are still missing.

The Supreme Court of Cassation confirmed the ruling in June this year, but Kozlina never appeared to serve his sentence.

Kozlina was officially employed with the Serbian Army until March 16, 2020, when he lost the rank of non-commissioned officer and was left without the right to a pension.

Sources within the Serbian administration told BIRN that Kozlina fled the country following the verdict. Kozlina received a notification of the verdict last year, Radio Free Europe reported.

This is the second time that the Interior Ministry has refused to provide any information about Kozlina’s case to BIRN. In October, the ministry also rejected BIRN’s freedom of information request asking whether he used an official border crossing to flee the country.

The Interior Ministry cited the same reasons, privacy issues and an alleged lack of public interest.

Commenting on ministry’s first response, Rodoljub Sabic, a Belgrade-based lawyer and Serbia’s former Commissioner for Information of Public Importance and Personal Data Protection, said the refusal left room for speculation that the police might have been aware of the fact that Kozlina had fled.

The refusal to supply the information “raises suspicion that the wanted person did cross the border after all and that information is being hidden about something which was not supposed to happen and for which someone should bear the responsibility”, Sabic said.

The Serbian Interior Ministry and Defence Ministry often cite privacy concerns or confidentiality in order not to disclose information about alleged war criminals to journalists and researchers.

Most of the case files and evidence from war crime trials in Serbia are also not easily accessible to journalists, researchers and the general public.

During his trial, Kozlina often failed to appear for hearings. The trial was postponed on numerous occasions due to the defendants’ alleged illnesses.

In March last year, Belgrade Higher Court judge Mirjana Ilic expressed suspicion that the defendants were deliberately avoiding the hearings by claiming to have health problems.

Both Kozlina and Pavle Gavrilovic, another co-defendant, were submitting medical reports, issued by Serbian Army hospitals, to support their claims. Kozlina was still a serving soldier with the Serbian Army at the time of the trial.

The Belgrade-based Humanitarian Law Centre NGO accused the hospitals on several occasions of enabling Gavrilovic and Kozlina to avoid hearings on health grounds. The Military Medical Academy, the Serbian Army's main hospital, denied the accusations.

**War Criminal Re-Elected as Mayor in Bosnia (Balkan Transitional Justice)** By Emina Dizdarevic  
November 16, 2020

**Preliminary results from Sunday's Bosnian local elections showed that voters in the north-western municipality of Velika Kladusa have re-elected war criminal Fikret Abdic, while war crimes trial defendant Miroslav Kraljevic has been re-elected as the mayor of the Vlasenica municipality.**

Abdic, 81, who spent about ten years in prison after being convicted in Croatia for war crimes against Bosniaks, was released from jail in 2012 and won the mayoralty for the first time in 2016.

During the war, he set himself in opposition to the Bosnian government by leading a separatist statelet called the Autonomous Province of Western Bosnia.

While leading the breakaway statelet, Abdic fought against fellow Bosniaks who were loyal to the Sarajevo government, cooperated with Serb and Croat forces, and set up prison camps where war crimes were committed against captured Bosnian Army soldiers who were held there.

Before the war however, Abdic was an executive at the company Agrokomerc, whose headquarters were in Velika Kladusa and which employed 13,000 people, making it one of the most successful agricultural firms in the former Yugoslavia and winning him strong backing locally.

In June this year, Abdic, as mayor of Velika Kladusa, was arrested alongside some of his associates on suspicion of corruption and abuse of office. He has not yet been charged.

Miroslav Kraljevic of the main Bosnian Serb party, the Alliance of Independent Social Democrats, was re-elected as mayor of Vlasenica municipality in Sunday's polls even though he is on trial for alleged war crimes.

Kraljevic is accused of being responsible for the persecution of Bosniak civilians through unlawful detentions, murders, sexual abuse, torture, disappearances and other inhumane acts.

His alleged crimes were committed during 1992 and 1993 when he was commander of a special police squad in Vlasenica.

Kraljevic was also convicted in 2013 of kidnapping a councillor from another party and holding him captive in Serbia for 12 days. He was fined around 2,000 euros.

Convicted war criminals are not barred from running for public office in Bosnia and Herzegovina after they have served their sentences.

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## Turkey

**Syrians seek justice for war crimes in Europe's courts (Deutsche Welle)** November 11, 2020

**Left with no other options, Syrians in Europe have taken local chemical companies, overseas banks and technology firms to court, as well as senior Syrian officials and members of terror groups.**

Syrian refugees in Europe are using creative legal approaches to find justice through European courts. The cases have ranged from going after companies that shipped chemicals to Syria that could be used to make nerve gas, to prosecuting actual members of terror groups.

One of the most recent cases to make headlines saw Syrians taking on those they see as funding a proxy war in their homeland. The long-running Syrian civil war began in 2011, after the government headed by Bashar Assad started to arrest anti-government protesters. But since then, other countries — including Iran, Turkey and Russia — have supported fighters on the ground and prolonged the civil war.

In July, eight Syrians announced they would sue Qatar-based financial institution Doha Bank in London courts. The Syrian refugees, who now live in Europe and who have remained anonymous for security reasons, allege the bank channeled funds from wealthy Qatari businessmen to the Nusra Front in Syria, an al-Qaeda associated anti-government group.

McCue and Partners, the British law firm representing the Syrians, tells DW they have identified a further potential 330 Syrian plaintiffs who could eventually be added to the lawsuit.

No international alternatives Syrians are seeking justice in European courts because, despite mounting evidence of war crimes over the past nine years, the conflict has never been appraised by the International Criminal Court. Syria is not a signatory to the Netherlands-based court — so any case needs to be referred there by the United Nations Security Council. Members of the Security Council, however, include China and Russia, which have vetoed any attempt to do that. Russia, in particular, is an ally of the Syrian government.

But as more Syrian refugees establish themselves in Europe and enlist local NGOs and human rights lawyers, the number of cases before European courts has grown. There are simply more victims, witnesses and insiders, as well as perpetrators in Europe now, says Jennifer Triscone, a lawyer at Trial International, a Swiss organization fighting impunity in international crimes.

There are ongoing cases in Germany, Norway, Sweden, Austria, France and the United Kingdom. Legal cases have also been pursued in Italy, Spain and Belgium.

"With other avenues for justice blocked, criminal prosecutions in Europe offer hope for victims of crimes in Syria who have nowhere else to turn," Balkees Jarrah, associate director in the international justice program at Human Rights Watch, said in a recent statement.

On the run Traffic is heavy on the roads heading north through the Idlib region toward the Turkish border. Soldiers of the Assad regime are advancing from the south and east, aided by their Russian and Iranian allies. Some Syrian rebel groups are supported by Turkey, which also has soldiers of its own in the region. But ordinary people just want to reach safety.

European companies accused Court cases have targeted a wide variety of players in the conflict. Many cases have tried to confirm the crimes of senior officials in the Syrian government. The most recent complaint submitted to the German federal prosecutor's war crimes unit in October involved tracing the line of command within the Assad regime for chemical weapons attacks in 2013 and 2017 where sarin gas was used. The Open Society Justice Initiative, one of the organizations behind the complaint, told DW the German prosecutor was investigating.

The Syrian government has repeatedly denied wrongdoing.

One of the cases considered most important is underway in Koblenz, Germany, where a senior member of Syrian security services, who initially sought asylum in the country, is accused of complicity in torture and murder.

Other cases have focused on Syrians in Europe, including those who fought on the anti-government side in the war for extremist groups like the Nusra Front or the "Islamic State" (IS).

A handful of cases have accused European companies of involvement in the conflict, including one Italian firm under investigation for allegedly supplying telecommunications equipment that could be used for surveillance of protesters.

In Belgium, three firms were found guilty of exporting chemicals — which might have been used to produce lethal nerve agents in attacks — without appropriate licenses, resulting in company fines and jail terms for top executives.

In one case, French construction company Lafarge faces an investigation into the charge of financing a terrorist enterprise, after allegedly paying terror groups, including IS, to keep its cement factory in Syria running in 2013 and 2014. Lafarge, which was taken over by the Swiss company Holcim, said in a statement in 2019, "LafargeHolcim deeply regrets the unacceptable errors committed in Syria."

UN inspectors The UN investigated a chemical attack in August 2013 in Ghouta, on the outskirts of Damascus, and found "clear and convincing evidence" sarin gas was used. "This is a war crime," said UN Secretary-General Ban Ki-moon a month later

Sexual violence underreported in legal cases "I think it's particularly important to think creatively about these cases," says Trial International's Triscone. For example, she says, "looking at financial crimes can lead to asset seizures or limit the sources of funding." Although it can be difficult to prove cases where companies are, for example, accused of exporting dangerous chemicals, the fact that prosecutors get a look at internal company documents could help gather evidence on previously unknown individuals with links to the Syrian regime, the Geneva-based legal investigator explains.

Another legal avenue could be the prosecution of crimes of sexual violence. However, it is difficult to obtain proof and there are social repercussions for victims, says Triscone.

Approach distorts perceptions of Syrian war Some see problems with the piecemeal approach. As Uğur Üngör, a professor at the Amsterdam-based NIOD Institute for War, Holocaust and Genocide Studies, has argued, focusing on former rebel commanders from groups like IS can be a problem.

"In a nutshell, there are not enough cases against the regime," Üngör said in an interview with Swiss non-profit, Fondation Hirondelle. Partially this is because it's easier to arrest rebels in Europe, where they have often sought asylum. Senior members of the Assad government don't travel here, he says. But linking terrorism and war crimes leads to the perception that a low-level crime is the same as state-sanctioned mass torture, he noted.

Germany: The trial against Assad's torturers Trials in Europe have had mixed success, many are ongoing and some decisions — such as the French Lafarge one — are being appealed. "But given the enormity of criminality and that the vast majority of people most responsible for the crimes are still in power, I think the justice project for Syria is really only just getting started," says Steve Kostas, lead project officer with the Open Society Justice Initiative's Syrian accountability project.

It is also possible that national court cases could influence opinions on larger international efforts. For example, in September, the Dutch government announced it was planning to try to take Syria to the International Court of Justice, at the UN, for war crimes.

And, as Kostas tells DW, at the end of this month, European nations could also use an Organization for the Prohibition of Chemical Weapons conference to refer "accountability for Syrian chemical weapons attacks to the UN General Assembly."

"[That] could even lead to discussion of a possible treaty-based tribunal for Syria, similar to the Nuremberg model," Kostas says, referring to the special tribunal that tried Nazi war criminals in Germany after World War II.

### **Dutch Parliament adopts resolutions on imposing sanctions against Aliyev and Erdoğan (Armenpress) November 17, 2020**

**The Dutch Parliament has adopted the resolutions on imposing individual sanctions against the president of Azerbaijan Ilham Aliyev, his wife Mehriban Aliyeva, Turkish president Recep Tayyip Erdoğan and others for war crimes and atrocities against Artsakh, ARMENPRESS reports Ambassador of Armenia to the Netherlands Tigran Balayan wrote on his Twitter page.**

The Ambassador also informed that the EU imposed an embargo against supplying arms to Turkey for participating in the aggression.

The resolution authored by Sadet Karabulut calls on the parliament of the Netherlands to impose individual sanctions against those in Azerbaijan and Turkey who are responsible for the violence in Nagorno Karabakh.

"In light of the fact that violence between the Nagorno-Karabakh enclave between Armenia and Azerbaijan has resurfaced in recent months, noting that the latest attempt of violence was initiated by Azerbaijan with the encouragement of Turkey, the MP calls on the government to impose individual sanctions on those individuals in Azerbaijan and Turkey, who are responsible for these atrocities", reads the resolution.

Another resolution offers imposing individual sanctions on Azerbaijani president Ilham Aliyev and his family members and key individuals in connection with the Azeri attack and the deployment of Syrian militants in Nagorno-Karabakh by Turkey.

"Based on the fact that Azerbaijan and Syrian jihadists sent by Turkey have committed large-scale war crimes in Nagorno Karabakh in the last 5 weeks, considering that Genocide Watch has alerted that there is an unnoticed genocide, we call on the government to pursue at the EU level personal sanctions against Azerbaijani President Ilham Aliyev, his family members and key individuals over the Azerbaijani attack and Turkish deployment of Syrian militants in Nagorno-Karabakh", reads the second resolution.

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# Kosovo Specialist Chambers

## **Kosovo's Former President In Detention In The Hague Over War Crimes Charges (Radio Free Europe)** By Amra Zejneli

November 5, 2020

**Former Kosovar President Hashim Thaci has been transferred to a detention facility in the Netherlands, hours after he resigned to face an indictment at a war crimes court there.**

Thaci, a guerrilla leader during the country's war for independence from Serbia in the 1990s, and two other former members of the Kosovo Liberation Army (UCK) were "transferred to the detention facilities of the Kosovo Specialist Chambers" (KSC) in The Hague, the court said in a statement late on November 5.

Thaci, a commander of the UCK during the 1998-99 war, resigned earlier in the day after learning the KSC had confirmed an indictment for war crimes and crimes against humanity against him.

"As I have pledged, under no circumstances will I allow for the president of the Republic of Kosovo to appear before the court. Therefore, in order to protect the integrity of the presidency of the Republic of Kosovo, the integrity of the state of Kosovo, the integrity and dignity of the citizens of Kosovo, the people of Kosovo, and to respect the partnership with the international community, I resign today," Thaci said.

After officially taking over the function of acting president, parliament speaker Vjosa Osmani called for unity in a video message, saying Kosovo needed "strong leadership and a unified state reaction."

"We have not given up our commitment to consolidate the state and cultivate democratic values. Despite the challenges, we have remained strong in our faith, which I call on you to prove even in these difficult moments," she said.

The Kosovo Specialist Chambers and Specialist Prosecutor's Office (KSC & SPO) is a court of Kosovo, located in The Hague.

The KSC is mandated to look into allegations that members of the Kosovo Liberation Army (UCK) committed war crimes and crimes against humanity during the 1998-99 war to gain independence from Serbia.

It operates under Kosovar law but is based in the Netherlands to shield witnesses from intimidation.

The SPO in June accused Thaci and other suspects of being "criminally responsible for nearly 100 murders," as well as the "enforced disappearance of persons, persecution, and torture."

The alleged crimes involved "hundreds of known victims of Kosovo Albanian, Serb, Roma, and other ethnicities and include political opponents," according to the SPO.

Kosovo's war of independence from Serbia left more than 10,000 people dead -- most of them ethnic Albanians from Kosovo. More than 1,600 people remain unaccounted for. The fighting ended after a 78-day NATO air campaign against Serbia.

Kosovo, which has a largely ethnic Albanian population, declared independence from Serbia in 2008, a move recognized by many Western states but not Serbia or its allies Russia and China.

The KSC said on November 5 that a pretrial judge confirmed the indictment against Thaci, and three other former UCK members -- Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi -- on October 26.

Veseli, the former speaker of parliament and leader of the Democratic Party of Kosovo, and Selimi, a Kosovar lawmaker, were also transferred to The Hague on November 5.

Krasniqi, an ex-speaker of parliament and former guerrilla commander, was taken into custody late on November 4 in a special operation by Hague-based war crimes prosecutors in cooperation with local police in Pristina and taken to The Hague.

The KSC said Krasniqi's initial appearance before the pretrial judge would take place on November 9.

Information about the date of the appearances of Thaci, Veseli, and Selimi is to be announced later.

Salih Mustafa, one of the founders of the UCK, had already been transferred to The Hague to face similar charges.

Two more suspects, Nesim Haradinaj and Hysen Gucati, are also in detention in the Dutch city, but their indictment has yet to be confirmed.

The European Union said it "welcomes the fact that [Thaci] has agreed to cooperate" with the KSC & SPO.

"Full cooperation with these institutions is essential as an important demonstration of Kosovo's commitment to the rule of law, which in turn is a core element for Kosovo's progress on its European path and for EU's engagement with the Western Balkans as a whole," spokesman Peter Stano said in a statement.

Following Thaci's resignation, "we trust the representatives of Kosovo to ensure the continuity of the institutions as spelled out in Kosovo law," he added.

London-based human rights watchdog Amnesty International said the indictment against Thaci "brings hope for thousands of victims of the Kosovo war who have waited for more than two decades to find out the truth about the horrific crimes committed against them and their loved ones."

However, U.S. Representative Eliot Engel (Democrat-New York), chairman of the House Committee on Foreign Affairs, expressed "serious concerns" about how the KSC & SPO was carrying out its mandate, saying that "it appears to be operating as an ethnic court -- one that only pursues Albanians alleged to have committed crimes."

"I want to be clear: Anyone who commits serious war crimes must be prosecuted, regardless of ethnicity," Engel said in a statement. "But, the vast majority of crimes committed in Kosovo during this period were carried out by [Serbian forces] during its genocidal campaign of ethnic cleansing."

Earlier on November 5, a former speaker of parliament and leader of the Democratic Party of Kosovo, Kadri Veseli, also confirmed his indictment by the SPO.

On November 4, another ex-speaker of parliament, former guerrilla commander Jakup Krasniqi, was taken into custody and transferred to The Hague to face charges of war crimes and crimes against humanity.

**Senior Kosovo Politician Kadri Veseli Indicted for War Crimes (Balkan Insight)** By Xhorxhina Bami  
November 5, 2020

**Kadri Veseli, leader of the opposition Democratic Party of Kosovo and a co-founder of the Kosovo Liberation Army, said that an indictment against him has been confirmed and he will travel to The Hague to face the charges.**

Kadri Veseli said in a statement on Thursday that he has been informed by prosecutors at the Kosovo Specialist Chambers in The Hague that a pre-trial judge has authorised his indictment for war crimes and that he has "made arrangements to travel voluntarily to The Hague in order to answer to these charges".

Veseli, who served as parliamentary speaker until recent elections and was one of the founders and leaders of the Kosovo Liberation Army, KLA, said that unlike some people in Kosovo, he does not see the Specialist Chambers as "an insult to our historic fight to protect the people of Kosovo from the ravages of the Milosevic regime".

He said that he thinks this is "an opportunity to finally answer the false allegations and rumours that have been circulating for many years" about alleged war crimes by KLA guerrillas.

"That is why I supported the establishment of this tribunal, and it is why I am now ready to play my part in that process," he added.

The Kosovo Specialist Prosecutor's Office announced in June that it intended to charge Veseli, Kosovo President Hashim Thaci and others with a range of crimes against humanity and war crimes, including murder, enforced disappearance of persons, persecution, and torture.

"The indictment alleges that Hashim Thaci, Kadri Veseli, and the other charged suspects are criminally responsible for nearly 100 murders. The crimes alleged in the indictment involve hundreds of known victims of Kosovo Albanian, Serb, Roma, and other ethnicities and include political opponents," it said.

Meanwhile former Kosovo Liberation Army officer Rexhep Selimi, now a senior politician with Kosovo's largest opposition party, the Vetevendosje Movement, has also confirmed that he has been indicted for alleged wartime crimes and will travel to The Hague on Thursday to face the charges.



“Tonight in the evening I was notified by the Specialist Chambers that there is a confirmed indictment for me,” Selimi wrote on Facebook, adding that he “will travel to The Hague (Netherlands) to face this challenge posed, first and foremost, to the Kosovo Liberation Army”.

“I am going with my head held high and whenever I return, I will return with my head held high too... I have known and will always know how to protect the freedom of the people, the state of Kosovo and the glorious KLA,” he added.

Selimi served at the Kosovo Liberation Army’s headquarters during the 1998-99 war against Serbian forces.

Former prime minister and leader of Selimi’s party, Albin Kurti, who is currently in self-isolation due to COVID-19, wrote on Facebook on Wednesday evening in “the injustice continues”.

Kurti was referring to Selimi’s indictment and the arrest, earlier in the day, of former KLA secretary Jakup Krasniqi, who is also a former parliamentary speaker.

Krasniqi was arrested on Wednesday in raids on his houses in Pristina and his home village of Negrovc.

He was arrested “pursuant to a confirmed indictment related to war crimes and crimes against humanity”, the Specialist Prosecution said.

The first former KLA member to be arrested, Salih Mustafa, pleaded not guilty to wartime crimes at the Specialist Chambers on October 28.

Meanwhile Kosovo President Hashim Thaci is waiting to see if the charges against him will also be confirmed by a judge at the Specialist Chambers.

The Kosovo Specialist Chambers were set up to try crimes allegedly committed during and just after the Kosovo war from 1998 to 2000. They are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals.

They were set up under pressure from Kosovo’s Western allies, who feared that Kosovo’s justice system was not robust enough to try KLA cases and protect witnesses from interference.

The so-called ‘special court’ is widely resented by Kosovo Albanians who see it as an insult to the KLA’s war for liberation from Serbian rule.

### **Kosovo ex-president Thaci denies war crimes in Hague court (Aljazeera) November 9, 2020**

#### **Kosovo’s former president, Hashim Thaci, has pleaded not guilty to war crimes charges in the 1990s war against Serbia as he appeared for the first time at a special international court in The Hague./p>**

The 52-year-old is charged along with three others with war crimes and crimes against humanity including murder and torture during an alleged campaign by the ethnic Albanian Kosovo Liberation Army (KLA) between 1998 and 1999 against civilians it deemed to be its enemies.

The defendants allegedly carried out “a widespread or systematic attack against the civilian population”, including those believed to be collaborating with Serb forces, or not cooperating with the KLA.

Thaci resigned as president on Thursday and flew to the Netherlands where he was placed in the detention centre of the Kosovo Specialist Chambers tribunal.

“The indictment is completely without basis, and I plead not guilty to all the charges in the indictment,” he told the court on Monday, rising to his feet after the judge asked him if he wished to plead guilty or not guilty.

“I understood them, I heard them today, I read them, and I do not agree with any of them.”

His lawyer, David Hooper, complained about Thaci’s treatment, saying it was “disgraceful” that he was held in handcuffs outside the court, and saying he intended to seek his conditional release.

Going by the nom de guerre “Snake”, Thaci was the political chief of the rebel KLA, which battled Serb forces for the independence of the southern province in a bitter conflict that claimed more than 13,000 lives and only ended when a NATO air campaign forced Serb forces to withdraw.

Top Serbian military and police officials were later convicted of war crimes in other international courts. But rebel leaders of

the KLA have also been accused of revenge attacks on Serbs, Roma and ethnic Albanian rivals during and after the war. After laying down his weapons following the war, Thaci joined politics, becoming the first prime minister in 2008 and winning the presidency in 2016.

Thaci has repeatedly proclaimed his innocence and has claimed the international system of justice is “rewriting history” about the conflict.

On Thursday, he said he was stepping down as president to “protect the integrity” of the office.

Former KLA spokesman Jakup Krasniqi, one of Thaci’s co-defendants, pleaded not guilty to the charges when he made his first appearance at the court on Monday.

“It is not right that I am here, an injustice has been done against me,” said Krasniqi, 69, a former Kosovar politician who was arrested by armed EU police late Wednesday in Pristina.

The other co-defendants are Thaci’s closest political ally Kadri Veseli and key KLA figure Rexhep Selimi.

A number of former KLA chiefs have gone on to dominate politics in Kosovo, with many still viewing Thaci as a liberation hero, although critics see him and others as the face of a corrupt, entrenched political elite.

The charges are, nevertheless, a seismic moment for a young self-declared country that is still struggling with tense relations with Serbia, and lacking international recognition from countries, including Russia, since Pristina unilaterally declared independence in 2008.

The Kosovo Specialist Chambers was set up with European Union backing five years ago, following a 2011 Council of Europe report which named Thaci and others as allegedly being involved in crimes.

Human rights watchdog Amnesty International said the indictment against Thaci gave hope to thousands of victims of the war “who have waited for more than two decades to find out the truth about the horrific crimes”.

**Lawyers for Kosovo suspects: Trial can't start before 2022 (Minneapolis Star Tribune)** By Mike Corder  
November 18, 2020

**Defense lawyers for former leaders of Kosovo guerrillas, including ex-president Hashim Thaci, said Wednesday that their trial on charges of war crimes and crimes against humanity cannot begin before the summer of 2022 at the earliest.**

The comments came at a procedural hearing in the case against Thaci and three other former leaders of the Kosovo Liberation Army who are in custody in The Hague awaiting trial on charges including murder, torture and illegal imprisonment allegedly committed during Kosovo's 1998-99 battle for independence from Serbia. They deny the allegations.

A prosecution lawyer told the hearing at the Kosovo Specialist Chambers that the trial could start in the summer of 2021. Prosecutors plan to present evidence from around 200 witnesses and 1,500 items of documentary evidence.

Thaci's lawyer, David Hooper, responded that "a minimum of 18 months is necessary before we would be, I think, even contemplating being trial ready. I find the suggestion that this case should go to trial in June absolutely absurd."

Amid coronavirus restrictions in the Netherlands, all defendants and their lawyers appeared at the hearing via video links.

Defense lawyers argued that prosecutors have had years to prepare their indictment and case, while the defense has only just begun work following the recent arrests of the suspects and publication of their indictments.

Even so, Ben Emmerson, representing Kadri Veseli, sketched the outlines of his defense case, arguing that previous international trials of KLA leaders failed to establish that it was a well-structured fighting force with an overarching plan, known as a joint criminal enterprise, to commit crimes.

Instead, Emmerson said, the KLA was a barely organized band of part-time fighters engaged in a battle of self-defense against the well-organized Serbian forces. That lack of organization, he said, means that the suspects cannot be held responsible as commanders for crimes committed by individual fighters.

Most who died in the Kosovo war were ethnic Albanians and 1,641 people remain unaccounted for. A 78-day NATO air campaign against Serbian troops ended the fighting.

The formation of the Hague-based court and a special prosecutor's office followed a 2011 report by the Council of Europe, a human rights body, that included allegations that KLA fighters trafficked human organs taken from prisoners and killed Serbs and fellow ethnic Albanians considered traitors. The organ-harvesting allegations weren't included in the indictment against Thaci and his co-defendants.

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## Azerbaijan

**Congressional Armenian Caucus to “Redouble Efforts” to Demand Accountability for Turkish, Azerbaijani War Crimes (The Armenian Weekly) Nov. 10, 2020**

**Congressional Armenian Caucus Co-Chairs Frank Pallone (D-NJ), Gus Bilirakis (R-FL), Jackie Speier (D-CA), and Adam Schiff (D-CA) shared their frustration with the lack of US leadership in response to Turkey and Azerbaijan’s attacks on Armenia and Artsakh and pledged to hold the Erdogan and Aliyev regimes accountable for atrocities against Armenian civilians, reported the Armenian National Committee of America (ANCA).**

In a statement issued earlier today, Armenian Caucus leaders noted “we are deeply disappointed in the failure of the United States to play a productive role in avoiding this tragic outcome. Since the beginning of the Azeri offensive on September 27, 2020, we have called on the Administration to use all available resources to hold Turkey and Azerbaijan accountable. If the Administration had acted in a determined fashion to achieve a ceasefire and used levers like withholding military aid, reinstating Section 907 of the Freedom Support Act and sanctions, thousands of lives could have been saved and a return to peaceful negotiation would have been possible.”

Senate Foreign Relations Committee member Ed Markey (D-MA) remarked, “It is a stain on this administration that they’ve allowed President Trump’s friend Erdogan to stage a land-grab in the South Caucasus and make a mockery of the OSCE Minsk process.” He went on to note that the “United States must clearly condemn this illegal military campaign and end our security assistance to Azerbaijan and Turkey. We must also be prepared to provide the humanitarian assistance that will be so desperately needed by the Armenian people,” concluded Markey.

“We join with the bipartisan leadership of the Armenian Caucus and Senator Markey in our commitment to ensuring the support of the U.S. Congress and the incoming Biden Administration for Artsakh and Armenia, and also for holding Turkey and Azerbaijan accountable for their war crimes and atrocities against the Armenian people,” said ANCA Executive Director Aram Hamparian. “This needs to start with immediate Global Magnitsky sanctions on Erdogan and Aliyev and – on the humanitarian front – with an initial \$250,000,000 package of emergency relief, reconstruction and development assistance for Artsakh and the more than 100,000 Armenians forcibly displaced from their native lands.”

Over 100 U.S. Senators and House members issued statements and cosponsored legislation (H.Res.1165 / H.Res.1203) condemning the Azerbaijani and Turkish onslaught against the Artsakh and Armenia, with growing calls for U.S. recognition of the Artsakh Republic. In the Senate, S.Res.754 and S.Res.755, call for a State Department accounting of human rights violations by Turkey’s Erdogan and Azerbaijan’s Aliyev regimes carried out both at home and abroad, which would serve as a basis for blocking U.S. arms sales and transfers to those countries.

The full text of the Congressional Armenian Caucus statement and Sen. Markey’s statement are provided below.

Armenian Congressional Caucus Statement on the Nagorno Karabakh Peace Deal

“As Co-Chairs of the Congressional Caucus on Armenian Issues, we offer our deepest condolences to the people of Armenia and Artsakh. They bravely defended their homeland against Azerbaijan and Turkish-backed foreign mercenaries, facing devastating drone attacks, and enduring atrocities committed by Azeri forces. We stand with Armenia and Artsakh and reaffirm our continued support for Armenia’s democratic government and Artsakh’s right to self-determination.

We are deeply disappointed in the failure of the United States to play a productive role in avoiding this tragic outcome. Since the beginning of the Azeri offensive on September 27, 2020, we have called on the Administration to use all available resources to hold Turkey and Azerbaijan accountable. If the Administration had acted in a determined fashion to achieve a ceasefire and used levers like withholding military aid, reinstating Section 907 of the Freedom Support Act and sanctions, thousands of lives could have been saved and a return to peaceful negotiation would have been possible.

As we study the agreement announced yesterday, we will redouble our efforts to support Armenia and Artsakh against Azerbaijan and Turkey's outrageous hostility and to hold all those who committed atrocities against civilians in recent weeks accountable. The United States must not continue to passively ignore the threat Turkey poses to the stability of the Eastern Mediterranean, the Middle East, and the Caucasus."

#### Statement by Senator Ed Markey on the Nagorno Karabakh Agreement

"It is a disgrace that the United States under Trump-Pompeo leadership has once again ceded an important foreign policy matter to Russia, this time to the detriment of our Armenian friends who have been targeted, attacked, and exploited by Turkey and Azerbaijan. It is a stain on this administration that they've allowed President Trump's friend Erdogan to stage a land-grab in the South Caucasus and make a mockery of the OSCE Minsk process. My thoughts are with the Armenian people who have suffered relentless attacks throughout this campaign by Turkey and Azerbaijan, including the reported use of foreign fighters imported from Syria.

As I've said before, the United States must clearly condemn this illegal military campaign and end our security assistance to Azerbaijan and Turkey. We must also be prepared to provide the humanitarian assistance that will be so desperately needed by the Armenian people. It is also vitally important that we continue to support democratic institutions in Armenia as the country navigates this challenging time."

**Azeri, Turkish War Crimes Against Armenians Must Not Go Unpunished (Modern Diplomacy)** By  
Uzay Bulut  
Nov. 13, 2020

**The war launched by Azerbaijan and Turkey against the Armenian Republic of Artsakh (Nagorno Karabakh) in the South Caucasus on September 27 has been halted through an agreement, which was brokered by Russia and imposed on Armenia. Based on the circulating agreement, Armenians must relinquish most of their homeland in Artsakh to Azerbaijan by December 1, forcing any Armenians living in those regions to depart before that date.**

During their indiscriminate shelling of Artsakh, the aggressors – Azerbaijan, and Turkey, accompanied by Syrian jihadist forces – have committed many war crimes against Armenians. They have murdered civilians and injured journalists. They have burned villages, forests, and churches. They have tortured and beheaded Armenians and executed prisoners.

BBC reported on October 24: "One video posted on a messaging app shows what appears to be two Armenians in military uniforms being captured by troops from Azerbaijan. A second video seemingly shows the same Armenians being shot with their hands behind their backs. Armenian authorities have identified the men as Benik Hakobyan, 73, and 25-year-old Yuri Adamyan."

Azerbaijani forces also used cluster munitions and white phosphorus against Artsakh. "Azerbaijan has repeatedly used widely banned cluster munitions in residential areas in Nagorno-Karabakh," according to an October 23 report by Human Rights Watch (HRW). "Cluster munitions have been banned because of their widespread indiscriminate effect and long-lasting danger to civilians," it added.

The false, obsessive belief that Artsakh belongs to Azerbaijan has resulted in an ethnic cleansing against indigenous Armenians from their lands.

The area called Artsakh, originally one of the ancient provinces of Armenia, has preserved a majority Armenian population throughout the centuries. Despite this, Artsakh was annexed by Soviet dictator Joseph Stalin to the New Soviet Republic of Azerbaijan in the early 1920s. Armenian peaceful requests for self-determination were violently punished by Azerbaijan.

Under Azeri control, Armenians were subject to severe persecution such as pogroms in Sumgait and Baku from 1988 to 1990. The Soviet Union collapsed the following year, and Azerbaijan, Armenia and Artsakh declared independence. Azerbaijan, however, rejected Artsakh's independence claim and chose to launch a war in 1992, which lasted two years and cost the lives of approximately 30,000 people.

26 years later, Armenians in Artsakh are once again assaulted by Azerbaijan. This time, arms supplies and diplomatic support from Turkey helped give Azerbaijan the upper hand in the conflict. Several news agencies, governments and the United Nations have also reported that Turkey sent jihadist terrorists from Syria to support Azerbaijan in its fight against the Armenians.

"We now have information which indicates that Syrian fighters from jihadist groups have (transited) through Gaziantep (southeastern Turkey) to reach the Nagorno-Karabakh theatre of operations," French President Emmanuel Macron told

reporters at an EU summit in Brussels. “It is a very serious new fact, which changes the situation.”

The Office of the High Commissioner for Human Rights (UN Human Rights) also reported on November 11:

“The UN Working Group on the use of mercenaries said there were widespread reports that the Government of Azerbaijan, with Turkey’s assistance, relied on Syrian fighters to shore-up and sustain its military operations in the Nagorno-Karabakh conflict zone, including on the frontline. The fighters appeared to be motivated primarily by private gain, given the dire economic situation in the Syrian Arab Republic, the UN experts said. In case of death, their relatives were reportedly promised financial compensation and Turkish nationality.

“The way in which these individuals were recruited, transported and used in and around the Nagorno-Karabakh conflict zone appeared consistent with the definition of a mercenary, as set out by relevant international legal instruments, including the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, to which Azerbaijan is a party,” said Chris Kwaja, who chairs the Working Group.

“Moreover, reports indicate that Turkey engaged in large-scale recruitment and transfer of Syrian men to Azerbaijan through armed factions, some of which are affiliated with the Syrian National Army. The alleged role of Turkey is all the more concerning given the similar allegations addressed earlier this year by the Working Group in relation its role in recruiting, deploying and financing such fighters to take part in the conflict in Libya,” Kwaja added.”

The UN report was released two days after the treaty was signed, but Turkey’s President Recep Tayyip Erdogan was always transparent about his support for the war against Artsakh. “We support Azerbaijan until victory,” Erdogan said on October 6. “I tell my Azerbaijani brothers: May your ghazwa be blessed.”

Ghazwa in Islam refers to a battle or raid against non-Muslims for the expansion of Muslim territory and/or conversion of non-Muslims to Islam.

In another speech on November 1, Erdogan said, “We are in Syria, Libya, Azerbaijan. We have displayed the same dignified attitude from the Mediterranean to the Black Sea, from Syria to Libya, from Cyprus to Karabakh.”

Prior to the war, Artsakh’s population was around 150,000. Turkish and Azeri aggression against the region has caused massive destruction on civilian infrastructure including homes and hospitals and the displacement of about 90,000 Armenians. On October 23, a group of genocide scholars issued a statement “on the imminent genocidal threat deriving from Azerbaijan and Turkey against Artsakh.”

Completely abandoned by the international community and faced with an existential threat, Armenia had to sign an agreement which allows Azerbaijan to take over much of Artsakh. With 60% of Artsakh destroyed and the remainder of land to be surrounded by hostile Azeri forces, many indigenous Armenians who have lived in Artsakh for generations see no choice other than to flee their homeland.

Meanwhile, during the war, hundreds of Turks and Azeris took to the streets in the French city of Lyon, looking for Armenians. They marched with Turkish flags, chanting Allahuakbar (Allah is the greatest), and “Where are you Armenians? Where are you? We are here... sons of bitches.”

Jonathan Lacôte, French ambassador to Armenia, announced that French police were protecting Armenian community centers in France from Turkish and Azeri attacks and vandalism.

In another move to counter Turkish aggression, the French Interior Ministry banned a Turkish ultra-nationalist group known as the Grey Wolves after a memorial to victims of the 1915 Armenian Genocide was defaced.

The Turkish Ministry of Foreign Affairs condemned the decision, saying that “there is no such a movement called ‘Grey Wolves’. Attempts to resort to imaginary decisions presuming the existence of such a movement or formation based on some individuals and their actions, reflects the latest contradictory psychology that this country lives in.”

The Grey Wolf movement, however, does exist. The Grey Wolves (Turkish: Bozkurtlar), officially known as Idealist Hearths (Turkish: Ülkü Ocakları) is a Turkish far-right, racist organization and movement affiliated with Turkey’s Nationalist Movement Party (MHP). The movement has been involved in many acts of violence against civilians as well as political and religious figures. This includes the Alevi massacre in the city of Maras in southeast Turkey in 1978 and the attempted assassination of Pope John Paul II in 1981.

Attacks against Armenians in the South Caucasus and Europe demonstrate that this war is not only about land. It is about pan-Turkic, expansionist aspirations of Turkey and Azerbaijan as well as their unrelenting, genocidal hatred against Armenians.

As was the case during the 1915 Armenian genocide by Ottoman Turkey, the international community has once again abandoned Armenians, who are an indigenous and peaceful people. If new and effective steps are not taken by the civilized world immediately, neo-Ottomanism, pan-Turkism and jihad will win through the agreement imposed on Armenia.

Meanwhile, some opposition to the agreement has begun emerging in Europe. On November 11, France 24 reported that the French presidency said it was studying the parameters of the Russian-brokered ceasefire, adding that a long-term deal should also “preserve Armenia’s interests.” Macron’s office quoted him as saying that efforts should be made “without delay” to try to come up with a “lasting political solution to the conflict that allows for the Armenian population of Nagorno-Karabakh to remain in good conditions and the return of tens of thousands of people who have fled their homes.”

To guarantee the return of Armenians to their ancient homeland and to prevent the complete erasure of the remaining Armenian cultural heritage by totalitarian Azerbaijan, Western governments must officially recognize Artsakh. The West must let dictators know that their war crimes and genocidal ambitions will not go unpunished. During their indiscriminate shelling of Artsakh, the aggressors – Azerbaijan, and Turkey, accompanied by Syrian jihadist forces – have committed many war crimes against Armenians. They have murdered civilians and injured journalists. They have burned villages, forests, and churches. They have tortured and beheaded Armenians and executed prisoners.

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In another speech on November 1, Erdogan said, “We are in Syria, Libya, Azerbaijan. We have displayed the same dignified attitude from the Mediterranean to the Black Sea, from Syria to Libya, from Cyprus to Karabakh.”

Prior to the war, Artsakh’s population was around 150,000. Turkish and Azeri aggression against the region has caused massive destruction on civilian infrastructure including homes and hospitals and the displacement of about 90,000 Armenians. On October 23, a group of genocide scholars issued a statement “on the imminent genocidal threat deriving from Azerbaijan and Turkey against Artsakh.”

Completely abandoned by the international community and faced with an existential threat, Armenia had to sign an agreement which allows Azerbaijan to take over much of Artsakh. With 60% of Artsakh destroyed and the remainder of land to be surrounded by hostile Azeri forces, many indigenous Armenians who have lived in Artsakh for generations see no choice other than to flee their homeland.

Meanwhile, during the war, hundreds of Turks and Azeris took to the streets in the French city of Lyon, looking for Armenians. They marched with Turkish flags, chanting Allahuakbar (Allah is the greatest), and “Where are you Armenians? Where are you? We are here... sons of bitches.”

Jonathan Lacôte, French ambassador to Armenia, announced that French police were protecting Armenian community centers in France from Turkish and Azeri attacks and vandalism.

In another move to counter Turkish aggression, the French Interior Ministry banned a Turkish ultra-nationalist group known as the Grey Wolves after a memorial to victims of the 1915 Armenian Genocide was defaced.

The Turkish Ministry of Foreign Affairs condemned the decision, saying that “there is no such a movement called ‘Grey Wolves’. Attempts to resort to imaginary decisions presuming the existence of such a movement or formation based on some individuals and their actions, reflects the latest contradictory psychology that this country lives in.”

The Grey Wolf movement, however, does exist. The Grey Wolves (Turkish: Bozkurtlar), officially known as Idealist Hearths (Turkish: Ülkü Ocakları) is a Turkish far-right, racist organization and movement affiliated with Turkey’s Nationalist Movement Party (MHP). The movement has been involved in many acts of violence against civilians as well as political and religious figures. This includes the Alevi massacre in the city of Maras in southeast Turkey in 1978 and the attempted assassination of Pope John Paul II in 1981.

Attacks against Armenians in the South Caucasus and Europe demonstrate that this war is not only about land. It is about pan-Turkic, expansionist aspirations of Turkey and Azerbaijan as well as their unrelenting, genocidal hatred against Armenians.

As was the case during the 1915 Armenian genocide by Ottoman Turkey, the international community has once again abandoned Armenians, who are an indigenous and peaceful people. If new and effective steps are not taken by the civilized world immediately, neo-Ottomanism, pan-Turkism and jihad will win through the agreement imposed on Armenia.

Meanwhile, some opposition to the agreement has begun emerging in Europe. On November 11, France 24 reported that the French presidency said it was studying the parameters of the Russian-brokered ceasefire, adding that a long-term deal should also “preserve Armenia’s interests.” Macron’s office quoted him as saying that efforts should be made “without delay” to try to come up with a “lasting political solution to the conflict that allows for the Armenian population of Nagorno-Karabakh to remain in good conditions and the return of tens of thousands of people who have fled their homes.”

To guarantee the return of Armenians to their ancient homeland and to prevent the complete erasure of the remaining Armenian cultural heritage by totalitarian Azerbaijan, Western governments must officially recognize Artsakh. The West must let dictators know that their war crimes and genocidal ambitions will not go unpunished.

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# MIDDLE-EAST

## Iraq

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

#### **Iraq PM warns against use of live rounds after protester death (Al Jazeera)**

November 7, 2020

#### **Iraqi Prime Minister Mustafa al-Kadhimi has warned security forces not to fire at protesters, a day after a demonstrator was killed in the southern city of Basra.**

“The state will not be lenient with any member of the security forces who violates orders of not using bullets against protesters,” al-Kadhimi said in a tweet on Saturday, adding that the person who killed the protester will be arrested and tried.

Security forces opened fire during clashes with protesters in Basra on Friday, killing one and wounding at least five others. The protesters were calling for better living conditions and an end to corruption in the country.

The Iraqi Interior Ministry earlier said that a suspect was arrested in Friday’s killing, but without specifying whether he was a security agent.

It was the first killing of a protester by security forces in Basra since al-Kadhimi took office in May.

During months of anti-government protests that erupted under al-Kadhimi’s predecessor Adel Abdul Mahdi in October 2019, more than 500 people were killed, mostly young unarmed demonstrators.

Deadly flare-ups have been rare since protests against Iraq’s ruling elite subsided earlier this year.

The Basra security sources and a rights official told Reuters news agency that several dozen protesters had taken to the streets in the country’s southern oil hub on Friday.

They were angry that al-Kadhimi had generally failed to deliver on jobs and basic services and that protest camps had been cleared by security forces in Basra and Baghdad, the rights official said.

Al-Kadhimi, who visited Basra on Thursday to tour energy projects and meet provincial officials, has pledged to protect non-violent Iraqi protesters and bring justice to the families of those killed last year by security forces and unidentified gunmen.

Security forces in Baghdad last month were ordered not to use live fire in dealing with protests to mark the anniversary of the 2019 demonstrations.

#### **E. Iraq's blasts leave four killed (MENAFN)**

November 7, 2020

#### **According to a statement issued by a provincial official, two roadside bomb blasts took place Thursday in Iraq's eastern province of Diyala, with three women and policeman being killed.**

Xinhua news agency cited mayor of the town Shakir al-Tamimi as saying that the explosions occurred in the wee hours of Thursday morning in a village near the town of Abbara in the northeast of the provincial capital Baquba, some 65 km northeast of Baghdad when a roadside bomb hit a tuk-tuk, or three-wheeled auto-rickshaw, and another struck a police vehicle.

Al-Tamimi further noted that the two incidents resulted in the killing of three women and a policeman, and the hurting of two policemen and two civilians.



The attacks came as the extremist Islamic State (IS) militants have intensified their attacks on the security forces and civilians in the formerly IS-controlled Sunni provinces, resulting in the killing and wounding of dozens.

### **Iraq reserves right to complain to UNSC against US over air raid on Baghdad airport: Lawyer (ABNA 24)**

November 14, 2020

#### **Iraqi lawyer said on Friday that Iraq reserves the right to complain to UNSC against the US over aid raid on Baghdad airport to assassinate Lieutenant General Qasem Soleimani and Iraqi commander Abu Mahdi Al-Mohandes.**

Iraq has the right to complain to the United Nations Security Council against the US over violation of the UN Charter by air raid on Baghdad civilian airport amounted to aggression on Iraqi national sovereignty and subsequent crimes perpetrated by the US Administration, Ali al-Tamimi said.

US measures are considered as breach of Articles 1, 2 and 3 of UN Charter, he added.

Assassination of Iranian and Iraqi commanders was not only violation of Iraqi sovereignty but breach of Civil Aviation Law, especially because the crimes were perpetrated in Iraqi airport which is not a military airport.

US heinous crimes were the clear violation of the security agreement between Iraq and the United States in 2008 and breach of its article 27, al-Tamimi said.

Lieutenant General Soleimani who was the Islamic Revolution Guard Corps' (IRGC) Quds Force commander was assassinated by the US along with the acting Commander of the Iraqi Popular Mobilization Units (PMU), known as Hashd al-Shaabi, Abu Mahdi Al-Mohandes, and eight other military forces with a record of fighting the Daesh (ISIS) in Iraq.

Supreme Leader of the Islamic Revolution Ayatollah Seyyed Ali Khamenei has called for proportionate military action against the US interests in response to the heinous crime against the Iranian Commander who was on an official mission to Baghdad.

Iran's Islamic Revolution Guard Corps (IRGC) targeted the US airbase of Ain al-Assad in Al-Anbar province in western Iraq.

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## **Syria**

### **At least five children and two aid workers killed in a renewed wave of violence in north-west Syria (unicef)**

November 5, 2020

**“In the last week, at least five children were reported killed in north-west Syria, including four in the past two days alone. Four-year-old Rimas was killed while on her way to school. Meanwhile, two aid workers - partners of UNICEF - were killed while heading to a UNICEF-supported child-friendly space where children can play and rest. We also received reports that a school came under attack.**

“Until March this year, the northwest of Syria was one of the most dangerous places in the world for children. From January to March of this year, 273 children were killed and 236 were injured because of the extreme violence. This is the highest number of child casualties in a single quarter since the war began. The northwest of Syria is home to at least 1.2 million children in need, many of whom have been displaced multiple times by violence in other parts of Syria.

“This past Spring, UNICEF welcomed the lull in violence in the northwest following the United Nations Secretary General’s call for a global ceasefire. We cannot return to the cycle of violence Syria witnessed earlier. A resumption of violence will only breed more violence. UNICEF urges parties to the conflict in Syria and those with influence over them to abide by the ceasefire and refrain from renewing violence.

“It has been nearly 10 years into one of the most horrific wars in recent history with immense suffering for civilians, among

them millions of children. It is long overdue that guns fall silent for the sake of every child in Syria. There is no military solution for the war in Syria. The way to end the war is through diplomatic and political channels.”

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## Yemen

### **Sales of Arms to Saudi Arabia; Western Complicity in War Crimes in Yemen (Strategic Council on Foreign Relations)**

November 14, 2020

**According to Stockholm International Peace Research Institute (SIPRI), the United States was the largest supplier of arms and weaponry to Saudi Arabia during 2015 and 2019 accounting for 73 per cent of its arms imports during the same period. The sale of arms to the Middle East has increased by about 61 per cent during 2010 and 2019. The sale of weapons to Saudi Arabia accounted for 25 per cent of the total arms sales of the United States during 2015 and 2019. US President Donald Trump vetoed recently three Congress acts seeking to stop the immediate sale of weapons to Saudi Arabia and the United Arab Emirates. In Trump’s belief, any opposition to the emergency sale of arms to these two countries would damage Washington’s relations with them while weakening America’s status in the global trade of arms. Since the late 1990s, the United States has remained the world’s largest exporter of weapons and Saudi Arabia has been the biggest customer of American weapons. In 2018, the United States sold 55.6 billion dollars of arms, registering a 33-per cent growth compared to its previous year. Only in 2017, the United States signed a contract to sell 18 billion dollars of arms to Saudi Arabia. In the five years ending 2017, one-fifth of the total arms manufactured in the US were sold to Saudi Arabia. The United States is on the belief that the 110-billion dollar investment by Saudi Arabia in the US soil should not be stopped as the result of pursuing the Khashoggi murder case.**

Germany is another seller of arms to Saudi Arabia. German arms sales to Saudi Arabia continues despite the prohibitions declared in that country and against sever opposition and criticism by the left MPs in the Bundestag. In 2019, Germany was indirectly involved in the delivery of weapons to Saudi Arabia in spite of the prohibition of the export of arms to that country. According to the Ministry of Economic Affairs and Energy of Germany, during the past year, and on two occasions, France has sanctioned the export of 4.87 million euros of arms produced in Germany to Saudi Arabia. Moreover, in a joint European action, Germany exported Eurofighter and Tornado fighter jet spare parts in the past 10 months to Saudi Arabia.

The total prohibition of arms exports by Germany to Saudi Arabia was enacted after the murder of Khashoggi in November 2018. It has been renewed three times since then. The extension of the prohibition of arms exports to Saudi Arabia means no arms should be sold to Saudi Arabia even if the export permit has been issued. Notwithstanding, arms produced jointly by Germany and European countries were exported to Saudi Arabia last March.

At the beginning of the current year, the government of Germany extended the prohibition on arms exports to Saudi Arabia for nine months. On such a basis, the government of Germany does not intend to allow new exports by the end of December 2020. The export of consignments already permitted by the government has been put on hold as well. In the meantime, the Ministry of Economic Affairs and Energy revealed that Berlin has issued export permits in the first four months of the current year for the sale of 122 weapons consignments to eight members of the Arab coalition against Yemen, all exceeding 1.1 billion euros in value. German companies are not sanctioned to deliver parts needed by partner countries to produce weaponry for Saudi Arabia. The United Kingdom has issued permits to export weapons to Saudi Arabia with a value of 6.4 billion British pounds since January 2015; and has played a serious role in training military forces of Saudi Arabia. This is while the UK introduces itself as the supporter of the termination of the war in Yemen as well as the advocate of Arms Trade Treaty to prevent the transfer of illegal weapons in violation of international rules and regulations.

According to a report by Oxfam (an international organization for research and aid to eradicate poverty, hunger and injustice in the world), three billion pounds of the total British arms sold to Saudi Arabia are for the sale of fighter jets, helicopters and

drones and 2.6 billion pounds for grenade, bomb and missile. Oxfam describes the sale of British weapons to Saudi Arabia as a shame on the consciousness of the UK.

Moreover, the British government has issued 385 permits during January 2015 and December 2019 for the sale of arms to Saudi Arabia on the basis of which there is no restriction on the quantity of such trade. The UK Defense Secretary said the British government is keen on strengthening its relations with Saudi Arabia, especially in military exports and trade. The UK International Trade Secretary has issued permits for the sale of weapons such as Tornado and Typhoon fighter jets to Saudi Arabia used in the war against Yemen.

Nearly half of British arms exports are channelled to Saudi Arabia and such arms are being used in the killing of thousands of innocent people and civilians. Economic reasons and profit is usually employed to justify such arms sales to Saudi Arabia while less than 0.2 per cent of the UK's labour force is employed in the arms manufacturing sector and arms exports account for only 1.5 per cent of the total exports of the United Kingdom. Another reason formulated by the British authorities to continue selling arms to Saudi Arabia is that if London does not supply arms to Saudi Arabia, others such as China, Russia and the US would overtake the market and sell billions of dollars of weapons to Saudis. Saudi Arabia's open-ended appetite for arms and weapons has pleased British suppliers. So far, Britain has sold five billion pounds of arms to Saudi Arabia during its invasion on Yemen. During 2015 and 2018, the UK government has issued permits for the sale of at least 4.7 billion pounds of arms to Saudi Arabia and 860 million pounds to Saudi allies in the region.

France's arms export to Saudi Arabia and sales and transactions deeds in 2019 demonstrated that the French government has sold the highest amount of arms after Qatar to Saudi Arabia and Egypt. France has sold 1.4 billion euros of arms to Saudi Arabia and one billion euros to Egypt during the last year. According to the latest report of the Stockholm International Peace Research Institute (SIPRI), France has registered a 72-per cent increase in the sale of its arms during 2015 and 2019, accounting for 7.9 per cent of the world's total arms sales.

Canada broke the record of selling military hardware to Saudi Arabia in spite of the prohibition of new arms exports. Canada sends close to 2.9 billion dollars of arms hardware to Saudi Arabia in 2020, registering a two-time increase compared to 2019. Such exports included light armoured vehicles and 31 large-calibre artillery systems and 152 heavy machine guns.

Coalition forces comprising of some Arab governments led by Saudi Arabia and guided the United Arab Emirates began their airstrikes on Yemen on 25 March 2015 in the Operation Decisive Storm. The coalition forces killed and wounded tens of thousands of women, children and defenceless people and prevented the delivery of international humanitarian aid by the ICRC to war-stricken areas of Yemen. They also used forbidden weapons and destroyed civilian structures. Saudi Arabia, under the political and logistical support of Western governments, is committing war crimes in Yemen by targeting civilians and absolute disregard for the principle of distinction between military and civilian targets and objects. Saudi Arabia's government actions, supported by the arms of its Western allies, in imposing a blockade on Yemen have caused a humanitarian crisis and complicated the delivery of medicine and food and endangered the health and wellbeing of the Yemeni children, women and men. War on Yemen has exposed millions of people to severe famine and hunger as the UN has described it as the biggest humanitarian catastrophe.

Military intervention in Yemen, from the viewpoint of the international law, constitutes a violation of the fundamental principles of non-coercion and non-intimidation (as enshrined in paragraph 4 of Article 2 of the UN Charter) and a clear example of military aggression as stipulated in Resolution 3314 of the General Assembly of the United Nations as well as numerous humanitarian rules and regulations. Such intervention also constitutes an example of war crimes as testified by competent international organizations. The Saudi invasion of Yemen also violates inviolable human rights laws as described in the International Covenant on Civil and Political Rights. Attacks by the Saudi-led forces are considered as breaching provisions of the four Geneva Conventions (1949) and Article 8 of the Rome Statute of the International Criminal Court, all constituting war crimes. Saudi Arabia and its allies have repeatedly struck hospitals, refugee camps, school buses, schools and orphanage houses, killing civilians. Paragraph 4 of Article 2 of the UN Charter refers to the prohibition of intimidation and non-resort to force against the territorial integrity of sovereign states. It also prohibits other states from attacking each other and emphasizes on the necessity of maintaining the sovereignty and territorial integrity of all the UN Member States including Yemen. Saudi Arabia, as a UN Member, has violated the principles and foundations enshrined in the UN Charter and should be held responsible towards breaching the principle of prohibition of the threat or use of force as well as respect to sovereignty, territorial integrity and self-determination rights of other states.

### **Yemen (Global Centre for the Responsibility to Protect)**

November 15, 2020

**War crimes are being committed in Yemen as pro-government forces and a regional military coalition fight against Houthi rebels who still control much of the country.**

BACKGROUND

Despite diplomatic efforts to end the war in Yemen, populations continue to face war crimes. Fighting between Houthi rebels, members of the General People's Congress, the Southern Transitional Council (STC), and forces loyal to the internationally-recognized government – as well as airstrikes by a Saudi Arabia and United Arab Emirates (UAE)-led international coalition – has resulted in the deaths of more than 12,000 civilians since March 2015. The actual death toll is believed to be much higher. At least 3.6 million people have been displaced and the conflict has created the world's largest humanitarian crisis.

Armed hostilities and indiscriminate bombing are ongoing throughout Yemen, resulting in over 1,000 civilian casualties so far this year. At least 150,000 civilians have been displaced during 2020, including over 90,000 who have fled deadly violence in Marib. There are currently 47 active frontlines across Yemen. According to the UN Office for the Coordination of Humanitarian Affairs, September saw the highest number of civilian casualties this year as civilian infrastructure, including markets, schools and farms, were hit by missiles and artillery.

On 23 May a unilateral ceasefire declared by the Saudi/UAE-led coalition ended after 45 days. Despite the ceasefire, the coalition carried out almost 800 airstrikes, hitting dozens of civilian targets, including a COVID-19 quarantine center in Al-Bayda. Although the number of air raids decreased between 2017-2019, the coalition carried out more than 1,000 air raids during escalations in Sana'a, Marib and Al-Jawf governorates in the first half of 2020. The total number of civilians killed or maimed as a result of coalition airstrikes since 2015 is now over 18,500.

The UN Secretary-General's annual report on children and armed conflict documented 1,447 children killed and maimed by Houthis during 2019 and a further 222 casualties attributable to the Saudi/UAE-led coalition. Coalition airstrikes on civilian areas in Al-Jawf governorate throughout July and August killed at least 17 children.

The UN Human Rights Council-mandated Group of Eminent Experts (GEE) on Yemen has consistently documented violations and abuses of international law perpetrated by parties to the conflict that may amount to war crimes, including indiscriminate airstrikes and shelling, torture, arbitrary detention, and sexual and gender-based violence. The GEE asserts that Canada, France, Iran, United Kingdom (UK) and United States (US) may be complicit in these violations due to their provision of military intelligence, arms and logistical support to parties to the conflict.

The UN Security Council (UNSC)-mandated Panel of Experts on Yemen reported during May that arbitrary arrests, enforced disappearances, ill-treatment and the torture of detainees continue to be conducted by the government of Yemen, Saudi Arabia, Houthis and forces affiliated with the UAE. On 17 October the government and Houthis completed an exchange of 1,081 detainees and prisoners as a step towards implementing the 2018 Stockholm Agreement.

More than 24 million Yemenis need humanitarian assistance and 2 million are facing acute food insecurity. The GEE has reported that parties to the conflict may have used starvation of civilians as a military tactic. The distribution of essential vaccines and other humanitarian aid has been systematically blocked by parties to the conflict, primarily the Houthis. The Panel of Experts warned in May that the arrest of humanitarian workers is increasing in Houthi-controlled areas in the north.

## ANALYSIS

All parties to the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to war crimes and crimes against humanity.

Although parties to the conflict signed the Stockholm Agreement, which established a ceasefire for Hodeidah Governorate, in December 2018, they continue to perpetrate widespread violations of international humanitarian and human rights law across the country. The protracted conflict has been characterized by fragmenting coalitions and a multitude of fronts, as well as a climate of impunity that enables ongoing crimes.

The dire humanitarian situation is a direct result of the armed conflict and requires a political solution. Humanitarian restrictions and the destruction of medical facilities present grave challenges while Yemen tackles a COVID-19 outbreak.

All parties to the conflict appear manifestly unable or unwilling to uphold their responsibility to protect.

## INTERNATIONAL RESPONSE

The UNSC imposed sanctions on former President Ali Abdullah Saleh and Houthi leaders in November 2014. On 14 April 2015 the UNSC established an arms embargo and demanded the Houthis withdraw from all areas they had militarily seized. On 21 December 2018 the UNSC passed its first substantive resolution on the conflict in over three years, endorsing the Stockholm Agreement and authorizing the deployment of a monitoring team. On 16 January 2019 the UNSC established the UN Mission to support the Hodeidah Agreement.

Since the establishment of the GEE was mandated in September 2017 the government has repeatedly refused entry to the Group. In its September 2020 report, the GEE recommended that the UNSC refer the situation in Yemen to the International

Criminal Court (ICC) and expand the list of persons subject to sanctions.

On 25 October 2019 the European Parliament called on all European Union member states to halt weapons exports to Saudi Arabia. The US Congress made four attempts during 2019 to end US military support for the Saudi/UAE-led coalition, however, President Donald Trump vetoed these measures.

On 12 February complaints were filed under the principle of universal jurisdiction in courts in Turkey, UK and US to indict senior UAE officials on charges of war crimes and torture in relation to acts committed in Yemen.

#### NECESSARY ACTION

All parties to the conflict should fully implement the terms of the Stockholm Agreement and extend the Hodeidah ceasefire to all conflict-affected governorates. The government of Yemen should allow access to the GEE, as well as representatives from the Office of the UN High Commissioner for Human Rights, and ensure that all potential war crimes and crimes against humanity are properly investigated and prosecuted.

The distinction between military and civilian targets is central to International Humanitarian Law (IHL) and must be adhered to at all times. In keeping with the Arms Trade Treaty, all UN member states should immediately halt the sale of weapons to parties to the conflict who routinely violate IHL, including Saudi Arabia and the UAE. The UNSC should adopt targeted sanctions against all those responsible for potential atrocities and the deliberate obstruction of vital humanitarian assistance.

The UNSC must heed the calls of the GEE to integrate the human rights dimension of the conflict more fully into its agenda and refer the situation in Yemen to the ICC.

**Trump Administration Plans to Designate Yemen's Houthis as Terrorists (Foreign Policy)** By Colum Lynch, Robbie Gramer, Jack Detsch  
November 16, 2020

**The Trump administration is preparing to designate Yemen's Iran-backed Houthi insurgents a terrorist organization before leaving office in January, fueling fears the move will disrupt international aid efforts and upend United Nations-brokered peace efforts between the Shiite movement and the Saudi-backed Yemeni government, according to several diplomatic sources.**

The U.N. and international relief agencies have tried to dissuade the Trump administration from designating the Houthis a foreign terrorist organization, but the apparently imminent decision would give U.S. Secretary of State Mike Pompeo another victory in his anti-Iran strategy as he visits Israel, Saudi Arabia, and the United Arab Emirates this week. Riyadh, which has been at war with the Houthis for over five years, has already designated the Houthis a terrorist organization and has been urging Washington to do the same.

"They have been contemplating this for a while, but Pompeo wants this fast-tracked," said one diplomatic source. "It's part of the scorched-earth policy the sour grapes in the White House are taking."

In recent weeks, the U.N. special envoy for Yemen, Martin Griffiths, has been pressing the United States to back down and appealing to U.N. Secretary-General António Guterres to intervene with Pompeo, according to diplomatic sources. Last month, Guterres urged Kelly Craft, the U.S. ambassador to the U.N., to reconsider plans to list the Houthis as a terrorist organization. Germany and Sweden have also pressed the United States to back down. But the effort has apparently foundered, and the U.N. has begun preparing the groundwork for a U.S. decision to list the Houthis.

The U.S. Department of Defense and career experts in the State Department are said to be against the move. A coalition of international charities, meanwhile, are preparing a joint statement anticipating the designation, comparing the potential impacts to the famine in Somalia after the U.S. designated al-Shabab as a terrorist group in 2008.

"It is a mistake. This is an inflammatory move from Secretary of State Pompeo and the Trump administration to take," said Gregory Johnsen, a nonresident fellow at the Brookings Institution. "It would basically box in the new president when he wants to take a new approach to the war in Yemen, and cut back on the Saudi war."

Diplomats opposing the move have also tried to sway Republican Sen. Lindsey Graham, a powerful ally of outgoing President Donald Trump who heads up the Senate Appropriations Committee's foreign affairs panel, to come out against the designation. But Democrats in Congress who have long been calling for the Trump administration to hold Saudi Arabia accountable for its role in the war are worried that the label could undermine fragile peace talks in the war-torn nation.

Sen. Chris Murphy, a Democratic member of the Senate Foreign Relations Committee, said any such designation would be a

“clear attempt by the Trump administration to hamstring future peace negotiations.”

“The Houthis and their financial supporters are already subject to U.S. sanctions, so the practical impact of the designation would be exclusively to make it more difficult to negotiate with Houthi leaders and to deliver aid to Houthi-controlled areas, where the majority of Yemenis still live,” Murphy said.

“There is no doubt that the Houthis have led a brutal military campaign that has starved, imprisoned and killed many civilians,” Murphy added. “But if the U.S. government is going to designate international actors for intentionally harming civilians in Yemen, the Saudi-led coalition should also be at the top of that list.”

The move appears to be part of a broader push by the White House and Pompeo to ratchet up pressure on Iran and its Middle East allies in the administration’s final months in office, a development that is likely to complicate efforts by President-elect Joe Biden to reopen talks with Iran over its nuclear program. During his presidential campaign, Biden pledged to rejoin the Iran nuclear deal negotiated in 2015 by the Obama administration but abandoned by Trump two years ago.

The Trump administration, acting in coordination with Israel and several Gulf sheikdoms, intends to impose a flood of new sanctions on Iran and its backers before Biden’s Jan. 20 inauguration, according to a report in Axios.

“[T]he move is being framed in internal deliberations as an expansion of the Trump administration’s ‘maximum pressure’ campaign against Tehran,” according to the International Crisis Group. “Others say discussions of a designation were prompted by direct requests from Saudi Arabia and the United Arab Emirates, the two Gulf monarchies leading the coalition that has intervened against the Huthis.”

The Trump administration has been mulling plans to designate the Houthi movement, formally called Ansar Allah, as a terrorist organization for well over a year. But that effort has gained momentum in recent months. In September, U.S. officials told the Washington Post that the administration had launched a terrorism review of the Houthis, and that it was weighing whether to declare them a foreign terrorist organization and to name Houthi leaders as “global terrorists,” an action that would lead to a freeze of Houthi assets and bar members of the group from traveling to the United States.

Officials and other people familiar with the matter said the Trump administration could also designate Houthi leadership as Specially Designated Global Terrorists, rather than designating the entire movement as a foreign terrorist organization. Of the policy options, the broader terrorism designation is seen as harder-line, as it would not just sanction individuals in the group but would subject anyone who provides support to the group to criminal penalties. This could be a significant complicating factor for humanitarian organizations trying to help civilians in Houthi-controlled territories.

The deliberations come after Washington’s Gulf allies declared the Houthis a terrorist organization. Recently, U.S. diplomats floated the idea of adding the Houthis to a U.N. list of individuals and entities subject to U.N. sanctions. But the United States failed to secure sufficient support for the initiative and dropped it. The U.N. sanctions committee has already listed a handful of senior Houthi officials on its list of individuals subject to an asset freeze and travel ban. But like most of the Houthi leadership, they don’t travel often or use the international banking system.

The Houthis seized power in Yemen in January 2015, following months of protests over fuel subsidies, and now control a significant portion of Yemeni territory. But the Houthis have never been recognized by the international community, and their ouster of Yemen’s government set the stage for a U.S.-backed, Saudi-led invasion of Yemen in 2015, starting a protracted war that has pushed the country into the world’s worst humanitarian crisis.

During the presidential campaign, Biden had made it clear he wanted to pursue a diplomatic outcome in Yemen. In a statement marking the second anniversary of the murder of Washington Post columnist Jamal Khashoggi by Saudi agents, Biden vowed to reassess the U.S. relationship with Saudi Arabia and end support for the Saudi-led war in Yemen.

Griffiths, the U.N.’s third Yemen peace envoy, has been laboring since his appointment in February 2018 to broker a peace deal between the Houthis and the Saudi-backed government of Yemen’s exiled president, Abed Rabbo Mansour Hadi. Six years of U.N. mediation have not brought peace to Yemen, but Griffiths last month brokered a major prisoner swap between the country’s warring factions, a deal that is expected to result in the release of some 1,000 detainees.

The United States has expressed alarm over the Houthis’ growing reliance on Iran, which has supplied the movement with missiles, drones, and training, allowing the group to target airports and other critical infrastructure. The move to designate the Houthis a terrorist organization comes a year after the Trump administration designated Iran’s Islamic Revolutionary Guard Corps a foreign terrorist organization.

“The legal bar for designating the Houthis has been made lower since the designation of the IRGC,” said Elana DeLozier, an expert on Yemen at the Washington Institute for Near East Policy, a think tank. “Since the U.S. now considers the IRGC a terrorist group, any group they support—including the Houthis—is low-hanging fruit for designation,” she added, though she

stressed that many Yemen experts opposed the decision because it could hamper peace talks and complicate humanitarian relief.

Backing Saudi Arabia and the UAE in Yemen has been a key pillar of the Trump administration's overarching strategy to contain Tehran's regional ambitions, even though its policies have sometimes run afoul of Congress. An unusual coalition of progressive Democrats and conservative Republicans banded together in recent years to try to force the Trump administration to halt military support for Yemen, making limited progress against the president's opposition.

U.S. policy on Yemen throughout the Trump administration has been filtered through the lens of the maximum pressure campaign against Iran, with too little regard for the impact it has on Yemen's stability, diplomats and other officials say.

"The worry—among many Yemen watchers and stakeholders—is that the negative consequences for designating the Houthis will outweigh any attempt at gaining leverage and that our Yemen policy is being overly driven by an Iran lens," DeLozier said.

Pompeo drew sharp criticism from lawmakers for expediting arms sales to the UAE and circumventing Congress through an emergency declaration last year in what became the source of an internal State Department watchdog investigation.

Tensions over how to handle Yemen policy continue to simmer within the administration, people familiar with the matter said, with some career experts at the State Department and U.S. Agency for International Development sharply opposing the potential decision to designate the Houthis as a foreign terrorist organization.

"What's tragic is it's a political and messaging issue for the Trump administration, but it's a matter of life and death for people [in Yemen]," said one humanitarian expert on Yemen who spoke on condition of anonymity. "It's going to be really hard to make rolling this back a day-one action and by the time [the Biden administration] takes office a lot of the damage will already be done."

"We do not publicly discuss deliberations regarding designations or potential designations," a State Department spokeswoman said when asked for comment.

In recent months, senior U.N. officials have warned that dozens of international humanitarian programs are at risk of being shut down due to lack of funding. Major donor countries, including Saudi Arabia and the UAE, pledged billions of dollars of support, but by September only \$1 billion of the funds required for humanitarian programs had been transferred.

"That's the backdrop we're up against—a worsening humanitarian crisis, a funding shortfall, an economic collapse, and fighting along multiple fronts," said a nongovernmental organization official not authorized to speak to the press. "You really can't get much worse than that already." The NGO community has already begun to think about a general license or humanitarian exemption to soften the blow of the designation, which could also make it difficult for a number of countries and institutions to fund the humanitarian operation.

Depending on what the designation looks like, the Treasury Department that oversees the implementation of sanctions can issue licenses to carve out exceptions for humanitarian organizations to deliver food, medical supplies, and other life-saving assistance to Yemen.

But even issuing those licenses can take time, and banks and insurance companies that work in Yemen or with humanitarian organizations may not be willing to cooperate.

"Designating the Houthis is a decision that could deprive some of the most vulnerable Yemenis of the aid they need to survive," said Scott Paul, Oxfam America's humanitarian policy lead. "A major funding shortfall is already forcing lifesaving programs to close, and this decision would discourage even more donors and banks from working in Yemen."

The heads of top humanitarian organizations—Oxfam America, Save the Children, Mercy Corps, CARE USA, and the International Rescue Committee—sent a letter to Pompeo on Nov. 16 in a last-ditch attempt to urge him to reconsider the decision.

"A designation of Ansar Allah could cause even greater suffering, given the number of people under its jurisdiction, its control over state institutions, and the already frightening levels of food insecurity and humanitarian need across Yemen," they wrote in the letter.

Correction, Nov. 16, 2020: The Houthis seized power in Yemen in January 2015 and now control a significant portion of Yemeni territory. A previous version of this article misstated the area of Yemeni territory controlled by the group.

**Trump's record of criminal activities and Saudi complicity in child massacres in Yemen (MoJust)**  
By Murtaza Hussain

November 17, 2020

U.S. forces descended on the village, leveling mud houses with explosives and filling the small alleyways of al-Ghayil with gunfire. By the time the shooting was over, dozens of Yemeni civilians had been killed, along with one U.S. servicemember. The dead included many children. An 8-year old girl, Nawar al-Awlaki, a Yemeni-American citizen, was among them. Nawar was the daughter of Anwar al-Awlaki, a U.S. citizen who later took up arms with a local Al Qaeda affiliate before being killed, along with his 15-year-old son, Abdulrahman, Nawar's half-brother, in drone strikes carried out by the Obama administration.

Later reports from al-Ghayil listed Nawar al-Awlaki as just one of at least 10 children under the age of 13 killed in the attack. Her death under Trump, who reportedly green-lighted the raid over dinner at the White House days earlier, marked the latest tragic chapter in the saga of the al-Awlaki family's collision with the U.S. government. "She was hit with a bullet in her neck and suffered for two hours," her grandfather, Nasser al-Awlaki, later told reporters. "Why kill children? This is the new administration" — the Trump era — "it's very sad, a big crime."

The Airwars report paints a picture of a war brutally waged over the past four years while quietly being nudged away from public attention.

A new report released Wednesday by the independent monitoring group Airwars gives a clearer picture of the Trump administration's devastating impact on Yemen. Called "Eroding Transparency: US counterterrorism actions in Yemen under President Donald Trump," the report paints a picture of a war brutally waged over the past four years while quietly being nudged away from public attention. Trump campaigned for office in 2016 by portraying himself, at least some of the time, as a counterbalance to a bloodthirsty and out-of-control U.S. foreign policy establishment. But, as the Airwars report shows, the reality of his time in office does not fit with that rosy picture.

According to estimates provided by the report, at least 86 civilians were killed in airstrikes and raids carried out in Yemen on Trump's watch. Most of these killings occurred during the years 2017 and 2018. In the context of U.S. military operations in Yemen, these two years were some of the most active in terms of strikes — and the deadliest for civilians. The full U.S. war effort in Yemen contains different components: raids and airstrikes carried out by the military, a separate covert campaign involving drones and other measures carried out by the CIA, and finally the indirect support provided by the U.S. to a Saudi-led coalition waging a separate, devastating war against Yemen's Houthi rebel forces.

Trump inherited these efforts from his predecessor President Barack Obama, but the 45th president has also intensified them. There can be no doubt that Trump has contributed to making Yemen into what Human Rights Watch has described as the largest humanitarian crisis in the world. After more than five years of war, millions find themselves on the brink of starvation in what was already one of the world's poorest countries. Trump has been glad to oversee the intensification of this crisis, bombing and carrying out raids in the country periodically, as well as arming foreign states like Saudi Arabia and the United Arab Emirates to aid in their own campaigns. In 2019, Trump even failed to take an off-ramp in Yemen: He issued his second presidential veto in order to block a move by Congress to end U.S. involvement in the war.

Adding insult to injury, as the Airwars report notes, Trump has rolled back even modest attempts at the tail-end of the Obama administration, after years of pressure, to provide transparency over U.S. military operations. In 2019, Trump issued an executive order rolling back an Obama-era measure mandating public disclosure of estimated civilian death tolls from U.S. operations in areas like Yemen that are deemed active war zones. The move came two years after Trump relaxed rules around airstrikes and commando raids, thus giving the U.S. military the ability to carry out operations with reduced oversight.

In annual reports under Trump, the U.S. military has claimed that zero civilians were killed in Yemen during operations it carried out in 2018 and 2019. Such a claim flies in the face of painstaking reporting by monitoring groups like Airwars. Unsurprisingly, the absurd death toll went unquestioned by an administration that has gone out of its way to encourage and defend individuals accused of killing civilians in combat.

As harrowing as it has been, the Trump administration's bloody footprint in Yemen is just one example of how it has continued and even intensified the brutal legacy of U.S. foreign policy throughout the Middle East. U.S. airstrikes in Somalia hit record levels under Trump, even as the country buckles under the pressure of the coronavirus. The U.S. is currently pursuing a policy of siege warfare against the population of Iran as that country grapples with one of the worst virus outbreaks on the planet, denying civilians access to vital supplies as its health system comes under strain not to mention provoking the Islamic Republic by assassinating its military commanders. And, just 10 of Trump's airstrikes in Afghanistan led to 150 civilian deaths.

One of Trump's purported military successes, the war against the Islamic State, was carried out with similar brutality and indifference to future consequences. As soon as Trump came into office, civilian deaths in the conflict soared. Under his presidency, the U.S.-led coalition air and artillery campaign in Iraq and Syria against the terrorist group killed up to 13,000 civilians — a staggering figure that represents merely the latest tragic chapter in a decadeslong history of U.S. military



campaigns in the Middle East that have bred despair and radicalism amid the ruins of Arab countries.

A French military officer serving in the anti-ISIS coalition issued a rare rebuke to how war had been waged during the Trump era. "We have massively destroyed the infrastructure and given the population a disgusting image of what may be a Western-style liberation leaving behind the seeds of an imminent resurgence of a new adversary," the officer, Col. Francois-Regis Legrier, wrote in a defense journal last year; his article was subsequently removed.

America under Trump is waging war with utmost brutality and little concern for the civilians left behind.

Legrier's comments were about the U.S.-led coalition's efforts as a whole and gave an important glimpse into how war had been waged by America and its allies under Trump: with utmost brutality and little concern for the civilians left behind.

Following the 2017 raid on the Yemeni village of al-Ghayil, a reporter from The Intercept who visited the village found a scene of destruction and grief among the survivors — people left behind in a remote place where Trump had approved of sending the U.S. military into combat. One young boy told the reporter about the death of his mother in the U.S. strikes: "She was hit by the plane. The American plane." The 5-year-old added, shyly, "She's in heaven now."

As Trump now pushes for reelection, touting himself as an opponent of "endless wars," it is worth reflecting on the fates of the civilians in al-Ghayil — and the many other small towns and villages, unknown to most Americans, destroyed during by the U.S. military on Trump's watch. Rather than the opponent of the military-industrial complex he likes to portray himself as, from his perch in the White House, Trump has served as its pliant and willing enabler.

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## **Special Tribunal for Lebanon**

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

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## **Israel and Palestine**

**Israeli settlement expansion sees the UN shy away from its duty, as usual (Middle East Monitor)**

By Ramona Wadi  
November 5, 2020

**UN intransigence over Israel contrasts with Special Rapporteur Michael Lynk's observations regarding Israel's ongoing settlement expansion, not least because the latter boosts his arguments by providing some colonial context instead of remaining tethered to the two-state compromise. Following the recent announcement that plans for approximately 5,000 new settlement dwellings have been approved by Israel, Lynk pointed out that, "The international community observes, it sometimes objects, but it does not act."**

Indeed, the UN and its institutions are examples of passive observers. The UN's Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territories (OCHA) yesterday reported that Israel demolished 76 housing structures in Humsa Al-Bqai'a, displacing 73 Palestinians. The report also noted that 869 Palestinians have been displaced so far in 2020, and called upon Israel "to immediately halt unlawful demolitions." It's a typically toothless UN statement which Israel will, of course, ignore.

It is too simplistic to say that Israel has taken advantage of the world's focus on the US election in order to go ahead and almost completely destroy an entire Palestinian village. Nothing has stopped Israel doing things like this before, because the international community has not united collectively against colonialism. All the UN has done is to refer to international law while helping Israel to break the law, thus using its own power and lack of accountability to transfer impunity to the settler-colonial enterprise in Palestine. As with its response to Israel's settlement expansion, the UN has simply shied away from its duty, as usual.

Lynk has distanced himself from the UN's fawning over the normalisation agreements between Israel and some Gulf states, which are now being extended to other Arab countries, as the US Ambassador to Israel David Friedman revealed in October. "While Israel may have shelved its plans for the de jure annexation of the settlements in August," warned the UN official, "it is continuing with the de facto annexation of the Palestinian territory through this unrelenting settlement growth."

Annexation has been postponed until the Arab normalisation deals with Israel are completed. Such statements as made last week only validate Israeli Prime Minister Benjamin Netanyahu's strategy, which was disseminated repeatedly on Israeli media but never challenged politically by the Palestinian Authority. Indeed, the PA only voiced its objections when its abandonment by erstwhile regional allies became obvious. Once again, the Palestinian leadership's unedifying scramble to embrace the two-state paradigm is not to be admired. Such a "solution" confers legitimacy on decades of Israeli colonial expansion and only seeks partial accountability, something that Israel and the international community can easily dismiss.

The distinction between Israel's previous settlement expansion and the new wave is cosmetic. Zionism's earliest colonial enterprise, which was legitimised as a state and recognised by the international community, is spared criticism, let alone subjected to accountability. As far as the UN is concerned, settlement expansion is only recognised as a violation in relation to the two-state compromise which it upholds. As for the de facto annexation that Lynk referred to, the UN prefers to remain silent until the territory is formally stolen. Only then can Palestinians expect some form of statement which will, once again, bemoan the threat to "two state" politics but ignore the very real existential threat to the people of occupied Palestine.

**On the evening of Wednesday 4 November, a cold, bitter rain poured down over Palestinian towns and villages in the occupied West Bank, as the first storm of the winter season rolled through the region.** By Akram Al-Waara

November 5, 2020

**On the evening of Wednesday 4 November, a cold, bitter rain poured down over Palestinian towns and villages in the occupied West Bank, as the first storm of the winter season rolled through the region.**

As hundreds of thousands of Palestinians in the West Bank took cover from the weather in their homes, 11 families in the northern Jordan Valley were left to sleep under the open sky, with nothing but a small tarpaulin for cover.

Just hours before the cold front ripped through the West Bank, Israeli forces had demolished the Bedouin hamlet of Khirbet Humsa, which is home to 74 Palestinians, including 41 children, one as young as three months old.

"We were about to have lunch when bulldozers suddenly arrived, at 11 in the morning. Military jeeps and soldiers, they surrounded us," Aisha Abu Awad, 56, told Middle East Eye as she cradled her three-month-old granddaughter Hadeel.

The child wailed as a cold wind blew through their makeshift tent, hastily erected the previous night to protect them from the rain.

"Then they told us to start evacuating, and they began emptying all of our belongings outside," she said, adding that the military jeeps had arrived along with a busload of workers from the Israeli Civil Administration, which is responsible for enforcing the Israeli government's policies, including home demolitions, in the West Bank.

As the armed soldiers and Civil Administration workers emptied her belongings outside her family's home, into the soil of a hilltop, Abu Awad said she was "humiliated".

"We stood there and we cried, but what could we do?" she asked, as she described watching bulldozers tear down her home, her family's livestock pen, and their water tanks, as she stood out in the rain.

Meanwhile, Palestinian Prime Minister Mohammad Shtayyeh accused Israel of timing the demolition for election day in the United States, when the world was distracted.

"As the attention is focused on #USElection2020, Israel chose this evening to commit another crime/ cover it up: to demolish 70 Palestinian structures, incl. homes," he wrote on Twitter.

According to Israeli human rights group B'Tselem, the demolition in Khirbet Humsa comprised 18 tents and sheds that housed the families, as well as 29 tents and sheds used as livestock enclosures, three storage sheds, nine tents used as kitchens, 10 portable toilets, 10 livestock pens, 23 water containers, two solar panels, and feeding and watering troughs for livestock.

B'Tselem added that Israeli forces also destroyed more than 30 tonnes of fodder for livestock, and confiscated a vehicle and two tractors belonging to three of the residents.

'Worst demolition in decades'

In the wake of the demolition, residents of Khirbet Humsa, also known as Humsa al-Buqai'a and Humsa al-Fuqa, with the help of a group of local activists in the Jordan Valley, were able to erect makeshift tents to sleep under temporarily, and protect whatever they could salvage of their precious belongings with plastic covers to shield from the rain.

On the morning of 4 November, as activists, along with local ministers and government officials, surveyed the damage, Ayman Gharib, an activist with the Popular Resistance Committees, described the destruction as "the worst demolition campaign we've seen in decades".

"They completely uprooted everything," Gharib said, "from the portable bathrooms, kitchen appliances, their homes, their livestock pens... basically anything that these people need to live and survive.

"They [Israel] did not even take into consideration the humanitarian side, that there are babies, children, elderly people and women who have spent their night homeless, under the rain," he said. "The same goes for the animals, the sheep and cattle, who also spent the night under the rain."

Gharib pointed to the fact that residents' homes were demolished by Israeli forces under the pretext that they were living in a "military training" and "firing" zone, designated as such by Israel in 1972.

For decades since, the residents of Khirbet Humsa and dozens of other clusters of Bedouin encampments have been subject to demolitions and forcible evacuations from their homes during military training exercises, which take place across vast areas of land in the Jordan Valley.

But activists like Gharib say that evacuations and demolitions under the pretext of living in military training zones is a pretence for the Israeli government's real plans in the area: annexation and settlement expansion.

"Israel claims these are closed military zones, and are state lands, therefore Palestinians cannot live here," he said. "But those restrictions only apply to Palestinians.

"If a settler were to come here, and decide to set up an outpost here, it would cease to be a military training zone," Gharib said, naming instances in which Israeli settlers set up illegal outposts on land with similar designations in the Jordan Valley.

Israel's strategy in the Jordan Valley, which has been slated by Prime Minister Benjamin Netanyahu for annexation, is "well-known," Gharib said.

"There is a pattern of behaviour, where Israel confiscates Palestinian land, designates it as state land or military zones, eventually hands it over to the settlers, and then uses the settler presence as a pretext for annexation."

UN condemnation

This has been a record-breaking year in terms of Israeli demolitions of Palestinian homes in the occupied territories, even in the midst of the Covid-19 pandemic. The demolition of Khirbet Humsa has pushed those already devastatingly high numbers over the edge.

According to the United Nations office for Humanitarian Affairs (OCHA) in the occupied Palestinian territories, the demolition of Khirbet Humsa left three-quarters of the community's population homeless, making it the "largest forced displacement incident" in over four years.

So far in 2020, the OCHA reported, Israeli forces have destroyed 689 structures across the West Bank and East Jerusalem, more than in any full year since 2016. The demolitions this year have left an estimated 869 Palestinians homeless.

"The lack of Israeli-issued building permits is typically cited as a reason, even though, due to the restrictive and discriminatory planning regime, Palestinians can almost never obtain such permits. Demolitions are a key means of creating an environment designed to coerce Palestinians to leave their homes," the OCHA said.

The circumstances surrounding the residents in Khirbet Humsa are no different from those faced by thousands of other Palestinians living in "Area C" of the West Bank, which is under full Israeli security and civilian control.

In addition to being located in a closed military zone, the land on which Khirbet Humsa is situated was designated as Area C under the Oslo Accords, therefore rendering it uninhabitable for the Palestinians who own the deeds to the land in the area, many of whom reside in the nearby city of Tubas.

While the Bedouin living on Khirbet Humsa are not the owners of the land, they have received permission over the years to inhabit it and use it for their livestock, their main source of income.

"We have a simple life: we breed sheep, and make milk and cheese for a living," Aisha Abu Awad told MEE. "We have been living here for years, but they [Israel] say the land is not for Palestinians.

"We are helpless against the occupation," she continued. "And the world is doing nothing to stop them."

De facto annexation

The Jordan Valley has been at the centre of Israel's plans for annexation of Palestinian territories in recent months, as Netanyahu and his right-wing supporters have advocated the takeover of the valley, which boasts one of the largest water reserves in the West Bank and whose land is extremely fertile for farming and agriculture.

Israel's plans to annex the Jordan Valley and other large areas of the West Bank have met with local and international protest, as the unilateral application of Israeli sovereignty to occupied Palestinian land would constitute a grave violation of international law.

In August, the United Arab Emirates declared that it was normalising relations with Israel, and that in exchange, Israel would stop annexation.

Palestinian activists and rights groups, however, quickly pointed to the fact that de facto annexation on the ground, in the form of home demolitions and land seizures, has continued since the normalisation deal, and in some cases it has increased.

"They attempted to justify the normalisation by claiming that this is their attempt to prevent annexation," Gharib said. "However, in reality the annexation continues, settlements continue, settlers' violations and assaults continue.

"Israel continues to assault our people," Gharib continued, "and with normalisation, Israel took the green light to destroy, demolish and annex quietly.

"All of this is an attempt to expel Palestinian families from their lands," he said. "And yesterday, when Israel came to destroy these tents, they sent a message to the Palestinians here, that 'We, and your Arab brothers, are working against you.'"

### **Israeli Soldiers Bulldoze Palestinian Land; Settlers Invade Home in Hebron (International Middle East Media Center)**

November 11, 2020

**In the Governorate of Hebron, in the southern West Bank, on Tuesday, separate attacks by Israeli soldiers and Israeli paramilitary settlers targeted Palestinian olive farmers and their lands – during a time of year when the olive harvest is at its height.**

The first attack took place Tuesday morning, as Israeli forces bulldozed Palestinian farmland south of Hebron, in the villages of ad-Dhahiriya and Idhna.

The Palestinians whose land was destroyed were all members of the al-Jabareen family. Israeli forces carried out the destruction despite the fact that the Palestinian owners hold legal title deeds to their land.

In addition to bulldozing the farmland, the Israeli troops also destroyed a water irrigation system in the al-Layya area in the north of Idhna village.

According to the Wafa News Agency, the Director of Public Relations in Idhna municipality, Abdel-Rahman Tamizi, said forces bulldozed the same area and destroyed the water network more than ten times, claiming that the water network must be destroyed in revenge for Palestinian residents allegedly damaging the water network that feeds nearby settlements.

Also in Hebron, Tuesday, Israeli paramilitary settlers invaded a Palestinian home in the Old City of Hebron and began occupying it to take it over for colonization.

The Youth Against Settlements group published videos documenting the settlers' storming of a house in the Old City, located in the area of the old vegetable market in Hebron, where Palestinian citizens are prevented from accessing it, due to the occupation closure policy.

He also published a video explaining the settlers' theft of the olive harvest in the Tel Rumeida area, and that the land belongs to the Al-Bakri family, which extracted a final decision from the Israeli Supreme Court to evacuate the house from the settlers.

According to the Ma'an News Agency, Dr. Ahmed Amr, coordinator of the Youth Against Settlements Association, told their reporters that they have been told by the Israeli settlers in Hebron that the colonizers will try to use the remaining two months in the administration of US President Donald Trump to steal Palestinian lands and homes and escalate attacks on Palestinian citizens and their property.

In addition, Amr told reporters that the Israeli army facilitates the theft of land and property by Israeli colonial settlers, and prevents Palestinian residents from defending themselves and their property from the Israeli settler invasion.

Amr told Ma'an that it is up to the Palestinian leadership and international supporters to develop a plan that will ensure the protection of Palestinians and their property.

### **Israel Holds Body of Cancer-Stricken Palestinian Prisoner (The Palestine Chronicle)**

November 14, 2020

**The Israeli occupation authorities decided to hold the body of a Palestinian prisoner who died in jail last week as a result of medical negligence, according to the Prisoners and Ex-Prisoners' Affairs Commission.**

Kamal Abu Wa'ar, 46, from Qabatiya in the north of the West Bank, died on Tuesday, prompting Palestinian rights organization to accuse the Israeli authorities of neglecting the health of the prisoners and not providing them with the proper medical treatment.

The prisoners' commission spokesman Hasan Abed Rabbo told Wafa that the Israeli authorities refused a request by its legal team to turn over Abu Waar's body to his family for a proper burial and they, therefore, are still holding it.

Abed Rabbo said that Abu Waar is the eighth Palestinian prisoner who died while in jail and whose bodies Israel is still holding.

He called on the Red Cross and other international humanitarian organizations to intervene and get Israel to release bodies of dead Palestinian prisoners to be buried by their families.

Israel holds the bodies of Palestinians in order to use them as a bargaining chip in future exchange talks with Palestinian organizations.

### **Palestinian woman detained by Israel soldiers at military checkpoint (Middle East Monitor)**

November 16, 2020

**Israeli occupation soldiers detained a Palestinian woman at an military West Bank checkpoint earlier today, reported Wafa news agency.**

The lady was among 16 Palestinians arrested since last night by Israel in the occupied territories, according to the Palestinian Prisoners' Society (PPS).

Israeli occupation forces at Qalandia checkpoint, north of Jerusalem, opened fire to capture the Palestinian woman, who they claim was walking in a lane designated for cars only.

The soldiers immediately closed the checkpoint following the arrest interrupting traffic for a period before reopening it.

Qalandia is the largest Israeli checkpoint in the occupied territories, where Palestinian commuters are forced to go through humiliating inspection as they go about their daily lives.

Thousands of Palestinians from across the occupied West Bank have to go through the crowded checkpoint to enter Jerusalem or go to work in Israel, waiting for hours each time they leave or return.

Palestinian human rights groups have long accused Israeli occupation forces of using excessive force against Palestinians.

Meanwhile, PPS added that Israeli soldiers detained seven Palestinians from the Hebron district in the south of the West

Bank, including a 16-year-old boy from Arroub refugee camp, an 18-year-old youth from Beit Ummar, and two brothers from Sair.

The soldiers also detained two other Palestinians from the village of Kubar in the Ramallah district and six more from various East Jerusalem neighbourhoods.

The Israeli army carries out frequent arrest campaigns across the West Bank, including occupied East Jerusalem, on the pretext of searching for "wanted" Palestinians. Children living in occupied East Jerusalem are the most targeted, the PPS said. Many apparently face arrest at least once a month.

The PPS recorded the arrest of more than 3,000 Palestinians by Israel from the beginning of this year to the end of August.

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## ASIA

### Afghanistan

#### **Attack on Former Afghan TV Presenter Widely Condemned (Tolo News)**

November 7, 2020

#### **Diplomatic missions in Kabul condemned the attack and said journalists in Afghanistan must be protected.**

The attack on former Afghan TV presenter Yama Siawash was widely condemned by the Afghan government and foreign diplomats in Kabul who called for the safety of journalists in the country.

The attack happened on Saturday morning near Siawash's residence in the Makrorayan-e-Char area in Kabul.

President Ghani in a statement called the attack a terrorist act and said the relevant institutions have been directed to launch an investigation into the incident and punish the perpetrators.

"I was deeply saddened to hear the death of Yama Siawash, a renowned journalist, and his friends in an explosion today in Kabul," Abdullah Abdullah, head of the High Council for National Reconciliation said. "I offer my heartfelt condolences to their families and to the free media. No one can silence the media by terror and physical elimination of journalists."

Canadian embassy in Kabul in a tweet condemned the attack and said the safety of journalists and press freedom are vital to peace and democracy. His voice will live on, the embassy said in a tweet.

"Another shock to hear the tragedy of Yama Siawash, the former and talented TOLONews political journalist," said Wang Yu, Chinese ambassador in Kabul. "We express our condolences to the loved ones and will continue to work towards peace for Afghanistan."

Esmatullah Kohsar, head of media office of the Central Bank, said that Ahmadullah Anas, the operation deputy of the Central Bank, and Amin, a driver of the bank, were also killed in the explosion.

Social media users, journalists and activists also condemned the attack and said it was an attempt to stop freedom of speech in the country.

### **Eight Civilians Killed in Ghazni Mortar Attack: Official (Tolo News)**

November 8, 2020

**At least eight civilians were killed and seven more were wounded after three mortars hit near residential houses in Naw Abad area in the city of Ghazni this evening, the provincial police spokesman Wahidullah Juma said.**

He said that the incident happened when the first mortar “shelled by the Taliban” hit a house in the area and that the two others hit the area when the people gathered to help those affected.

He said that nine children and four women are among those killed and wounded in the incident.

Taliban has not commented on the statement.

This comes as violence has increased in many parts of the country despite the ongoing efforts to begin direct talks with the Taliban in Qatar.

### **Four Policemen Killed in Faryab Car Bomb Attack: Official (Tolo News)**

November 10, 2020

**The attack happened near the police headquarters in Almar district on Monday evening, local officials said.**

At least four police force members were killed and 20 more, including eight civilians, were wounded in a car bomb attack in the northern province of Faryab on Monday evening, the provincial governor Naqibullah Faiq said on Tuesday.

The governor said the car bomb attack was carried out by the Taliban in which they detonated “a Humvee loaded with explosives” near the police headguards of Almar district.

He said the attack was followed by a gunfight by a group of attackers that continued until Tuesday morning.

“The district police chief is also among the wounded,” Faiq said, adding that dozens of houses and shops close to the area were damaged in the car bomb attack.

Local officials said the casualties “may rise.”

No group including the Taliban has claimed responsibility for the attack.

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

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

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

**Cambodia Tribunal Monitor**

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### **Six people sued for war crimes in Khulna (UNB)**

November 5, 2020

#### **Six men have been accused of committing crimes against humanity in Khulna during the Liberation War in 1971.**

The accused are -- Md Sohrab Hossain Mollah, 70, Md Motiar Rahman Sana alias Monisana, 72, Md Elai Gazi, 72, Md Jhur Sheikh, 70, Md Sirajul Islam, 71, and Md Abdul Khalek, 68.

Sukhjan Bibi, a resident of Garkhali village of Dakope upazila, filed the case with Khulna Metropolitan Magistrate Court on Thursday.

According to the case statement, the accused committed crimes against humanity including killing, abduction, looting, and rape as members of auxiliary forces like Razakars and Shanti Bahini during 1971.

### **Suspected war criminals get bail on health grounds (Dhaka Tribune) By Mizanur Rahman**

November 9, 2020

#### **A two-member bench headed by Justice Md Shahinur Islam issued the order on Monday.**

The International Crimes Tribunal (ICT) has granted conditional bail to two war crime suspects -- Daud Sheikh and Md Abdur Rashid Mia.

The two-member bench, headed by Justice Md Shahinur Islam, issued the order considering their health conditions after hearing from the prosecution and defence on Monday.

Advocate Abdus Sattar Palwan represented the suspected war criminals while ICT Prosecutor Razia Sultana Chaman stood for the state.

Confirming the matter to Dhaka Tribune, Prosecutor Chaman, said: "Daud Sheikh has obtained bail till December 2 while Md Abdur Rashid Mia has it till December 15. The tribunal has granted them bail considering their health complications."

"There are several allegations against the two accused over their role during the 1971 Liberation War," the prosecutor added.

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## **War Crimes Investigation in Myanmar**

### **Rakhine Student Faces Slow Recovery From Injuries Sustained During Shelling (Radio Free Asia)**

November 16, 2020

#### **An ethnic Rakhine college student is making a slow but steady recovery from a head injury she sustained during an explosion amid armed conflict in western Myanmar Rakhine state that left her in a coma with apparent brain damage.**

She is one of nearly 700 civilians who have been injured by fighting between Myanmar forces and the rebel Arakan Army (AA) that has raged in the state since late 2018. The hostilities have left more than 300 civilians dead and displaced about 226,000 others.

Hnin Yu Hlaing, 22, was released from Sittwe General Hospital in Rakhine's capital on Oct. 26, though she remains unable to speak and must undergo physical therapy to regain her full range of motion in her left limbs. She has lost much of her memory from head wounds, one of which has left an artillery shell fragment still lodged in her head.



She can understand what others say to her and can walk a little without assistance, though her left arm and leg are slow to move and cannot sustain prolonged motion.

Hnin Yu Hlaing spent 46 days in the hospital — including two weeks in a coma — after shells slammed into her home in a village in Myebon township in early September. The northern Rakhine township has been one of the centers of the conflict, with civilians killed or maimed by crossfire from government troops and rebel soldiers.

Hnin Yu Hlaing's parents, who now live with the young woman in a makeshift displacement camp at the Alo Taw Pyay Buddhist monastery compound in Sittwe, said they struggled with despair at the thought that their only child might not survive her injuries.

"I am so glad my daughter woke up," said the woman's father, Maung Phyu Thee.

"We could relax only after we learned that she would live. When she was in coma, we were in misery. We couldn't eat well. Only now are we back to normal."

On Sept. 8, four artillery shells fell on Myebon's Nyaung Khat Kan village, where the family used to live, and another two hit just outside the community. Two of the four shells landed inside the family's compound. Hnin Yu Hlaing suffered critical injuries to her head and body.

"We've got only one child," said Maung Phyu Thee, recalling when he and his wife saw their daughter lying unconscious in the hospital for 15 days.

"We didn't have any reason to live if she didn't survive," he said. "She was our only hope."

Though Hnin Yu Hlaing survived the blasts, four other villagers, including two children, died during the attack, and 10 others were injured.

At least 52 women and girls have died, and 201 have been injured, as a result of the fighting to date.

Following the incident, UNICEF issued a statement that children should not be targeted in armed conflict, while Thomas Andrews, the U.N.'s special rapporteur on the situation of human rights in Myanmar, called for an immediate end to military assaults on Rakhine villages and decried the mounting toll of child casualties in the war.

#### High hopes for her daughter

Hnin Yu Hlaing, a history student, was in the final year of her studies at the Yangon University of Distance Education when she was injured in the conflict.

Now her parents do not know if she will be able to complete her studies.

Her mother, Sein Than Yin, said she has high hopes for her daughter.

"Only after she woke up did I feel hopeful again," she said. "Now, I want her to be able to speak again. I want her arm to recover enough so she is able to move normally like before. She was still doing her college studies. I want her to be an educated person."

A volunteer group helping villagers injured in the war had arranged for Hnin Yu Hlaing to be transported and admitted to Sittwe General Hospital in time for doctors to save her life.

But Hnin Yu Hlaing still needs an operation to remove the shrapnel from her head, said the group's Ye Thaw Htoo who helped transport her to the medical facility.

Doctors in Sittwe performed surgery on Hnin Yu Hlaing for the injuries she sustained, but she will have to travel to Yangon at a later date for another surgical procedure to take out the shell fragment, he said.

"She cannot travel to Yangon in her current condition," Ye Thaw Htoo said. "She needs to do exercises to regain her former condition. Only then can she travel to Yangon."

In the meantime, Hnin Yu Hlaing continues to do physical therapy exercises on iron bars provided by donors to strengthen her body at the displacement camp where she and her parents are sheltering temporarily.

The fighting in northern Rakhine state is technically still on, but has abated somewhat following Myanmar's Nov. 8 general elections, which had been cancelled in townships in the conflict zone.

Since then, the AA, which has been declared a terrorist organization by the government, has called for a by-election before the end of the year in areas where voting was suspended and has offered to extend a unilateral ceasefire until Dec. 31.

## **Myanmar's Military Still Using Children in Fighting UN Secretary-General Should Return Government to 'List of Shame' (Human Rights Watch) By Manny Maung**

November 17, 2020

**On October 5, Myanmar's military, the Tatmadaw, allegedly forced a group of farmers including several boys to walk ahead of their troops to clear a path through mines in an operation against the insurgent Arakan Army in Rakhine State. Fighting broke out and two boys were killed and a third was wounded. Using civilians as "human shields" is a war crime, as is using children in combat. The Tatmadaw says it will investigate the deaths, but this incident highlights a deeper problem.**

The United Nations Country Taskforce on Monitoring and Reporting on Grave Violations against Children in Myanmar has called for a "full, transparent, and expedited investigation of the incident and for anyone responsible for the use and for the killing of the children to be held accountable." Any investigation should be conducted with impartiality and independence. But the military has repeatedly failed to do so when its soldiers are accused of violations.

The Tatmadaw has a long history of using children in armed conflict. Despite the UN's continued documentation of the military's recruitment and use of children, UN Secretary-General Antonio Guterres in June decided to remove the Tatmadaw from his annual "list of shame." The delisting is conditioned on the government immediately ending and preventing any misuse of children, including in non-combat roles. This recent incident shows that the Tatmadaw is still making use of children in hostilities, violating the terms of the "delisting." The secretary-general should return the Tatmadaw to his list for the recruitment and use of children.

In September 2019, Myanmar ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which establishes 18 as the minimum age for direct participation in hostilities. The 2007 Paris Principles, which Myanmar has endorsed, prohibits children being used as porters, cooks, messengers, or for sexual purposes. The use of children as porters also violates Myanmar's 2019 Child Rights Law, which forbids the use of children for forced or mandatory labor.

Myanmar's government should immediately and publicly order its armed forces to cease using porters as human shields, such as by having porters lead military columns. The UN Security Council should sanction Myanmar authorities implicated in the sickening practice of using civilians, and children in particular, as human shields. These are war crimes for which all those responsible should be prosecuted.

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# AMERICAS

## North & Central America

### **Removal Order Upheld Against Tennessee Man Who Served as Nazi Concentration Camp Guard During WWII (U.S. Dept. of Justice)**

November 19, 2020

**The Board of Immigration Appeals (BIA) has dismissed the appeal of Tennessee resident Friedrich Karl Berger, a German citizen who was ordered removed from the United States earlier this year on the basis of his service in Nazi Germany in 1945 as an armed guard of concentration camp prisoners in the Neuengamme Concentration Camp system (Neuengamme).**

“Berger’s willing service as an armed guard at a Nazi concentration camp cannot be erased and will not be ignored,” said Acting Assistant Attorney General Brian C. Rabbitt of the Justice Department’s Criminal Division. “On the eve of tomorrow’s 75th anniversary of the commencement of the Nuremberg trials of the surviving leaders of the defeated Nazi regime, this case shows that the passage of time will not deter the department from fulfilling the moral imperative of seeking justice for the victims of their heinous crimes.”

“Berger was an active participant in one of the darkest chapters in human history. He attempted to shed his nefarious past to come to America and start anew, but thanks to the dedication of those at the Department of Justice and Homeland Security Investigations, the truth was revealed,” said Deputy Assistant Director Louis A. Rodi III of U.S. Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations (HSI) National Security Investigations Division, which oversees the Human Rights Violators and War Crimes Center. “War criminals and violators of human rights will not be allowed to evade justice and find safe haven here.”

The BIA upheld a Memphis, Tennessee, Immigration Judge’s Feb. 28, 2020, decision that Berger was removable under the 1978 Holtzman Amendment to the Immigration and Nationality Act because his “willing service as an armed guard of prisoners at a concentration camp where persecution took place” constituted assistance in Nazi-sponsored persecution. The court found that Berger served at a Neuengamme sub-camp near Meppen, Germany, and that the prisoners there included “Jews, Poles, Russians, Danes, Dutch, Latvians, French, Italians, and political opponents” of the Nazis. The largest groups of prisoners were Russian, Dutch and Polish civilians.

After a two-day trial in February, the presiding judge issued an opinion finding that Meppen prisoners were held during the winter of 1945 in “atrocious” conditions and were exploited for outdoor forced labor, working, “to the point of exhaustion and death.” The court further found, and Berger admitted, that he guarded prisoners to prevent them from escaping during their dawn-to-dusk workday, and on their way to the worksites and also on their way back to the SS-run subcamp in the evening.

At the end of March 1945, as allied British and Canadian forces advanced, the Nazis abandoned Meppen. The court found that Berger helped guard the prisoners during their forcible evacuation to the Neuengamme main camp – a nearly two-week trip under inhumane conditions, which claimed the lives of some 70 prisoners. The decision also cited Berger’s admission that he never requested a transfer from concentration camp guard service and that he continues to receive a pension from Germany based on his employment in Germany, “including his wartime service.”

In 1946, British occupation authorities in Germany charged SS Obersturmführer Hans Griem, who had headed the Meppen sub-camps, and other Meppen personnel with war crimes for “ill-treatment and murder of Allied nationals.” Although Griem escaped before trial, the British court tried and convicted the remaining defendants of war crimes in 1947.

The trial and appeal of the removal case were handled by Eli Rosenbaum, Director of Human Rights Enforcement and Policy in the Criminal Division’s Human Rights and Special Prosecutions Section (HRSP), HRSP Senior Trial Attorney Susan Masling, and attorneys from ICE New Orleans, Office of the Principal Legal Advisor (Memphis), with assistance from HRSP

Chief Historian Jeffrey S. Richter, and the Human Rights Violators and War Crimes Center. The investigation was initiated by the HRSP and was conducted in partnership with the Nashville ICE HSI office.

Since the 1979 inception of the Justice Department's program to detect, investigate, and remove Nazi persecutors, it has won cases against 109 individuals. Over the past 30 years, the Justice Department has won more cases against persons who participated in Nazi persecution than have the law enforcement authorities of all the other countries in the world combined. HRSP's case against Berger was part of its ongoing efforts to identify, investigate and prosecute individuals who engaged in genocide, torture, war crimes, recruitment or use of child soldiers, female genital mutilation, and other serious human rights violations. HRSP attorneys prosecuted the first torture case brought in the United States and have successfully prosecuted criminal cases against perpetrators of human rights violations committed in Guatemala, Ethiopia, Liberia, Cuba, and the former Yugoslavia, among others.

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## **South America**

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## **TOPICS**

### **Truth and Reconciliation Commission**

**Moon names sociology professor to head state reconciliation panel (Yonhap News Agency)**

November 13, 2020

**President Moon Jae-in on Friday named a sociology professor to head a state panel tasked with investigating past cases of human rights violations.**

Jung Keun-sik of Seoul National University will lead the Truth and Reconciliation Commission set to resume its operation on Dec. 10, Cheong Wa Dae spokesman Kang Min-seok said in a written briefing.

The 62-year-old has over 30 years of experience researching East Asian social history and the subject of unification and peace.

He has been noted for his active efforts to uncover the truth behind Korea's past independence movement against Japan, the 1950-53 Korean War and the subsequent pro-democracy movements, while seeking to heal the wounds of victims, according to Kang.

As the new chairman with a two-year tenure, Jung will "resolve the issues of the past that were not fully resolved during the commission's first term by holding frank discussions with people of various social groups, including victims, their families and related organizations, in line with the public's expectations," the spokesman said.

"We expect (Jung) to wipe the tears of the victims of past history and greatly contribute to national unity, beyond the dark history of the past and toward a new future," he added.

The commission was established in 2005 to investigate past atrocities committed during the nation's struggle to achieve independence from Japanese colonial rule as well as democracy under dictatorial regimes.

The commission's first term ended in December 2010, and a new team will begin a second term on Dec. 10 for a period of three years, extendable by a year.

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## **Terrorism**

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## **Piracy**

**Two tankers avert pirate attacks off West Africa (Seatrade Maritime News) By Lee Hong Liang**  
November 9, 2020

### **Both incidents happened on 7 November.**

According to reports cited by maritime security intelligence firm Dryad Global, pirates boarded a Singapore-flagged chemical tanker Torm Alexandra in south Cotonou, Benin around 0643 UTC.

It was unclear how many pirates there were but they managed to board the chemical tanker carrying 21 seafarers. "It is understood that anti-piracy drills were executed early and all crew are safe and have reached the citadel," Dryad Global stated.

Consultancy firm Praesidium International noted that the area where the incident took place has recorded a significant increase in attacks over this year as pirate action group (PAG) operations appear to have shifted in the area south of Lagos and further offshore/outside the Nigerian EEZ (Exclusive Economic Zone).

"There have been several unsuccessful attacks over the past 30 days, and in all cases, the crew have mustered to the citadel successfully and avoided capture. It is believed that due to the unsuccessful attempt, the perpetrators will remain in general area for the next 24/48 hours to scout for potential new targets," the consultant said.

In the second incident, a Marshall Islands-flagged products tanker Wesley was approached by a speed boat whilst underway the south-southeast of Lagos, Nigeria, at around 1620 UTC.

The speed boat, which was carrying seven armed pirates, came to within 250 metres of the tanker.

The armed guards onboard Wesley displayed their weapons and fired three shots, causing the pirates to abort their pursuit and turn away. According to Praesidium International, the armed guards are likely a detachment of the Nigerian Navy.

At the time of the attack, the tanker's AIS data appears to be unavailable, making the route of the tanker unclear. "This incident again demonstrates that vessels sailing in 'stealth mode' are still susceptible of being attacked and that the 'daylight

safe navigation' does not apply to the area. Vessels have been attacked in several instances even with their AIS off and during daytime," Praesidium International stated.

The vessel and crew were reported safe and Wesley has continued to her next port of call.

"This latest attack is the third unsuccessful piracy incident occurred within and in proximity of Nigerian waters over the last week. Various elements indicate that the PAG is likely the same that attacked the Torm Alexandra earlier on 7 November," wrote Praesidium International.

### **Pirates hit three ships in Singapore Strait over six hours (The Straits Times) By Ang Qing**

November 9, 2020

#### **Armed pirates attacked three ships in the eastbound lane of the Singapore Strait between Sunday night and Monday morning (Nov 8-9).**

The incidents took place within the span of six hours on three nearby ships.

As none of the perpetrators has been arrested, the pirates might strike again, said the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre (ISC) on Monday.

There was no confrontation between the perpetrators and the crew in all three incidents and none the crew was injured, ReCAAP said.

Ship equipment was stolen from one ship, and a lifebuoy from another, while nothing was taken from the third ship.

The latest armed incidents take the total number of such attacks this year in the Singapore Strait to 31 so far, against the same number of incidents for the whole of last year.

The first incident occurred at 9.25pm on Sunday, while tanker Zeno was travelling near Tanjung Bulat in East Johor, Malaysia.

Three perpetrators were spotted in the engine room.

There was no further sighting of the perpetrators and some shipping equipment, including a sounding rod and a portable breathing apparatus, were stolen from the engine room.

At 2.20am on Monday, two perpetrators were spotted near the engine room on bulk carrier Lefkada, which was travelling near Tanjung Ramunia in East Johor, Malaysia. The alarm was raised and a search of the ship was conducted, but the intruders could not be found.

The oil spill equipment locker was found unlocked and a life buoy had been stolen.

Barely an hour later at 3.08am, one perpetrator was seen near the steering gear compartment on bulk carrier Atlantic Diana, which was near Tanjung Pergam in Pulau Bintan, Indonesia. The crew searched the ship but could not find the intruder. They found nothing stolen.

Warning about the possibility of further incidents, ReCAAP said: "All ships are advised to exercise utmost vigilance, adopt extra precautionary measures and report all incidents immediately to the nearest coastal State.

It advised the littoral states to increase their patrols and enforcement in their respective waters, and to increase coordination and information sharing on the latest situation and the criminal groups involved, to apprehend the perpetrators.

### **Sea Shepherd Vessel Approached as Pirates Grow More Brazen (The Maritime Executive)**

November 10, 2020

#### **Security experts recently warned that it was likely that there would be an increase in sea piracy activity in the Gulf of Guinea as the seasonal weather improved in the region. Since that warning, there have been five reports and while the ships have escaped incident crews are being warned to remain on high alert because of the high level of danger in the region.**

Maritime security company Dryad Global warned that it believes two or more groups are active, especially in the area near Cotonou, Benin, but that the situation is continuing to evolve as the perpetrators react to opportunities and efforts to increase security. Both the Beninese and Nigerian navies are operating on high alert. According to Dryad, these groups appear intent

on kidnapping seafarers that they can hold for ransom.

Last weekend, an Italian Navy frigate came to the rescue of the product tanker Torm Alexandra as it was being approached by a small boat in the Gulf of Guinea. Hours later, another tanker also reported an approach by a boat with seven armed pirates. In this instance, armed security guards aboard the vessel were successful in chasing away the pirates before they could attempt to board the tanker.

Yesterday, the Marshall Island flagged M/T La Boheme also reported that it was approached by two skiffs. The crew mustered in the vessel's citadel while the master was successful in evading the boarding through a series of maneuvers. Praesidium International offered some additional details on the defense saying that the crew fired distress flares at the two speed boats helping to chase them away after they came within 40 meters of the tanker.

"Whilst the pirates retain both the capability and intent to target larger vessels, it is highly likely that smaller vessels presenting more opportune targets will become more desirable as time goes on and the risk to the perpetrators increases," said Dryad in its security alert.

There is evidence that the attacks are becoming more brazen and less discriminate in the region as well. In the same area, hours before the tanker La Boheme was approached, Sea Shepherd, the international ocean conservancy movement active against illegal fishing had one of its vessels targeted. The 5,000 gross ton Bob Baker, a retired Norwegian whaler that carries a crew of up to 36, was approached approximately 100 nautical miles from Cotonou.

According to Dryad, seven or eight armed individuals approached the 170-foot vessel coming within one nautical mile of the Bob Barker. The Barker has a speed of up to 15 knots and was carrying armed guards that fired warning shots. They were successful in chasing away the skiff.

Praesidium reports that in at least one instance a tanker was running in "stealth mode," meaning that it had turned off its transmitting equipment but still was the target of an attack. Praesidium cites this instance to highlight that the technique is not necessarily effective as the attacks appear opportunistic. Authorities in the region have also been seeking to crackdown on vessels using this technique. Last month, it was feared that a vessel had been attacked after its signal disappeared only for it later to be discovered that the captain had purposely disabled his AIS signal.

The increased number of approaches has led to calls to increase patrols in the region while the security services continue to warn of the dangers.

### **Pirates are kidnapping more seafarers off West Africa, IMB reports (The Africa Logistics)**

November 12, 2020

**CC International Maritime Bureau (IMB) figures show a rise in piracy and armed robbery on the world's seas in the first nine months of 2020, with a 40% increase in the number of kidnappings reported in the Gulf of Guinea, compared with the same period in 2019. Pirates armed with guns and knives are abducting bigger groups of seafarers at further distances off the West African coast.**

London and Kuala Lumpur, 14 October 2020 – ICC International Maritime Bureau (IMB) figures show a rise in piracy and armed robbery on the world's seas in the first nine months of 2020, with a 40% increase in the number of kidnappings reported in the Gulf of Guinea, compared with the same period in 2019. Pirates armed with guns and knives are abducting bigger groups of seafarers at further distances off the West African coast.

IMB's latest global piracy report details 132 attacks since the start of 2020, up from 119 incidents in the same period last year. Of the 85 seafarers kidnapped from their vessels and held for ransom, 80 were taken in the Gulf of Guinea – in 14 attacks reported off Nigeria, Benin, Gabon, Equatorial Guinea and Ghana. In the first nine months of 2020, seafarers reported 134 cases of assault, injury and threats, including 85 crewmembers being kidnapped and 31 held hostage onboard their ships. A total of 112 vessels were boarded and six were fired upon, while 12 reported attempted attacks. Two fishing vessels were hijacked, both in the Gulf of Guinea.

"Crews are facing exceptional pressures due to Covid-19, and the risk of violent piracy or armed robbery is an extra stress," said Michael Howlett, Director of IMB, whose Piracy Reporting Centre (IMB PRC) has responded to reports and shared data since 1991, supporting seafarers and fishers worldwide. "While IMB liaises with authorities swiftly in case of a pirate attack, we encourage all Coastal states and Regional Cooperations to take responsibility for ensuring maritime security within their EEZ to achieve safer seas and secure trade."

Gulf of Guinea the world's piracy hotspot

With approximately 95% of global kidnappings reported from within Gulf of Guinea waters, IMB warns that pirate gangs in the area are “well organized and targeting all vessel types over a wide range”.

The furthest attack from shore also involved the most crew kidnapped from a single vessel in 2020. On 17 July 2020, eight pirates armed with machine guns boarded a product tanker underway around 196 nautical miles southwest of Bayelsa, Nigeria. They held all 19 crewmembers hostage, stole ship’s documents and valuable items, and escaped with 13 kidnapped crew. The tanker was left drifting with limited and unqualified navigational and engine crew onboard. A nearby merchant vessel later helped the tanker to sail to a safe port.

Regional Authorities were notified and the 13 kidnapped crewmembers were released safely one month later.

A more recent example was on 8 September 2020, when armed pirates attacked a refrigerated cargo ship underway around 33nm south-southwest of Lagos, Nigeria. Two crewmembers were kidnapped, but the rest of the crew managed to retreat into the citadel – one of the industry’s recommended best practices endorsed by IMB. A Nigerian naval team was dispatched, who boarded, conducted a search, and then escorted the ship to a safe anchorage for investigations.

The IMB piracy report includes a special thanks to the Nigerian Authorities, particularly the Nigerian Navy and Nigerian Maritime Administration and Safety Agency NIMASA who “continue to provide timely information, actions and valuable cooperation between Agencies”.

#### Knife attacks in Singapore Straits

The piracy centre recorded 15 attacks to ships underway in the Singapore Straits. While most are considered low level crimes, two crew were threatened, one injured and another taken hostage, indicating a continued risk to the crew. Knives were reported in at least ten of the incidents.

#### Indonesia brighter

There has been a sharp quarterly decrease in the number of incidents within the Indonesian archipelagic, with four reported in Q3, down from 14 in Q2. These are viewed as low level opportunistic thefts with most reported on anchored vessels.

#### Call for more reporting

All vessel types in in the Caribbean, Central and South America – including Brazil, Colombia, Ecuador, Haiti, Mexico and Peru are being targeted at anchor as well as underway, and during river passages under pilotage. On 26 September 2020, a container vessel was boarded by armed perpetrators during its river passage at Guayaquil. The attackers fired their weapons towards the accommodation and bridge, then opened containers and stole the contents before leaving.

However, as many more cases go unreported, IMB is urging all ship masters and operators to inform, in a timely manner, the 24-hour IMB Piracy Reporting Centre of any attacks to their vessels or crew.

Howlett said the IMB PRC has always believed in the power of sharing and exchanging information: “Understanding the true risk in the area is an important step towards improving safety for all seafarers. IMB PRC not only relays reports to appropriate response agencies and broadcasts incident information to ships via GMDSS, but we also use the reported statistics to raise awareness of these crimes and be a catalyst of change.”

#### Somali piracy remains under control

No incidents of piracy have been reported around Somalia since 2018. In August 2020, pirates freed the last three of the thousands of hostages who have been held captive in the region over the years since ship hijackings peaked in 2011.

Despite this, as Somali pirates are still capable of carrying out further attacks, IMB urges vessels to continue implementing the industry’s best management practices (BMP5), and encourages the continued, stabilising presence of navies in the region.

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## **Gender-Based Violence**



November 10, 2020

**I was ashamed of myself, I was completely ashamed, I am still ashamed to talk about it, and it didn't allow me to do that until the time came that it started haunting me and I started screaming and talking in my sleep, so that I had to speak about it, I couldn't keep it inside any longer."**

This is what one woman told the War Crimes Department of the Higher Court in Belgrade when she testified as a protected witness at the trial of former Bosnian Serb Army soldier Dalibor Maksimovic. After killing four men in May 1992 near Bratunac in eastern Bosnia, Maksimovic held the woman captive for almost two days and raped her several times.

In September 2019, three years after the woman testified, Maksimovic was convicted under a first-instance verdict of the murder, false imprisonment and rape of Bosniak civilians, and sentenced to 15 years in prison.

The verdict said that on May 9, 1992, during the war in Bosnia and Herzegovina, Maksimovic and another Bosnian Serb Army soldier singled out three men from a group of captured Bosniak civilians and shot them. One of them was still showing signs of life, so Maksimovic cut his throat with a knife.

The same day, he killed another Bosniak man. Then, accompanied by another unidentified member of the Bosnian Serb Army, he ordered two women – codenamed VS1 and VS2 at the trial to conceal their identities – to get into their vehicle.

They took the women to a forest near Bratunac, where the unidentified soldier raped VS2. Maksimovic raped VS1, and then took her to his house not far away, where he raped her again during the night and let her go to a nearby bus stop in the morning.

When VS1 appeared in court in September 2016, she said she did not wish to see the defendant face to face, and the court allowed her to testify from a separate room.

Before she testified, expert witness Dr. Branko Mandic said that based on an examination and the medical records to which he had access, he had found that the witness was suffering from a chronic form of post-traumatic stress disorder, anxiety and depression.

"As far as her current mental condition is concerned, I was able to note that there is a certain emotional tension in her, which appears during discussions of certain topics related to wartime events; however, that emotional tension is not present in relation to other topics," Mandic said.

He said that VS1 also said that she started suffering from diabetes and hypertension during the war.

Describing how she felt the day after she was raped, VS1 told the court: "I begged for someone to kill me so as not to live with this misfortune anymore – I can't see, I can't live anymore because of the shame."

She was asked by the judge how much compensation she was seeking for what she had gone through.

"Well, your honour, I am looking for whatever is normal, if there is such a thing; my life has been ruined, and you know how much that is worth," she said.

The court did not award her anything at all. In the first-instance verdict, it told her to file a civil suit for damages instead. The woman's lawyer, Marina Klajic, said that a claim was put forward during the trial "but the court refused to even discuss it".

Serbian courts have not awarded compensation to any victims in war crimes cases so far.

A document published last year by the Belgrade-based Humanitarian Law Centre NGO, entitled 'Policy Paper: Prosecution of Crimes of Sexual Violence During Armed Conflicts before the Courts of the Republic of Serbia', listed claims that from the start of the war in Bosnia and Herzegovina in 1992 until 1993, between 12,000 and 70,000 women were raped.

However, the Serbian War Crimes Prosecutor's Office has only prosecuted just a dozen or so cases of sexual violence in conflict.

In 2017, the Humanitarian Law Centre's legal programme director at the time, Milica Kostic, pointed out the same problem. In a paper entitled 'Gender Dimension of War Crimes: Sexual Violence Against Women', published by the Belgrade Centre for Security Policy think-tank, she expressed concern about the small number of guilty verdicts in Serbia for wartime sexual violence.

"So far, only two final guilty verdicts have been handed down in Serbia for rape as a war crime (Bijeljina and Lekaj). Bearing in

mind the prevalence of sexual violence during the wars in the former Yugoslavia, it is possible to conclude that the War Crimes Prosecutor's Office has almost disregarded these acts," Kostic wrote.

At the International Criminal Tribunal for the Former Yugoslavia, nearly half of the defendants who were tried were accused of responsibility for sexual violence, among other wartime crimes.

In her 2017 paper, Kostic highlighted the trial of Dalibor Maksimovic, noting that the court rejected a prosecution proposal to carry out a new expert analysis of the extent of the victim's psychological suffering. The court argued that this would prolong the proceedings.

Kostic pointed out that prolonging the proceedings was hardly a major concern "bearing in mind that war crimes trials in Serbia last five or more years on average anyway".

Recalling sexual violence is 'traumatic for victims'

By telling VS1 to file a civil suit for damages, the court was not only forcing her to testify again in a new court case about what happened to her, but also to reveal her identity, since according to Serbia's Civil Procedure Law, a compensation claimant cannot appear before the court under a pseudonym.

Because of this, VS1 decided not to pursue a compensation claim.

"Speaking about the sexual violence that victims have suffered is extremely traumatic for them," Marina Kljajic, a lawyer representing victims in several war crimes cases at the Higher Court in Belgrade, told BIRN.

"The victim [VS1] in the Bratunac case testified under protective measures, with her identity hidden. Since she has to appear in civil proceedings as a plaintiff under her full name and surname, she is therefore waiving damages in order to ensure that her identity will never be revealed," said Kljajic.

Retraumatization occurs when someone has to talk about a painful past experience again, explained Biljana Slavkovic, who works as a therapist with female victims of various types of violence, including sexual violence in conflict.

"When such an experience is talked about again, the victims feel as if they are going through it again," Slavkovic said.

"Of course, I would like to point out that talking to a therapist is one thing, while talking to representatives of state bodies where that person feels as if they are somehow re-exposed and symbolically raped is another, especially when those who are leading those talks are insufficiently sensitised to that kind of problem," she added.

Top court highlights respect for victims' rights

The Supreme Court of Cassation, Serbia's highest court, unveiled guidelines in October 2019 for improving courts' practices when dealing with the issue of compensation for victims of serious criminal offences.

The guidelines stressed that it was necessary for courts to award damages to victims of serious crimes as a part of trial proceedings.

They said that this "is not in line with the principle of efficient procedures, nor with obligations stemming from conventions that have been verified [by Serbia] and other international documents on the minimum standards of respect for victims' rights".

The Supreme Court of Cassation of Serbia also said that judges and prosecutors should take into account the 2012 European Union Victims' Rights Directive, which says that EU member states are obliged to enable a victim in a criminal case to exercise his or her right to damages within a reasonable period of time, and that everything should be done to protect victims from secondary victimisation.

The Supreme Court of Cassation also said that the institution leading the legal proceedings, which as a rule is the public prosecution, is obliged to gather evidence to decide on a compensation claim even before one has been filed.

Questions have been raised about whether prosecutors assigned to war crimes cases which included sexual violence did actually acquaint the victims with their rights in relation to damages, or gather evidence to decide on compensation claims as the Supreme Court of Cassation advised.

The War Crimes Prosecutor's Office told BIRN that some of these cases were handled in line with the Criminal Procedure Code which was in force until 2013, when investigations were led by investigating judges, and so the Prosecutor's Office did not act in the way prescribed by the Supreme Court of Cassation's guidelines, while the other cases were taken over from

Bosnia and Herzegovina – suggesting that the Bosnian prosecution should have dealt with this issue before handing over the case.

Kljajic however pointed out that when a case is taken over from Bosnia and Herzegovina, the hands of the Prosecutor's Office are not tied and it can propose evidence at the preparatory hearing which can be used for a compensation claim.

Will courts follow compensation claim guidelines?

There are about 15 ongoing war crimes cases before the Higher Court in Belgrade. Among them is the trial of Milos Cajevic, who is charged with using intimidation and terror in interrogation rooms for detainees as a member of an intervention unit of the reservist police in the Bosnian town of Brcko in 1992.

According to the indictment, Cajevic treated two brothers inhumanely, forcing them to have sexual intercourse with each other, and kept a woman imprisoned in a house where he and other members of his unit forced her to have intercourse with them on an almost daily basis.

Also in progress is the trial of Dalibor Krstovic, who stands accused of raping a woman in a classroom at an elementary school in the Bosnian town of Kalinovik, where Bosniak civilians were held captive in August 1992.

The guidelines of the Supreme Court of Cassation state that, if the right conditions are in place, a court is "obliged" to process a compensation claim during a criminal trial.

BIRN asked the Higher Court in Belgrade if it would act within the Supreme Court of Cassation's guidelines from now on.

The Higher Court's reply made no mention of the Supreme Court of Cassation guidelines, but did say that courts should adjudicate on the basis of the constitution, the country's laws and the international agreements that Serbia has ratified, as well as the "generally accepted rules of international law".

It also said that when deciding on a compensation claim, judges should "act in accordance with the provisions of 252 and 260 of the Criminal Procedure Code".

Article 252 stipulates that a compensation claim may be dealt with during a criminal trial if it does not "significantly" delay the proceedings.

But former Humanitarian Law Centre legal programme director Kostic pointed out in 2017 that the court has been ignoring the qualification "significantly". She said that because war crimes trials in Serbia tend to drag on for years, any delay would not be significant.

Bosnia and Herzegovina has also faced similar problems with compensation claims, but its courts have now begun to award to victims of violence in armed conflict as part of war crime trials, without the victims being forced to launch their own civil cases.

"That turned out to be very good and solved the problem for many victims of sexual violence who would not have litigated for themselves," said Kljajic.

However, experts in Bosnia and Herzegovina caution that the situation has not been completely resolved, as sometimes the convicted perpetrators cannot or will not pay the compensation even when ordered to do so.

'It is an incredibly cynical system'

Although more than two decades have passed since the end of the conflicts in the former Yugoslavia, the War Crimes Prosecutor's Office still has 2,963 cases in the pre-investigative phase, it told BIRN. It is not known how many of these involve sexual violence.

It remains unclear whether or not potential claims for damages in future war crimes cases involving victims of sexual violence will be dealt with within the trials, or if the practice of telling them to launch a civil suit will continue.

"Civil proceedings last several years, are extremely expensive and emotionally exhausting and traumatic for the victim," Humanitarian Law Centre legal analyst Meris Musanovic told BIRN.

"However, if a hearing on a compensation claim does indeed stall criminal proceedings, then Serbia needs to amend the Civil Procedure Law so as to allow for protective measures [such as anonymity for victims of sexual violence] to be transferred from the criminal proceedings to the civil proceedings," he said.

Musanovic also pointed out that the Serbian law on the protection of war veterans and disabled people does not cover victims of sexual violence.

“So Serbia has directly disregarded its constitution, under which there must not be discrimination on any grounds, and therefore not on the grounds of physical and psychological injuries,” he said.

“For someone to obtain the status of a civilian victim of war in Serbia, they have to have at least 50 per cent injuries to their body, which excludes victims of sexual violence, who most often have no physical injuries but suffer from significant psychological injuries,” he explained.

That is why Musanovic argued that Serbia should pass a separate law that would regulate the status of civilian victims of war, so that “discrimination on the grounds of distinguishing between physical and psychological damage to the body is abolished”.

Therapist Slavkovic also argued that the Serbian system must change because too much pressure is being put on the victims.

“It is an incredibly cynical system, in which a victim who testified as a protected witness or as a particularly sensitive witness is expected to have all the psychological, physical, financial and any other resources to launch a case,” she said.

### **EU, UN, ministry launch situation room on gender-based violence (The Guardian)**

November 17, 2020

#### **The European Union and United Nations Joint Spotlight Initiative, in collaboration with the Federal Ministry of Women Affairs, are planning a national data situation room on Gender-Based Violence (GBV) towards ending the menace in the country.**

Today, the joint EU-UN Spotlight Initiative will, at the premises of the Federal Ministry of Women Affairs, launch the national data situation room and data dashboard, as an innovative data visualisation platform to enable decision-makers and programme managers to analyse and monitor gender-based violence statistics in real-time.

UNDP explained that the novel intervention, which is for the Nigerian government, is also the first of its kind in the country.

According to the organisers, “the National GBV Data Situation Room will act as a hub for GBV data in Nigeria, in response to widespread incidents of violence against women and girls (VAWG) and to strengthen coordination and harmonisation of data on sexual and GBV programming in the country.”

President Muhammadu Buhari is expected to attend the event alongside Ministers of Women Affairs (Dame Pauline Tallen), Justice (Abubakar Malami), Budget and Planning (Prince Clem Agba); Chairman of Nigeria Governors’ Forum and Governor of Ekiti State, Dr. Kayode Fayemi; UN Deputy Secretary-General, Amina Mohammed and EU Head of delegation, Ambassador Ketil Karlsen.

Other dignitaries expected at the event, which would be streamed live on the youtube channel, are the UN Resident Coordinator, Mr. Edward Kallon; UNDP Resident Representative, Mr. Mohamed Yahya; Executive Secretary of National Human Rights Commission, Mr. Tony Ojukwu and representatives of the Civil Society Reference Group.

UN Women noted that although some good progress was made in the last few months to end violence against women and girls, the increase in the menace due to COVID-19 shows that, in terms of quality data, a lot remains to be done to achieve the overall vision of a Nigeria free from GBV.

“The launch of the national GBV data situation room aims to address these gaps in quality data to enable appropriate access to timely collation, validation, analysis, and dissemination, and to support policy and decision making to end GBV in Nigeria,” the statement added.

While the Spotlight Initiative is being implemented in six states, including Adamawa, Cross River, Ebonyi, Lagos, Sokoto, and the FCT, UNDP says it is working with partners to strengthen institutions, policies, and data availability to end violence against women and girls.

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## **Commentary and Perspectives**

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## WORTH READING

### **Human Shields, Sovereign Power, and the Evisceration of the Civilian (American Journal of International Law)**

Neve Gordon & Nicole Perugini

**Human shields were prominent in the 2016 military campaign seeking to recapture Mosul from the hands of ISIS militants. On October 24, 2016, Pope Francis expressed his concern over the use of over two hundred boys and men as human shields in the Iraqi city. In an election rally the following day, Donald Trump decried the enemy's use of " human shields all over the place, " while the New York Times reported that the Islamic State is driving hundreds of civilians into Mosul, using them as human shields. A few days later, the United Nations disseminated a press release, warning that ISIS militants are using " tens of thousands " as human shields, thus casting massive numbers of Iraqi civilians as weapons of war. Surely thousands of Iraqi civilians did not volunteer to become shields, and, most likely, the vast majority of them were not coerced into becoming involuntary shields. Their proximity to the fray in Mosul, a city that had become a conflict zone, was enough to brand them as weapons and to categorize them as human shields, thereby stripping them of some of the protections international humanitarian law (IHL) bestows on civilians.**

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**<http://law.case.edu/grotian-moment-blog/>**

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