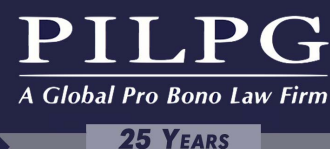




War Crimes Prosecution
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Central African Republic

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Peacekeeper killed in 'heinous attacks' in Central African Republic (United Nations News)
January 13, 2021

Antonio Guterres strongly condemned the coordinated assaults near the capital, Bangui, which were carried out by unidentified armed combatants.

The UN mission in the country, MINUSCA, reported that some armed elements were killed, while others were arrested and weapons seized.

“The Secretary-General recalls that attacks against United Nations peacekeepers may constitute a war crime,” his spokesperson, Stéphane Dujarric, said in a statement.

“The UN chief has called on the authorities to take all the necessary measures to ensure accountability for these heinous attacks.”

Violence has flared in parts of the CAR surrounding presidential and legislative elections held in late December, forcing thousands to flee their homes or to neighbouring countries.

The early morning attacks on Wednesday occurred in the outskirts of the capital and targeted two army brigades, according to media reports.

“The attack was repelled by the peacekeepers, together with the Central African armed forces,” Vladimir Monteiro, the MINUSCA spokesperson, said in a statement translated from French.

“MINUSCA strongly condemns the attacks by the anti-Balaka, UPC, 3R and MPC coalition armed groups and their political allies, including former President François Bozizé,” he said.

“The Mission holds them responsible for the consequences of this violence on the civilian population and stresses that attacks against peacekeepers can be considered as war crimes and prosecuted.”

The Secretary-General also expressed concern over continued destabilization efforts by armed groups in the CAR.

He called on all parties to stop violence and engage in meaningful dialogue, and underlined the UN’s commitment to ongoing peace efforts.

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Sudan & South Sudan

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Democratic Republic of the Congo

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Amid Surge in Violence in Congo, UN Experts See No ISIS Link (Bloomberg) By Michael Kavanaugh
December 31, 2020

There is no proof Islamic State is behind a surge in “intense violence” in eastern Democratic Republic of Congo despite the group’s claims it supported nearly fifty attacks in the region this year, United Nations experts said in a report published Thursday.

The experts found no direct link between ISIS and Islamist rebels known as the Allied Democratic Forces, whose attacks have contributed to the displacement of millions of people in eastern Congo since 2014. ISIS-linked media routinely claim responsibility for ADF violence.

The UN researchers continue to investigate possible connections between the groups, “particularly in light of the information contained in a few claims which accurately matches details of attacks as well as the accompanying photographs of some of the attacks,” the report said.

The ADF has increasingly used improvised explosive devices in attacks against civilians and Congo’s army, which have killed more than 370 rebels since launching an offensive against the group in October 2019, according to the report.

The rebels have also become active in cocoa smuggling from Congo into neighboring Uganda, the report said. Congo officially produced about 27,000 tons of cocoa last year, according to central bank statistics.

Violence has plagued resource-rich eastern Congo for more than two decades. The report also documented rampant smuggling of gold, tin ore and coltan by rebel groups and members of the Congolese army.

Dozens killed in eastern DR Congo attack blamed on ADF: Officials (Al Jazeera)
January 1, 2021

At least 25 civilians have been killed in the Democratic Republic of the Congo’s (DRC) troubled east, local officials said on Friday, blaming the attack on the

notorious ADF militia.

The army was chasing ADF fighters on Thursday when they found the bodies of 25 civilians, who had been “taken by surprise in their fields on New Year’s Eve,” Donat Kibuana, the administrator of the Beni territory, told AFP news agency.

The ADF, which has been active in the region since the 1990s as a Ugandan rebel group, is one of more than 100 rebel groups that plague the eastern provinces of the vast country.

A year ago, the Congolese army launched a large-scale campaign against the ADF.

In response, the group abandoned its bases, split into smaller, more mobile groups and retaliated against civilians.

Eastern DRC has long been afflicted by violence, with several armed groups operating across a region that has historically been neglected by the central government in the capital, Kinshasa.

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 Central Africa Province (ISCAP), without providing proof.

The United Nations said in July the group’s attacks could constitute crimes against humanity and war crimes.

The group makes money notably through wood trafficking and DR Congo officials suspect some military personnel are complicit in its violent raids.

More than 1,000 civilians have been killed by the ADF in 2019-2020, according to UN figures.

Congo Army Says its Forces Recapture Eastern Village From Islamist Group (Voice of America) January 2, 2021

Congo said Saturday that 14 suspected Islamist militants and two soldiers were killed in fighting on New Year's Day as the Congolese army backed by U.N. peacekeepers regained control of Loselose village in the east of the country.

The Allied Democratic Forces (ADF), a Ugandan Islamist group that has emerged as the most lethal of the militias in Democratic Republic of Congo's eastern borderlands, has carried out several attacks in recent weeks.

"Yesterday Jan. 1, an army regiment overpowered the terrorists of the ADF in the village Loselose and dislodged them from the area located in the chiefdom of Ruwenzori," army spokesman Antony Mualushayi said.

A local official said on Friday that the ADF was responsible for the killing of 17 people who were found hacked to death in Beni Territory in North Kivu.

More than 1,000 civilians have been killed in attacks attributed to the ADF in 2019 and 2020, according to U.N. figures.

Mualushayi said seven soldiers were wounded during the fighting in Loselose, also in Beni Territory. The United Nations mission in Congo said its troops helped Congo's army regained control of Loselose.

DR Congo army says lost two soldiers, killed 14 ADF fighters (Al Jazeera) January 2, 2021

The army has said it lost two soldiers but killed at least 14 militiamen while dislodging them from a village in the eastern Democratic Republic of the Congo following another massacre of civilians.

DRC troops on Friday gained the upper hand over the ADF militia in Loselose village and “drove them out after three days of occupation and intense fighting”, Lieutenant Antony Mualushayi, the army spokesman in Beni region, told AFP news agency.

“The enemy toll is 14 bodies seen, including two white men who are probably Arabs. Two hero soldiers fell on the field of honour,” the officer said earlier in a statement on Saturday.

Loselose village, about 50km (30 miles) east of Beni, and the entire Ruwenzori sector are known for their cocoa plantations and banana groves. Harvesting began in the area in November.

Regional officials alleged on Friday that the ADF militiamen slaughtered at least 25 civilians when they surprised them in their fields on New Year’s Eve by the village of Tingwe.

The ADF, which originated in the 1990s as a Ugandan Muslim rebel group, is one of the dozens of militias that are in the eastern provinces of the vast DRC.

It is blamed for the death of about 800 civilians over the past year in North Kivu province, which borders Uganda.

The group makes money notably through wood trafficking and DRC officials suspect some soldiers are complicit in its violent raids.

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 Central Africa Province, without providing proof.

The United Nations said in July the group's attacks could constitute crimes against humanity and war crimes.

A December 23 midterm report by a group of UN experts which addressed the security situation in the region "characterised by pockets of intense violence".

The report found that in North Kivu, the armed forces "scattered the Allied Democratic Forces (ADF) into several mobile groups and extended the ADF area of operations". On October 30, 2019, the army launched a large-scale operation against ADF strongholds, saying they had "neutralised" five of the group's leaders.

But that did not prevent a surge in violence in the first half of 2020 with the UN data showing 1,315 deaths compared with 416 in the first half of 2019.

Congo president pardons soldiers jailed over Kabila assassination (Reuters)

January 1, 2021

Democratic Republic of Congo's president has pardoned at least 26 men convicted of plotting the 2001 assassination of then-leader Laurent Kabila, the presidency said.

Laurent Kabila was shot and killed by a bodyguard in his palace in January 2001. The bodyguard was himself shot dead immediately after.

Prosecutors said the assassination was part of a coup attempt led by Colonel Eddy Kapend, Kabila's closest personal aide, and a court sentenced him and more than two dozen others to death.

The men were jailed and officials say a number have since died in prison, but none of the death sentences were carried out.

President Felix Tshisekedi pardoned the men - and a number of other people convicted in other cases - to show "humanity, pardon, justice and national reconciliation," state television reported on Thursday night.

The report did not go into any specific reasons for the Kabila case.

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Côte d'Ivoire (Ivory Coast)

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

Jihadists kill 13 soldiers in northeast Nigeria (Africa)

January 11, 2021

Thirteen soldiers have died in an ambush by jihadist fighters from the Islamic State West Africa Province (ISWAP) group in volatile northeastern Nigeria, two army sources told AFP on Monday.

Heavy gunfire and rocket-propelled grenades hit a military convoy in Gazagana village, 30 kilometers (18 miles) from Yobe state capital Damaturu on Saturday.

“We lost 13 soldiers in this ambush and several were injured,” an officer said.

The convoy was headed for a military base at Buni Yadi, another 20 kilometres from Damaturu, said the second army source, who gave the same death toll.

“It was a fierce battle and the terrorists also suffered casualties,” he said, without giving a figure.

The ISWAP group carries out regular attacks in Buni Yadi region on soldiers and travellers, with the violence spilling over into Borno state.

Since 2009, the jihadist campaign in northeast Nigeria has focused on Borno where the Boko Haram group is also active.

ISWAP split from Boko Haram in 2016 and rose to become a dominant group.

The violence has spread into neighbouring Niger, Chad and Cameroon, prompting a regional military coalition to fight the militants.

At least 36,000 people have been killed in the conflict, which has displaced about two million from their homes since 2009.

West Africa: Boko Haram Blocks Lake Chad Trade Routes (All Africa) By Remadji Hoinathy

January 11, 2021

The Boko Haram insurgency has had devastating consequences on Lake Chad boat transporters, a socio-economic group that has been the locomotive of local trade for decades. An effective crisis response must address the needs of this often overlooked group.

Interventions to deal with the Boko Haram threat have largely ignored the impact on the economic activity of boat drivers who have been affected since 2015. Not being able to cross over to Nigeria has deprived Chadian boat operators of their main, if not their only, source of livelihood.

Before the Boko Haram crisis, generations of boat drivers contributed to a flourishing formal and informal economy based on the movement of people and goods. Their activity helped make the Lake Chad Basin a sub-regional trade hub. Compared to road transport, boats offered a faster solution to delivering large quantities of goods. This meant income for traders and boat drivers, and lower prices for consumers.

Every week, canoes crowded with hundreds of people and goods (smoked fish, corn, wheat, cow and camel skins, among others), would leave Bol and Baga Sola in Chad, in the direction of Baga Kawa in Nigeria. Baga Kawa is an important commercial hub from where fishing, agricultural and livestock products are moved into Nigeria, and Nigerian manufactured products are traded into the other Lake Chad Basin countries.

On the way back, the canoes carried food products including pasta, rice, oil, soft drinks, wheat flour, sugar, tea, as well as soap and detergents, cosmetics, loincloths, clothes and cement. These manufactured goods supplied a large part of Chad. Traders and transporters interviewed by the Institute for Security Studies (ISS) estimated that the value of goods transported and exchanged weekly was in the range of thousands of euros, a fortune by local standards.

From 2009 onwards, violence in north-east Nigeria gradually spread to countries adjoining Lake Chad, making it difficult for boat drivers to move around safely. In 2015, after the first set of attacks and bombings on Chadian soil, the lakeside borders with Cameroon, Niger and Nigeria were closed. This greatly disrupted the flourishing transnational trade network.

Unsurprisingly, boat drivers who experienced first-hand Boko Haram ambushes around the lake or witnessed the killing of colleagues eventually abandoned the route to Baga Kawa. Local markets remain accessible but they don't provide the same level of income as sub-regional transport.

This raises the issue of boat drivers' day-to-day survival, especially as their activity supports entire families and communities and powers the local economy. Many have tried to turn to agriculture or fishing, but access to land and fishing equipment is a challenge. Some have left in search of viable opportunities elsewhere, including Libya, while others remain idle. Their fate and the implications on local economies receive little attention from governments and organisations working to secure the Lake Chad Basin area. Boat operators who spoke to the ISS said they had not received any form of help, either from the state or other development partners, to help them recover.

Cessation of transport across the lake has socio-economic implications beyond the boat drivers and their dependents. The price of some basic products has increased as a result of longer routes and higher transport costs. Some have been rerouted through Niger or Cameroon. The temporary closure of land borders as a measure to combat the COVID-19 pandemic has exacerbated these difficulties.

This situation particularly affects the economies of Bol and Baga Sola (Lac Province), two towns on the shores of Lake Chad that largely depended on cross-lake trade with Nigeria. Boat transportation also provided taxes for local council activities.

Boat transporters are calling for a reopening of borders, but this won't be enough, as the security situation remains dire. Alternative livelihoods for boat drivers need to be found and supported, with agriculture and fishing the most promising options. They will need help gaining access to land, funds and necessary means of production in order to gain a foothold in these activities.

An effective response must be inclusive and meet the needs of victims who have silently suffered the consequences of the Boko Haram crisis over the past decade. Leaving them without alternative means of survival also makes them vulnerable to recruitment by violent extremists and other perpetrators of violence.

Action to restore peace in the Lake Chad Basin should include supporting the livelihoods of boat drivers and efforts to stabilise, secure and reopen trade and transportation routes in the region.

Militants continue to stage deadly attacks as insecurity expands into previously 'safe' zones in West Africa, Sahel, top official tells Security Council (Africa News)

January 12, 2021

Insecurity across West Africa and the Sahel has expanded into areas previously considered safe, with militants continuing to stage deadly attacks, the Secretary-General's Special Representative for the region told the Security Council today, as delegates called for consolidating gains in democratic governance recently expressed by several countries in their successful conduct of elections.

"We need to confront the all-too-well-known root causes of exclusion, strengthen democratic governance and give a new and decisive push to fight insecurity," said Mohamed Ibn Chambas, Special Representative and Head of the United Nations Office for West Africa and the Sahel (UNOWAS). Describing a year of multiple challenges triggered by the COVID-19 pandemic, he said the outbreak plunged most countries into recession and led to the diversion of resources from productive investments and the fight against insecurity.

Nowhere has resilience been more sorely tested than in the Sahel, he emphasized, pointing out that massive floods have affected more than 1.7 million people. On the security front, he welcomed swift efforts to rescue 300 boys taken hostage on 11 December by militants allegedly affiliated with Boko Haram, in north-western Nigeria. He also saluted the Group of Five-Sahel Joint Force (Burkina Faso, Chad, Mali, Mauritania and Niger), working with France's Barkhane operation and the European Union's Takuba Task Force, as well as the Multinational Joint Task Force (Benin, Cameroon, Chad, Niger and Nigeria).

The national armies of Sahel and Lake Chad Basin countries have fought together against militants on several fronts, he continued, while noting that militants continue to foment instability, notably in Niger, where more than 100 people died in just one assault nine days ago. Militants in north-western Nigeria collude with criminal networks, he added. He went on to state that the International Maritime Bureau has reported that 90 per cent of global incidents of maritime piracy and hijackings occur in the Gulf of Guinea. As a result, 5 million people are now displaced, 1.4 million higher than in 2019.

On the political front, five presidential, three legislative and two local elections were held in West Africa since his last briefing, he continued. Despite COVID-19, electoral management bodies were able to maintain the electoral calendar and demonstrate impressive technical capacity to organize and conduct the polls. Noting that elections are increasingly being funded exclusively

from national budgets, he said that despite contestation and violence in Guinea and Côte d'Ivoire, the polls overall "went well".

Detailing events around the region, he said dialogue between political actors in Burkina Faso led to an outcome that was accepted by all. He commended the peaceful conduct of the 27 November general elections in Niger, which is set to usher in its first-ever democratic transition from one elected Head of State to another. In Ghana, which has a tradition of peaceful handovers, elections were peaceful, with lingering disagreements about the results being decided in the courts, he noted.

He went on to report that, to support elections, UNOWAS held forums for stakeholders in Burkina Faso, Ghana and Niger, adding that he undertook several good offices missions to Guinea and Côte d'Ivoire before, during and after elections. Throughout, the Office worked hand-in-hand with the Economic Community of West African States (ECOWAS) and the African Union.

In Côte d'Ivoire, the appointment of a Minister for National Reconciliation and the launch of a national dialogue after an electoral process "fraught with disagreements" were encouraging, he said, emphasizing that, two months ahead of the polls, scheduled for 6 March, national actors should make gestures of genuine reconciliation. He appealed to national authorities and all political leaders in Benin, where presidential elections are due in April, to find common ground.

Describing democracy more broadly as "a constant process of deliberation and consultation and dialogue", he noted the outreach by Mauritania's President to opposition and historically marginalized communities. He encouraged leaders in Guinea, where elections regrettably deepened rather than reconciled deep-seated grievances, to jointly set the country on a path to dialogue. Meanwhile, the closure of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) on 31 December, after 20 years, marked an auspicious moment for Bissau-Guineans to agree on a new constitution.

In addressing myriad challenges, UNOWAS collaborates with the G5-Sahel to support implementation of the programme d'investissements prioritaires, he said. The support plan for the United Nations Integrated Strategy in the Sahel is being carried out with greater outreach to donors and a focus on cross-border assistance, he added, noting significant progress on the women, peace and security agenda as well as the youth, peace and security agendas in West Africa and the Sahel.

In the ensuing dialogue, delegates expressed condolences over the deaths of French soldiers involved in Operation Barkhane in Mali earlier this month, and over attacks against civilians in Niger's Tillabéri region. Most speakers welcomed the successful conduct of presidential elections in Guinea, Côte d'Ivoire, Burkina Faso, Ghana and Niger.

The representative of Kenya, also speaking for Niger, Tunisia and Saint Vincent and the Grenadines — known collectively as the "A3+1" — said preventive diplomacy should continue to be the priority task. Welcoming the conduct of elections in Burkina Faso, Cabo Verde, Côte d'Ivoire, Ghana, Guinea, Liberia and Niger, he emphasized: "The region's achievements in democratic governance ought to be consolidated." Welcoming the addition of climate-induced security threats to the UNOWAS mandate as a "pragmatic acknowledgment" of the climate-security nexus in the region, he said the Council must now engage on the proposal to establish an office of the Special Envoy of the Secretary General for Climate and Security.

Calling for a holistic approach to the region — entailing political, security and development interventions — he noted that intercommunal violence is becoming a "bedrock of recruitment" for terrorists and armed groups. Recent events in the tri-border area in the central Sahel, Nigeria or Chad recall the need for attention to that issue, he said, stressing that a holistic solution must be based on stronger partnership between the G5 Sahel, the United Nations, the World Bank and the European Union through a joint project to tackle its root causes. He urged UNOWAS, the Peacebuilding Commission and all partners to give greater support to the Integrated Territorial Development Project — between the municipalities of the Sahel (Burkina Faso), Timbuktu (Mali) and Tillabéri (Niger) regions, home to 5.5 million inhabitants — for a one-year period and financed by the West African Economic and Monetary Union (WAEMU) to the tune of \$1.8 million.

"The pervasive insecurity and political instability in the region call for the structured and focused implementation of the UNOWAS mandate," he continued stressing the need for better cooperation among UNOWAS, the African Union and other subregional organizations, in coordination with key regional players, neighbouring regions, and both regional and international organizations. He called upon UNOWAS to resume its support for the G5 Sahel's Sahelian Centre for Threat Analysis and Early Warning and to focus broadly on women and young people for development and peace. "The most sustainable solution to the situation in West Africa and the Sahel lies in comprehensive strategies that address the root causes of insecurity and instability," he said.

The representative of Ireland called upon all actors to support humanitarian action in West Africa and to facilitate the delivery of aid, while condemning attacks on humanitarian workers in the strongest terms. The impacts of COVID-19 are clearly exacerbating the already challenging situation in the region, she said, urging international partners to ensure that Africa receives fair and equitable access to vaccines. Emphasizing the crucial role of national human rights institutions as well as the need to take a holistic and integrated approach to security, she declared: "There is little doubt that the adverse impacts of climate change are having a negative impact on security in West Africa and the Sahel." She went on to echo the Secretary-

General's call for all actors to integrate current and projected climate-related threats into all conflict prevention efforts. Expressing regret over election-related violence in Côte d'Ivoire and Guinea, she warned against the "chilling effect" on democratic engagement and called upon UNOWAS to continue its good offices functions.

The representative of Mexico, stressing that all acts of violence against civilians must be investigated and prosecuted, called for efforts to transform the socioeconomic conditions that lead to inequality and exclusion. The climate of tensions enveloping electoral processes, as well as several important electoral successes, demonstrate the need to continue to support upcoming elections in West Africa and the Sahel, he said, adding that the success of Niger's recent election, and the subsequent peaceful transfer of power, demonstrate what can be achieved when national Governments and international partners work together. Calling for strengthened support for the region's humanitarian fund — as well as improved access to vaccines and treatment for COVID-19 — he said international actors must unite against a second wave of the pandemic. Echoing calls to incorporate the impacts of climate change into security plans and for the broader inclusion of women in decision-making, he went on to express concern about the presence of mobile terrorist groups throughout the region.

The representative of the Russian Federation, echoing the Special Representative's concerns about terrorism and organized crime in West Africa, said COVID-19 also poses serious threats to social services and health systems. Whereas the region's countries have been able to avoid a major outbreak, it is clear that the pandemic will nevertheless have deep and lasting impacts, she said. Warning against interference in the region's elections by outside actors, she said UNOWAS should continue working to help strengthen State institutions, coordinate the broader work of the United Nations in the region and cooperate closely with regional organizations. She went on to emphasize that following the closure of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS), the Council's sanctions on Guinea-Bissau are absurd in the absence of any threat to international peace and security and should be promptly lifted.

The representative of Norway emphasized that civilians in the Sahel and Lake Chad Basin area require stronger protection, noting that across the region, COVID-19 is compounding both conflict and displacement, increasingly putting women and girls at risk of sexual and gender-based violence. Urging UNOWAS to further prioritize those issues, she said local, regional and international efforts — including by MINUSMA and the G-5 Sahel Joint Force — must also be well-coordinated. Strongly condemning violations and abuses committed against children, she stressed the need to ensure victims' rights and to hold perpetrators accountable. She went on to spotlight the important cooperation between UNOWAS and the United Nations Regional Office for Central Africa (UNOCA) on maritime security in the Gulf of Guinea.

The representative of India said that presidential elections in Guinea, Côte d'Ivoire, Burkina Faso, Ghana and Niger have further consolidated democracy in West Africa, despite being mired in political tensions, violence and electoral disputes. Acknowledging the role of ECOWAS in facilitating the swift civilian-led transition in Mali, he called for full implementation of the 2015 Algiers Accord, as well as political and administrative reforms, including the decentralization of powers for adequate political participation of marginalized populations, as well as swift disarmament, demobilization and reintegration. He underscored the need for intensified efforts to combat terrorism, describing recent terror attacks by Islamic State West Africa Province (ISWAP) as "more brutal than those carried out by Boko Haram". ISWAP, supported by elements in West Asia and North Africa, is emerging as a radicalized and brutal terrorist entity, he noted. An integrated approach and closer counter-terrorism cooperation are needed, he said, stressing that the coordinating role of UNOWAS, its support to Governments and partnership with G5 Sahel and ECOWAS will be critical. The Gulf of Guinea remains a piracy hotspot, he added, pointing out that India is combating piracy in those waters, ensuring maritime security and safe navigation, and more broadly, has provided \$3.279 billion in soft loans for agriculture, irrigation, water supply and energy projects, among other areas.

The representative of Estonia said that negative security trends continue to characterize developments in West Africa and the Sahel, stressing that "every step needs to be taken to tackle the threat of terrorism". Estonia will continue to contribute through the Barkhane operation and the Takuba Task Force, he pledged. He expressed concern over the loss of life through election-related violence, while congratulating Togo on electing its first female Prime Minister. Estonia encourages the region's countries to fully and equally include women and young people at all stages of political processes, he said, stressing the crucial need to address the causes of conflicts and to design an approach that considers their security, development and the humanitarian needs, notably the adverse effects of climate change. Reconciliation and restoration of the State's presence is also important, as is ensuring accountability for human rights violations, he said.

The representative of France said that whereas the elections in West African countries signal the consolidation of democratic institutions, they took place amid high tensions and obstacles to public freedoms. He encouraged all stakeholders in Guinea to demonstrate responsibility and restraint, pressing the authorities to show openness towards the opposition. Welcoming the announcement by the President of Côte d'Ivoire that he will appoint a Minister for National Reconciliation and reform the Independent Electoral Commission, he said other measures can be taken to reduce tensions ahead of legislative elections. He went on to note that elections in Ghana were held in exemplary conditions. Elections in Burkina Faso, meanwhile, and the first presidential electoral round in Niger took place without major security incidents, he added, adding that the decision by Niger's President not to run again helped to reduce tensions. France will monitor the conditions for a second round. Security remains

the major issue in the Sahel, and joint counter-terrorism operations by France and its partners will continue, he emphasized. He called for combining support for security, governance, human rights and development, pressing the Sahel countries to strengthen the State presence in all areas of their respective territories. At the international level, the G5 Sahel Joint Force needs more support from the Organization, he said, stressing the for the United Nations Integrated Strategy for the Sahel to be implemented in a more pragmatic manner.

The representative of China said the situation in West Africa and the Sahel is stable and many of the region's countries have effectively fought COVID-19. However, they still face many challenges, including combating the spread of the virus. China continues to deploy medical experts as well as medical supplies and equipment to Burkina Faso, Guinea and others, he said, pledging it will strive to make vaccines accessible to all. Urging global partners to help the region's countries consolidate peace and stability, he welcomed the successful outcomes of several recent elections. With the Gambia, Benin, Chad and Cabo Verde due to hold elections in 2021, the international community must fully respect their sovereignty, he emphasized. It should also help West African countries address security challenges, including those caused by maritime piracy in the Gulf of Guinea and by Boko Haram and other terrorist groups, he said, urging international partners to help the region's countries improve governance, reduce poverty, sustain critical supply chains and enhance regional economic integration.

The representative of the United Kingdom welcomed the largely peaceful elections in Burkina Faso, Niger and Ghana, but expressed concern about the violence and tensions that marked polls in other countries in the region. On Mali, he said the transition period is an opportunity to prepare for fair and free elections and pursue progress on such key issues as the peace process and corruption. Noting that the humanitarian situation continued to deteriorate across much of the region, he said and London provided an additional \$21 million in humanitarian funding to the Sahel in 2020, pointing out that its financing topped \$200 million since 2019. He went on to urge Governments in the region to lead efforts to halt the vicious cycle of violence and instability, supported by the coordinated efforts of the United Nations as well as regional and international partners. That should include enhanced cooperation among military and civil authorities as well as humanitarian actors in order to reach those most in need.

The representative of Viet Nam called upon all stakeholders in Benin, Cabo Verde and the Gambia to seek consensus on areas of disagreement so that the upcoming elections can take place in an inclusive, transparent, credible and peaceful manner. Emphasizing the important role that women play in peacebuilding and political arenas, she noted that Togo's Cabinet is headed by a woman Prime Minister for the first time and one third of its members are also female. In Guinea, Liberia, Mauritania and Nigeria, women have been nominated for strategic positions while in Burkina Faso, Guinea and Niger, they participated more actively in the elections, she added. Calling for accelerated cooperation in the fight against terrorism and violent extremism across West Africa and the Sahel, she said UNOWAS, MINUSMA, ECOWAS and the G5 Sahel Joint Force should meet regularly and conduct joint trend assessments of the regional dimension of the crisis and related cross-border dynamics, in addition to sharing intelligence information.

The representative of the United States praised the integral role of UNOWAS in supporting free and fair elections in five West African nations in late 2020. "Though much remains to be done, we are seeing progress," he said, welcoming the calm environment that prevailed in each of those votes. Describing the closure of UNIOGBIS on 31 December as another important sign of progress, he nevertheless emphasized that the citizens of Guinea-Bissau deserve the global community's continued support to maintain the important gains they have made. Expressing deep concern about continued instability — including cowardly and heinous terrorist attacks against innocent people — he called upon Governments to combat such threats and respect international law. Indeed, Governments undermine their own institutions when State officials violate human rights or fail to uphold their international legal obligations, he pointed out. Turning to Mali, he urged the country's partners to provide continued support to the crucial peace process there.

The representative of Niger thanked the Council for its solidarity with his country, which was hit by terrorist attacks on 2 January, noting that the assault was different from previous ones in the area on the border with Mali, which had military objectives. In the most recent attack, the terrorists targeted civilians to prevent them from cooperating with the authorities, he said, noting that the 2 January attack resulted in 110 lives lost in one village and 30 in another. In the aftermath, he added, Niger made two decisions, first to strengthen its military presence along the border with Mali, and second, to organize a peace forum in the coming days to ensure that such attacks do not lead to intercommunal violence. Promoting good governance through the Special Representative's good offices is critical to fostering peace and security in the Sahel. He went on to underscore Niger's commitment to organize its first peaceful transfer of power following the second round of presidential elections in February, saying his country anticipates the Special Representative's visit to Niamey in that regard.

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Mali

3 peacekeepers killed, 6 wounded by attack in northern Mali (The Washington Post) By Baba Ahmed and Toussaint N'Gotta
January 13, 2021

Three United Nations peacekeepers from Ivory Coast died and six more were wounded Wednesday when their vehicle struck an improvised explosive device and they came under attack by unidentified gunmen in northern Mali's Timbuktu region, the U.N. mission in Mali and Ivory Coast's army said.

The deaths occurred during a security operation along the Douentza and Timbuktu axis about 20 kilometers (12 miles) north of the town of Bamabara-Maoude, the mission known as MINUSMA said in a statement.

The attackers fled the scene and medical evacuations were carried out by helicopters, the mission said.

Mahamat Saleh Annadif, a special U.N. envoy who heads the U.N. mission, condemned the attack.

"At a time when all efforts are being made to bring Mali out of the rut, I deeply deplore the upsurge in these attacks against national and international forces, as well as civilian populations," he said.

The chief of staff of Ivory Coast's army, Gen. Lassina Doumbia, said the three dead peacekeepers were from Ivory Coast and they were attacked by extremists.

The U.N. peacekeeping mission has been in Mali since 2013, after Islamic extremists took control of major towns in the north. A French-led military operation dislodged the rebels, but the jihadists have since regrouped in rural areas and expanded their reach, targeting Mali's army and the U.N. mission.

According to the U.N., 231 peacekeepers in Mali have been killed due to hostile incidents.

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Liberia

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EAST AFRICA

Uganda

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

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Kenya

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

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Rwanda Got Justice In 2020 Despite Covid-19 Threats – Researcher Tom Ndahiro (KT Press) By Daniel Sabiiti
January 1, 2021

Rwandan Genocide Scholar Tom Ndahiro has said that 2020 was a year of justice to Rwandans despite security threats caused by the current COVID-19 global pandemic.

Ndahiro who has a relatively wide experience in regional security and documenting genocide history in Rwanda said that though Covid-19 was a security threat in itself, the pandemic lockdown measures were a big leverage for Rwanda's search for genocide fugitives.

"Some of the genocide suspects like Felicien Kabuga, who had evaded justice for 26 years, wouldn't have been arrested and brought to justice if it was not for Covid-19 restrictions in movement," Ndahiro told the national broadcaster-Radio Rwanda this Friday.

Sources from the UN International Residual Mechanism for Criminal Tribunals for Rwanda (IRMCT) indicate that Kabuga was tracked down using Interpol intelligence networks between the French and Belgian governments, after one of his daughters who was already under Interpol radar moved from Belgium to France to take care of his father (Kabuga) who needed medical care during the Covid-19 strict lockdown.

Ndahiro said that this achievement will go into the books of history as one of the greatest achievements in the judicial year 2020, and that this move will mark another journey of arresting many more co-accused suspects in the Kabuga case, especially those who worked with him at the infamous- Radio Télévision Libre des Mille Collines (RTLM) radio station- which propagated Genocide propaganda against Tutsi in 1994.

"The arrest of Kabuga is a big step forward in starting to disclose other suspects involved in the RTLM operation. Some of them are fugitives in Europe but still will be named in the Kabuga case," Ndahiro said.

The Kabuga case, initially set for trial in Arusha but later transferred to the Hague last October and had its initial case reading in November 2020, is set to proceed starting with this January 2021. However, some of the men who worked with Kabuga at RTLM have already been named in the Hague hearing.

The year 2020, according to Ndahiro was a year of justice because of the international and regional collaboration between Rwanda and other countries which bore arrest of some of the genocide suspects, deniers and terror suspects indicted by Rwanda. Some of those arrested, tried and convicted under these efforts include famous hotel Rwanda hero- Paul Rusesabagina and his 17 FLN terror group accomplices including two former FLN spokesmen- Callixte Nsabimana and Herman Nsengimana.

Others nabbed in 2020, especially genocide suspects include Joseph Mugenzi, Charles Ndereyehe (arrested in September but later released); Jean Paul Micomyiza (arrested in Sweden). Other big names in the case of Kabuga include- Augustin Bizimana- a former Defence Minister whom the investigations of the IRMCT managed to confirm his death, even when he was on the list of the most wanted genocide suspects with an arrest bounty of \$5million offered by the US Department of State.

Ndahiro said that without this global cooperation on justice, Rwanda couldn't have managed to make this enormous judicial strides and lauded other countries to continue supporting Rwanda's bid to bring to all genocide suspects.

Apparently in May, 2020 IRMCT Chief Prosecutor Serge Brammertz, while on his visit to Rwanda promised to bring into justice all fugitives accused of committing the 1994 genocide against the Tutsi.

On top of his list, the Chief Prosecutor said are fugitives like Protais Mpiranya, a former presidential guard head in Juvenal Habyarimana's government, Fulgence Kayishema, Phineas Munyarugarama, Aloys Ndimbati, Charles Sikubwabo, and Charles Ryandikayo- all on the most wanted list of suspects.

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Somalia

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

[Official Court Website \[English translation\]](#)

Indictment filed for Seven Persons for Crimes Against Humanity during War in Bosnia (Sarajevo Times) By Y.Z

January 5, 2021

A prosecutor of the Special Department for War Crimes has filed an indictment against Jovan Šatara, born in 1957 in Travnik, citizen of BiH, Boško Savković, born in 1956 in Šipovo, citizen of BiH, Sekula Šišić, born in 1945 in Donji Vakuf, citizen of BiH, Nenad Tanasić, born in 1967 in Donji Vakuf, citizen of BiH, previously convicted of war crimes, Boško Bilić, born in 1956 in Donji Vakuf, citizen of BiH, Zdravko Balaban, born in 1955 in Travnik, citizen of BiH, and Jordan Ilić, born in 1962 in Bugojno, citizen of BiH.

The indictees are charged with committing the criminal offence of Crime against Humanity during the war and armed conflict in Bosnia and Herzegovina and the widespread and systematic attack by the Army of Republika Srpska (VRS) police and paramilitary formations on the Bosniak and Croat civilian population in the Donji Vakuf area in the spring and summer of 1992, in violation of Article 172 of the Criminal Code of BiH.

It is alleged that they, as commanders, chiefs and members of the police and the army, took part in the unlawful detention of about 150 Bosniak and Croat civilian victims in several facilities, where they tortured, abused, beat and treated them inhumanely, inflicted bodily and mental harm to them, tortured them in extremely degrading ways, which resulted in the deaths of several persons and caused permanent and severe bodily and mental harm to a large number of detainees.

The accused are also charged with forcibly taking several people in an unknown direction since when every trace of them has been lost.

The accused Ilić is also charged with rape and sexual abuse of one victim who was repeatedly raped and abused, once in the

presence of her minor child.

The prosecution will prove the allegations of the indictment by calling 84 witnesses, including witnesses enjoying certain protective measures, and by enclosing hundreds of pieces of evidence.

The indictment was forwarded to the Court of BiH.

One Person charged of War Crimes against Civilians in Gorazde (Sarajevo Times) By Y.Z
January 9, 2021

The Court of Bosnia and Herzegovina confirmed, on 23 November 2020, an indictment in the case of Brane Petković charging the accused with the commission of the criminal offense of War Crimes against Civilians, specifically, attack on civilian population and settlements, which results in the death, grave bodily injuries or serious damage to people's health and killings, intentional infliction of severe physical or mental pain or suffering upon a person (torture) and inhuman treatment.

The indictment, inter alia, alleges that, in violation of the rules of international law at the time of war and armed conflict, as the de iure and de facto superior to the Commander of the Regional Territorial Defense Staff of the Serb Municipality Gorazde, commanders and members of the Company of the Municipal Territorial Defense Staff of the Serb Municipality of Gorazde, although he knew or had reason to know that his subordinates were under preparations to commit a crime, namely that they had already committed a crime, the accused Brane Petkovic omitted to undertake the necessary and reasonable measures to prevent commission of the crime, namely to punish the perpetrators of the criminal offense.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Wartime Sexual Violence in Bosnia: The Human Trafficking Connection (Balkan Transitional Justice) By Ivana Radovic
December 31, 2020

Research into verdicts handed down by the Hague war crime tribunal and domestic courts in the former Yugoslavia shows previously unresearched links between wartime sexual violence and trafficking - as well as highlighting that many perpetrators have gone unpunished.

Trafficking in human beings is a widespread contemporary phenomenon, and its most prevalent form is trafficking for sexual exploitation - popularly known as sex trafficking - with women constituting most of the victims.

But the sexual enslavement of women and girls in the 1990s Bosnian war, although it has all the elements of trafficking, has never been discussed in the same context.

Research for a new report entitled 'Sexual Enslavement in the War in Bosnia and Herzegovina and Its Links to the Contemporary Concept of Trafficking in Persons' examined verdicts from trials held at the International Criminal Tribunal for the Former Yugoslavia, ICTY and at domestic courts in Bosnia and Herzegovina and Serbia.

The research examined cases of sexual enslavement in the war in Bosnia and Herzegovina in the context of human trafficking for the purpose of sexual exploitation, since these two phenomena have many common characteristics. Cases of human traffickers convicted in Serbia between 2005 and 2018 were analysed to find out whether the defendants had also participated in any war crimes.

There are various estimates on the number of women and girls who experienced some form of sexual violence during the Bosnian war, ranging from 20,000 to 50,000.

In terms of conflict-related sexual violence, the Bosnian war is also known for so-called 'rape camps' and other forms of sexual slavery which sometimes involved effectively forced marriages, as well as forced pregnancies, a phenomenon which has been significantly less examined. As none of the female victims exercised any control over their lives, their position can be considered slave-like.

The best-known case, and also the first judgment handed down by the ICTY that treated sexual enslavement and rape as crimes against humanity, was in the trial of Bosnian Serb Army commander Dragoljub Kunarac and his subordinates Radomir Kovac and Zoran Vukovic.

After the takeover of the eastern Bosnian town of Foca by Bosnian Serb forces in the spring of 1992, Bosniak men were detained in the local prison, while women and children were held at various locations and repeatedly raped.

They were also occasionally taken by soldiers to other private houses and flats, where they were raped, sexually exploited and abused. Some of the female victims were as young as 12 and 15. The perpetrators also sold three of these women and girls to other soldiers.

In Serbia, crimes amounting to sexual enslavement were included in the Skocic case, which was prosecuted by the War Crimes Department of the Higher Court in Belgrade. In the case, Serb paramilitaries from the Sima's Chetniks unit were charged with destroying a local mosque 1992 in Skocic, a village near the eastern Bosnian town of Zvornik, and killing 27 Roma civilians.

The indictment said that three women, two of whom were 13 and 15 years old, were also kept effectively enslaved by the paramilitaries; forced to cook, clean houses, wash soldiers' uniforms and do whatever they were told under the threat of murder. At the same time, they were severely beaten, raped and sexually humiliated. Three other girls who had been captured earlier in the war were kept under similar conditions. Three of the six victims married their captors.

Elements of sexual slavery were included in the Court of Bosnia and Herzegovina's judgments convicting Croatian Defence Council member Josip Tolic of the inhumane treatment and murders of Serb civilians in detention facilities in Odzaci and Bosanski Brod in northern Bosnia. Tolic was also found guilty of taking several Serb women from one detention facility and raping them.

Perpetrators claim that victims consented

What do these cases have in common? Firstly, none of the accused initially confessed to these crimes. The defence usually insisted that the victims consented and that the perpetrators did not force them to have sexual intercourse.

Some defendants claimed that they were in a relationship with the victim while keeping them in captivity. Kunarac even claimed that the woman he raped actually seduced him.

The most extreme outcomes of this sort of sexual exploitation were (forced) marriages between the rapists and victims, as in the Skocic case.

When compelled to admit that 'contacts of a sexual nature' occurred, the perpetrators claimed that this was not violent, but consensual. They further argued that the victim's allegations resulted from her being manipulated by the prosecution – within the broader discourse of presenting war crimes prosecutions as a witch-hunt targeting the perpetrator's specific ethnic group – or that the claims were made by the plaintiff because she was inherently evil.

Sexual exploitation rarely came alone; it was combined with the labour exploitation of sexually abused women, who were required to clean, cook, do laundry and other tasks while in detention.

Many Muslim Bosniak women were forcibly 'baptised' as Orthodox Christian, or their names were formally or informally changed to Serb names.

The defence usually tried to question victims' credibility using tactics such as alleging they were promiscuous in the period before or after the offence as proof that they consented to the sexual abuse. However, rule changes apparently adopted to follow the ICTY's practice mean that questions about victims' previous sexual experiences are no longer allowed at the Court of Bosnia and Herzegovina.

But although the Court of Bosnia and Herzegovina adopted the ICTY's approach, it continued to allow questions about victims' sexual behaviour after the crime was committed. Defence teams used this to perpetuate stereotypes of 'ideal victims' who look and act in specific ways, intimating that if they do not fit the ideal, their suffering should not be recognised. Defence teams for

trafficking perpetrators have used similar strategies.

Links between war criminals and trafficking

There are a few documented cases of the subsequent involvement of convicted war criminals in Bosnia in the trafficking of human beings.

Interestingly, judgments in cases for one type of offence do not mention the convictions for the other type of offence. This goes against courts' standard practice, which is to list previous convictions in judgments, with their absence or presence acting as mitigating or aggravating factors when the sentence is decided.

For example, Stanko Savanovic, alias Geza, was arrested in 2003 as a member of a criminal gang led by Milivoje Zarubica, nicknamed Puja, who was described by media at the time as "the Balkan master of human trafficking". Zarubica and his accomplices were recruiting women, mostly from Moldova, tricking them with attractive job offers that did not involve sex work and transferring them via Serbia to Italy, where they were forced into prostitution.

In Serbia, Zarubica and his gang were never convicted of trafficking because it had not been criminalised at the time of the offence. Instead, gang members got symbolic prison sentences for a variety of crimes, including facilitation of prostitution, rape, document forgery and depriving people of their liberty.

He then changed his surname from Savanovic to Kojic, and in 2010, found himself in detention in Bosnia. In 2012, the Court of Bosnia and Herzegovina convicted him of involvement in the commission of genocide in Srebrenica when he was a member of the Bosnian Serb Army's 10th Reconnaissance Division, along with co-defendants Franc Kos, Vlastimir Gorijan and Zoran Goronja.

In 2010, Sasa Lipovac was arrested in Georgia on his way to Moscow based on a request from the Court of Bosnia and Herzegovina. He was travelling back from Azerbaijan, where he had spent a couple of years operating as a part of a group involved in trafficking for labour exploitation.

The victims were construction workers, some 700 of them, mainly from Bosnia, but also from Serbia and North Macedonia. In February 2017, following a plea agreement, the Court of Bosnia and Herzegovina sentenced Lipovac to a year and nine months in prison.

The warrant for the arrest of Lipovac was issued in 2008 when he failed to appear before the Supreme Court in Banja Luka in second-instance proceedings relating to a war crime against Bosniak civilians in the village of Liskovac near Gradiska in northern Bosnia.

In August 1993, Lipovac, together with four other people, went to Liskovac and brutally killed three members of the Rizvanovic family, wounded a four-year-old and raped a 20-year-old woman several times. After that, the men shot the woman and her son in the head. For these crimes, the Supreme Court of Republika Srpska sentenced Lipovac to ten years and six months in prison.

Courts focus on sex, not violence

Sometimes, prosecutions have not included sexual violence charges in their indictments in order to focus on 'larger' crimes, as in the case of Bosnian Serb paramilitary leader Milan Lukic.

The ICTY sentenced Lukic to life in prison for large-scale war crimes and crimes against humanity committed against Bosniak civilians in the town of Visegrad in 1992. But the Hague prosecutors decided not to try him for his role in committing rape and other crimes of sexual violence against women who were detained by his paramilitaries at a hotel near Visegrad.

Meanwhile, perpetrators and official bodies in former Yugoslav countries have denied, minimised or relativised sexual crimes committed during wartime. Such crimes are seen as particularly 'dishonourable' and do not fit into the heroic discourses that have been created around the wars.

Although women and girls were the principal victims of sexual violence in the wars in Bosnia, Croatia and Kosovo, many incidents of sexual violence against men and boys have been recorded, documented and prosecuted alongside other war crimes.

However, sexual violence against men is still taboo, both for rapists and victims because prosecutions and courts focus on the sexual aspect rather than the violence involved in the crime – and while the judiciary continues to focus in an unnecessarily humiliating and damaging way on these sexual aspects, victims will continue to be ashamed to talk about what they suffered.

Because they will be questioned about whether they 'encouraged', 'consented to' or 'enjoyed' the assault, victims will also

continue not to report such crimes or abandon their attempts to seek justice.

Before the ICTY started operating, crimes of sexual violence during wartime were not prosecuted by domestic courts.

But despite progress in prosecuting and punishing such crimes, research shows that although numerous perpetrators have been tried, many have not.

Victims' testimonies and transcripts of the trials of men who raped sexually-enslaved women contain many names of individuals who have not been brought to justice – suggesting that more connections between perpetrators of wartime sexual violence and crimes involving trafficking might still be undiscovered.

Israel's 2 top int'l law officials take on ICC: Is Gaza 'occupied'? (Jerusalem Post) By Yonah Jeremy Bob
December 31, 2020

Two of Israel's top international law officials have published a rare public article to challenge the International Criminal Court prosecution and others who say that Israel still illegally occupies Gaza.

The article, published in the journal *Iyunei Mishpat* (Legal Studies) recently but being reported now for the first time in English, is important both regarding addressing cases of alleged Israeli war crimes in ongoing fighting with Hamas, as well as regarding what humanitarian obligations Jerusalem has to Gaza, during coronavirus and other periods.

These issues ultimately have major long-term implications at the national security and diplomatic levels, including whether Israel's naval blockade and other periodic closures of Gaza are legal.

Just as important are the authors: Deputy Attorney-General (International Law) Roy Schondorf and IDF International Law Division chief Col. Eran Shamir-Borer, two officials who have led much of Israel's handling of ICC issues and humanitarian dilemmas with Gaza.

Schondorf rarely writes publicly or appears in public with the exception of specific conferences or at the Knesset, and Shamir-Borer appears even less often.

It seems that the impetus for their article was to address prior statements by ICC Prosecutor Fatou Bensouda as well as a current article by prominent Israeli prof. Eyal Gross in the same journal, declaring that Israel still legally occupies Gaza, despite having withdrawn in 2005.

If Bensouda, Gross and a number of Israeli critics in UN and international bodies are correct that Israel occupies Gaza, it could mean that the Jewish state might be restricted in what categories of force it could use to combat Hamas attacks, let alone protests or riots on the border.

Further, it could mean that any humanitarian crisis in Gaza puts Israel at fault.

When there are debates about Israeli blockades to prevent rockets and other weapons smuggling, these legal questions could have a decisive impact.

Essentially, Bensouda, Gross and much of the international community say that it is irrelevant that the IDF withdrew and that Israel withdrew its settlements from within the Gaza Strip.

Rather, they argue that UN General Assembly decisions, International Committee of the Red Cross (ICRC) guidance, a decision by the International Criminal Tribunal for the Former Yugoslavia (ICTY) and other points prove that Israel can "occupy" Gaza as long as it exerts functional control.

To support their argument, they note that Israel controls Gaza's airspace, maritime borders, wherever there is a blockade, and most of its land borders. Gaza does have one border crossing with Egypt.

They broaden these arguments by saying that Israel's ability to control Gaza's interactions with the outside world means it can also control the economic and humanitarian situation there.

In this light, they say that Israel is also obligated to maintain Gaza from a humanitarian perspective, whether with special needs during coronavirus times or with sufficient medical, food, utilities and other items during more normal periods.

In contrast, Schondorf and Shamir-Bohrer say that there is no basis to rely on the decisions of the UN General Assembly or other political bodies to decide international law.

Regarding the ICTY decision, they say that critics' understanding of the decisions is misplaced. In the ICTY case in question, the court was dealing with a situation where a foreign state controlled an internal group within another state in order to impose its will on the other state.

In any event, the Israeli officials' article says that the ICTY decision was an outlier creating a new doctrine which no one else has adopted.

Moreover, the article says that the ideas Israeli critics are bringing to the Gaza question are "wishful thinking" or "aspirations" to create a new law which does not exist.

Instead, they say that to be considered an "occupier," a country cannot merely have aspects of functional power over a territory.

Rather, it must have at a minimum "effective control."

This traditionally has required boots on the ground and, at the very least, involvement in running the day-to-day affairs of the foreign territory and population.

As the article says, Israel has zero involvement in running Gaza's day-to-day affairs, which are run by Hamas.

Further, the article cites a legal brief filed by Germany in the Israel-Palestinian proceedings before the ICC to support its views.

All of this means that Israel has not occupied Gaza since 2005.

Rather, when Israel facilitates food, economic and medical aid to Gaza, it is on a voluntary humanitarian basis and balanced along with valid security considerations, says the article.

In December 2019, Bensouda requested that the ICC Pretrial Chamber endorse by March her desire to conduct a full criminal probe of Israel and Hamas regarding the 2014 Gaza War, the 2018 Gaza border crisis and the settlement enterprise.

The chamber has still not decided the issue, with the question remaining whether it will decide after US President-elect Joe Biden takes office or wait for Bensouda's successor to take over in June 2021.

Court considering release of war criminals serving sentences in Estonia (ERR) January 6, 2021

The Tartu County Court in southern Estonia is considering the release from prison of Dragomir Milošević and Milan Martić, war criminals serving jail sentences in Tartu Prison, under electronic surveillance.

78-year-old Milošević, convicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) as a war criminal, is a former Bosnian Serb commander of the Sarajevo-Romanija Corps (SRK) of the Army of Republika Srpska (VRS) which besieged Sarajevo for three years during the Bosnian War.

The tribunal found the former general guilty of violating the laws and customs of war and crimes against humanity. He was convicted on multiple counts of terror, murder and inhumane acts committed during the campaign of sniping and shelling which resulted in the death and injury of a great number of civilians in Sarajevo.

On December 12, 2007 the tribunal sentenced him to 33 years of imprisonment. Milosevic appealed the sentence and the tribunal's appeals chamber ruled to reduce the sentence to 29 years.

Milošević has been serving his sentence in Tartu Prison since March 22, 2011.

66-year-old Martić was the last president of the unrecognized republic of Serbian Krajina between 1994 and 1995 during the Croatian War of Independence and a war criminal convicted by the ICTY.

Martić was convicted of war crimes by the ICTY in 2007 and sentenced to 35 years in prison.

Martić has been serving his sentence in Tartu Prison since June 2009.

Estonia and the tribunal have entered into an agreement on the enforcement of court decisions, according to which Estonia will, if necessary, accept convicted persons to serve their sentence in Estonia at the request of the tribunal.

Additionally, 53-year-old Milan Lukić, a Bosnian Serb war criminal who led the White Eagles paramilitary group during the

Bosnian War is also serving his sentence in Tartu Prison.

He was found guilty by the ICTY in July 2009 of crimes against humanity and violations of war customs committed in the Visegrad region of Bosnia and Herzegovina during the Bosnian War.

He was charged with killing Bosnian Muslims in the Visegrad region and sentenced to life in prison.

Since February 2014, Lukić has been serving his sentence in Tartu Prison in accordance with the agreement between the Estonian government and the United Nations on the enforcement of judgments of the ICTY.

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Domestic Prosecutions In The Former Yugoslavia

Bosnian Serb Fighter Indicted for Illegal Detentions, Prisoner Abuse (Balkan Transitional Justice)

By Irvin Pekmez

December 31, 2020

The Bosnian state prosecution on Thursday charged Jovan Satara, Bocko Savkovic, Sekula Sisic, Bosko Bilic, Zdravko Balaban, Jordan Ilic and Nenad Tanasic with committing crimes against humanity against Bosniak and Croat civilians in the Donji Vakuf area during the war in the spring and summer 1992.

“They are charged in their capacity as commanders, chiefs and members of the police and army with participating in the illegal detention at several facilities of about 150 Bosniak and Croat civilian victims,” the prosecution said in a statement.

It accused the men of “torture, abuse, beatings, inhumane treatment, infliction of bodily and mental injuries, torture in extremely degrading ways, which resulted in the death of several people, and permanent and severe physical and mental injuries to a large number of detainees”.

The men also allegedly took several detainees away by force to unknown places, and the victims have been missing ever since.

“The accused Ilic is also charged with the rape and sexual abuse of one victim, who was repeatedly raped and abused, and on one occasion during this, her child, a minor, was present,” it was announced.

Tanasic has previously been convicted of committing war crimes against civilians in 1995 in Banja Luka.

The indictment was forwarded to the Bosnian state court for confirmation.

Bosnian Serb Ex-Policeman Tried for Role in Bosniaks’ Murders (Balkan Transitional Justice) By

Azra Husaric

January 4, 2021

The trial of Predrag Bastah, who is accused of crimes against humanity for his involvement in the executions of 37 civilian prisoners at Mracni Dol in the Vlasenica municipality, opened at the Bosnian state court on Monday.

Bastah is accused, in his capacity as a reservist officer with the police’s Public Security Station in Vlasenica, of participating in the Bosniaks’ killings alongside two Bosnian Serb Army soldiers as part of a widespread and systematic attack on the non-Serb population in the municipality.

The prosecution claims that Bastah guarded the site where the victims, who included a 14-year-old boy, were shot.

Prosecutor Sanja Jukic said that Bastah directed the victims, who had been brought by bus to the murder site from a prison behind the court building in Vlasenica and from the Susica detention camp, while threatening them with weapons.

“He was aware that the people who were getting off the bus would be killed there,” Jukic said.

Jukic explained that Bastah was not charged with having committed the murders, but that he “contributed to the crime and co-participated in it”.

Bastah has pleaded not guilty.

His defence lawyer Izet Bazdarevic said that he would prove that his client did not make decisions about the killings, and that he provided significant help in the search for the victims’ remains.

“Bastah made a big contribution to finding the remains, so families could bury them. He cooperated with the prosecution and State Investigation and Protection Agency,” Bazdarevic said.

The first witnesses in the trial will be heard on February 2.

Bastah was previously sentenced to 22 years in prison in 2011 for his involvement in the murders of civilians, unlawful detentions, forcible disappearances and the resettlement of the local population in the Vlasenica area. He is currently serving his sentence.

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Kosovo Specialist Chambers

Kosovo War Veterans’ Deputy Leader Boycotts Hague Court Hearing (Balkan Transitional Justice)

By Perparim Isufi
January 8, 2021

A pre-trial judge in The Hague entered a not-guilty plea after the Kosovo Liberation Army War Veterans’ Organisation’s deputy leader, Nasim Haradinaj, who is accused of obstructing justice, refused to attend the hearing.

Pre-trial judge Nicolas Guillou entered not-guilty plea on behalf of Nasim Haradinaj, the deputy leader of the Kosovo Liberation Army War Veterans’ Organisation, at the Kosovo Specialist Chambers in The Hague on Friday.

The plea was entered in accordance with court’s regulations after Haradinaj did not appear in court.

Haradinaj’s lawyer told the court that his client did not want to take part in the hearing “as a protest about the way he has been treated”.

Haradinaj is accused of obstructing justice and intimidating witnesses. He and the KLA Army War Veterans’ Organisation’s leader, Hysni Gucati, were both charged after batches of confidential case files from the Specialist Chambers were leaked to them and both men urged media to publish the material.

Gucati pleaded not guilty to all charges last month.

Gucati and Haradinaj were arrested in September after a raid on the KLA War Veterans’ Organisation’s offices and sent to The Hague.

The indictment alleges that between September 7 and 25, 2020, “on the occasion of three press conferences and other broadcasted events, as well as through... social media statements, Mr. Gucati and Mr. Haradinaj revealed, without authorisation” lawfully protected information.

It also claims that they identified “details of certain (potential) witnesses”.

The Specialist Chambers were set up to try former KLA guerrillas for 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.

The so-called ‘special court’, widely resented by Kosovo Albanians who see it as an insult to the KLA’s war for liberation from Serbian rule, was set up under pressure from Kosovo’s Western allies.

Those awaiting trial for wartime crimes include Kosovo’s recently-resigned President Hashim Thaci and former Democratic Party of Kosovo leader Kadri Veseli alongside two other guerrillas turned politicians, Jakup Krasniqi and Rexhep Selimi. They have all pleaded not guilty.

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MIDDLE-EAST

[Iraq](#)

Grotian Moment: The International War Crimes Trial Blog

Iraqi court issues arrest warrant for Trump over killing of paramilitary chief (The Guardian)

January 7, 2021

A Baghdad court has issued a warrant for the arrest of the US president, Donald Trump, as part of its investigation into the killing of a top Iraqi paramilitary commander.

Abu Mahdi al-Muhandis, the deputy head of Iraq’s largely pro-Iran Hashed al-Shaabi paramilitary network, died in the same US drone strike that killed the storied Iranian general Qassem Suleimani at Baghdad airport on 3 January last year.

The strike on their motorcade was ordered by Trump, who later said it had taken out “two [men] for the price of one”.

The UN special rapporteur for extrajudicial, summary or arbitrary executions, Agnès Callamard, has described the twin killings as “arbitrary” and “illegal”.

Iran already issued a warrant for Trump’s arrest in June, and asked Interpol to relay it as a “red notice” to other police forces around the world, a request that has so far gone unmet.

The court for east Baghdad issued the warrant for Trump’s arrest under article 406 of the penal code, which provides for the death penalty in all cases of premeditated murder, the judiciary said.

The court said the preliminary inquiry had been completed but “investigations are continuing in order to unmask the other culprits in this crime, be they Iraqis or foreigners”.

In the run-up to Sunday’s anniversary of the twin killings, pro-Iran factions stepped up their rhetoric against Washington and Iraqi officials deemed to have colluded with it.

Pompeo Says Iran Supplied Gaddafi Regime with Chemical Weapons that Were Used in Iraq (Asharq Al-Awsat)

January 11, 2021

US Secretary of State Mike Pompeo revealed on Sunday that Iran had supplied the regime of late Libya ruler Moammar al-Gaddafi with chemical weapons.

He made the revelation in a State Department report that declassifies Iran's use of chemical weapons.

The report said: "The United States certifies Iran is in non-compliance with the Chemical Weapons Convention (CWC) due to (1) its failure to declare its transfer of chemical weapons (CW) to Libya during the 1978-1987 Libya-Chad war, (2) its failure to declare its complete holdings of Riot Control Agents (RCAs), and (3) its failure to submit a complete Chemical Weapons Production Facility (CWPF) declaration."

"The United States assesses that in 1987 Iran transferred CW munitions to Libya during the 1978-1987 Libya-Chad war. Following the collapse of the Gaddafi regime, the Libyan Transitional National Council located sulfur mustard-filled 130mm artillery shells and aerial bombs, which are assessed to have originated from Iran in the late 1980s," it went to say.

"In 2011, Libya declared to the Organization for the Prohibition of Chemical Weapons (OPCW) that it discovered 517 artillery shells and 8 aerial bombs comprising 1.3 Metric Tons of sulfur mustard but did not address the provenance of the items," it said.

Libya requested OPCW Technical Secretariat assistance in collecting information relating to these chemical weapons. They were assessed to have originated from Iran in the late 1980s.

Iran has never declared that it transferred chemical weapons to Libya, including in response to the Technical Secretariat's request.

Iran never declared this transfer in accordance with the CWC, and Iran never responded to an OPCW request for additional information, stressed the report.

"In light of the discovery of chemical-filled artillery projectiles and aerial bombs the United States assesses that Iran filled and possessed chemical weapons," it charged.

"We also assess that Iran successfully developed mortars, artillery cannon rounds, and aerial bombs for CW agent delivery during the 1980-1987 Iran-Iraq War, but failed to declare a CWPF with respect to weapons filling," it noted.

"In April 1987, mustard-filled 130-mm mortars believed to be of Iranian origin were used near Basra, Iraq. Iraq's military and a UN delegation in Iraq reported the artillery contained residual sulfur mustard agent and Iraqi casualties displayed burns consistent with mustard exposure," it explained.

"During a UN inspection in 1991 at Iraq's Muthana State Establishment, UN inspectors found 165 81-mm mortars filled with sulfur mustard that the Iraqis claimed were Iranian origin," it continued.

"Iraq did not possess or fill 81-mm mortars with mustard and the subsequent laboratory tests concluded that the agent in the munitions had higher levels of sulfur mustard impurities than those typically found in agent made by the Iraqis at Muthana, suggesting the munitions were not made by the Iraqis or made at that location," it added.

"The United States is also concerned that Iran is pursuing chemicals for purposes inconsistent with the CWC, based on Iranian scientific publications," it stated.

Iraqi Militia Leader Sanctioned By U.S. Over Human Rights Abuses (Kharon) By Samuel Rubinfeld and Rana Armanous
January 11, 2021

The U.S. Treasury Department on Friday sanctioned Falih al-Fayyadh, a former Iraqi national security adviser, over his role in human rights abuses, including his oversight of the violent suppression of protesters in 2019.

Al-Fayyadh is head of the Iraqi Popular Mobilization Committee (PMC), a body created under Iraqi law to bring Iran-backed militias operating in Iraq, known collectively as the Popular Mobilization Forces (PMF), under formal government control, according to the Treasury. With al-Fayyadh in charge of the PMC, many of the body's subcomponents fired live ammunition against peaceful protesters in late 2019, resulting in the deaths of hundreds of Iraqis, the Treasury said.

The protesters had been demonstrating against corruption, economic stagnation, Iranian influence in Iraqi domestic affairs and other issues, the Treasury said. Al-Fayyadh was supported in the suppression effort by Iran's Islamic Revolutionary Guard

Corps-Qods Force (IRGC-QF), the external operations branch of the Islamic Revolutionary Guard Corps (IRGC), according to the Treasury. Both the IRGC and IRGC-QF have been sanctioned since 2007; the IRGC was designated in April 2019 as a foreign terrorist organization (FTO).

“By directing and supervising the murder of peaceful Iraqi demonstrators, Iran-aligned militants and politicians such as Falih al-Fayyadh have been waging a violent campaign against Iraqi democracy and civil society,” said Treasury Secretary Steven T. Mnuchin.

Al-Fayyadh, who had served until July as the Iraqi prime minister’s national security adviser, is president and founder of Ataa Movement, an Iraqi political movement, and chair of al-Nahrain Center for Strategic Studies, a governmental institution, according to an al-Fayyadh social media account and a profile of him for a regional media forum.

Then-U.S. Secretary of Defense Mark Esper met with al-Fayyadh in October 2019 at the Pentagon, where they discussed mutual security concerns, according to a U.S. readout. The Iraqi Foreign Ministry called Al-Fayyadh’s designation “an unacceptable surprise,” and added that it will follow up with the U.S. on the issue, according to a Reuters report.

Al-Fayyadh was part of an IRGC-QF-supported crisis cell with militia leaders Qais al-Khazali and Hussein Falah al-Lami, as well as IRGC-QF commander Qasem Soleimani and PMC deputy leader Abu Mahdi al-Muhandis, the Treasury said. Al-Khazali and al-Lami were sanctioned in December 2019, and Soleimani and al-Muhandis were both killed early last year in a U.S.-led airstrike. Al-Fayyadh delivered a speech earlier Friday calling for the exit of foreign forces from Iraq in which he also commemorated the anniversary of the deaths of Soleimani and al-Muhandis, saying the ultimate response is “preserving [their] goals.”

“Iran-aligned PMC forces continue to wage a murderous campaign against political activists in Iraq who are calling for free and fair elections, respect for human rights, and transparent and accountable governance,” said Secretary of State Mike Pompeo. “Many of these elements have established fictitious organizational cover names to hide their culpability for ongoing attacks against the Iraqi state.”

Though the PMF was established to fight the Islamic State of Iraq and al-Sham (ISIS), many of the militias are increasingly focused on advancing their own economic interests and supporting Iranian interests in Iraq, the Treasury said. The militias have been evolving over the years and are following the model set by Hizballah, the Lebanese militant group, Kharon reported in 2019.

The U.S. has ratched up its efforts to combat the militias and other Iranian proxies, Kharon has found, including by imposing sanctions on their leaders and facilitators, and seizing websites.

The PMF on Friday congratulated al-Fayyadh on social media for being sanctioned, saying he had joined “the honorable people whom the U.S administration considers enemies.” By Saturday, the spokesman for Asaib Ahl Al-Haq (AAH), another U.S. sanctioned PMF militia led by al-Khazali, called the designation “a great violation against Iraq and its sovereignty” in an interview with Rudaw, a Middle East-focused news outlet.

In recent months, the PMF has helped with relief efforts related to the coronavirus pandemic, including by opening an oxygen production facility in Basra and an oxygen filling station in Karbala to aid hospitals.

A new group called “Rubu Allah” was formed in Iraq and is believed to be associated with Kataib Hezbollah (KH), according to a report in October from Al-Hurra, a U.S.-based Arabic language network, citing a source in the Iraqi Interior Ministry’s intelligence agency. Rubu Allah has already been linked to several attacks in Iraq that begin with inciting an issue using fake social media accounts, Al-Hurra reported, citing an armed groups expert.

KH is a PMF militia that has been designated since 2009 as an FTO, and its current leader was sanctioned last year. Al-Muhandis, killed in the airstrike, was its former leader. The U.S. in October seized KH’s web domain, and a month earlier had seized two domains associated with Aletejah TV, a media outlet it controlled.

Violent protests turn deadly in Iraq, again (The Arab Weekly)

January 11, 2021

A policeman was killed Sunday in Iraq, the army said, as security forces fired to disperse a third consecutive day of protests in the city of Nasiriyah, according to medics.

The policeman was “killed by a bullet to the head,” a medic in the city 300 kilometres south of the capital Baghdad said.

The army confirmed the death.

“Thirty-three other policemen were wounded in the events of the day,” the military added, without elaborating.

Medical sources said several protesters were wounded.

Witnesses said security forces opened fire to disperse demonstrators — including some throwing stones — from a city square that served as an epicentre of a widespread protest movement that began in October 2019.

Reoccupying Habbubi Square

A sprawl of tents in Habbubi Square had remained in place until November 2020, when eight people were killed in clashes between anti-government protesters and followers of the Shia leader Moqtada al-Sadr.

Anti-government protesters reoccupied the square on Friday, demanding the release of peers who have been arrested in recent weeks.

Security forces repeatedly fired in the air and launched smoke grenades towards the protesters, whose movement for the first time penetrated other parts of the city.

A spokesman for the protesters said that 13 demonstrators who had been arrested were released, adding that authorities had promised other detainees would be released the next day.

Vicious circle

Iraq’s protests fizzled out last year due to the COVID-19 pandemic and a crackdown that left nearly 600 dead and 30,000 wounded.

However, kidnappings, targeted killings and arrests of protest leaders have continued.

Alongside demanding an end to political corruption, protesters want jobs and improved public services.

But the state’s ability to finance these demands is hamstrung by an economic crisis, including a yawning fiscal deficit.

Iraq, which relies on oil sales to finance more than 90% of its budget, is set to see its economy shrink by 11% this year, while poverty doubles to 40% of the country’s 40 million residents, according to International Monetary Fund (IMF) estimates.

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Syria

Deadly car bomb attacks ‘tragic reminder’ of price civilians pay in Syria (UN News)

January 6, 2021

The first blast occurred in Ras al-Ain, when a car bomb exploded in a market area on a main road, killing two children and injuring their mother and several others. At least three shops were also damaged.

The second incident took place near a bakery in Jinderis, located in northwest rural Aleppo. One person was reportedly killed, while two children were among the casualties.

UN Resident Coordinator and Humanitarian Coordinator for Syria, Imran Riza, and Regional Humanitarian Coordinator for the Syria Crisis, Muhannad Hadi, issued a joint statement on Wednesday expressing their strong condemnation.

“This year, civilians in Syria will have endured ten years of crisis. These two attacks so early in the new year serve as a tragic reminder of the price civilians across the country continue to pay,” it said.

Mr. Riza and Mr. Hadi expressed their profound condolences to the families of the victims and those affected by the attacks.

They also reminded parties to the conflict to respect their obligations to take all precautions to protect civilians, in line with international humanitarian law and human rights law.

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Yemen

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Special Tribunal for Lebanon

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

Appeals Phase Begins In Hariri Case At International Tribunal (Agence France Presse)
January 13, 2021

ADDS tribunal announcing start of the appeals phase An international tribunal charged with investigating the 2005 murder of Lebanese prime minister Rafiq Hariri announced Wednesday the start of the appeals phase in the case of four suspects, including one sentenced to life.

Four suspected members of the Lebanese Shiite Muslim movement Hezbollah were tried in absentia for Hariri's assassination, a major attack that killed 21 others and wounded 226.

On December 11, after six years of trial, the Netherlands-based court sentenced Salim Ayyash to five life terms following his conviction in August.

But the court said there was a lack of evidence to convict the three other defendants -- Assad Sabra, Hussein Oneissi and Hassan Habib Merhi.

All four were tried in absentia, including Ayyash, 57, who remains on the run.

Prosecutors, Ayyash's lawyers and victims' representatives have filed notices of appeal against the judgements for varying reasons, the Netherlands-based Special Tribunal for Lebanon announced.

"The filing of the notices of appeal marks the beginning of the appeals phase," it said in a statement.

The prosecutor's office said it was alleging "errors of law and errors of fact" and argued that "such errors invalidate the judgement and occasion a miscarriage of justice."

According to the tribunal, Ayyash's lawyers "challenged every finding of guilt returned by the trial chamber" and called for the conviction to be overturned. They were also appealing against the sentence.

The victims' representatives are appealing against the decision not to impose financial penalties against Ayyash, the tribunal said.

The appeals chamber of the tribunal can confirm, reverse or revise the trial judgement, sentence or both. It can also order a re-trial if necessary.

A date was not announced for the start of hearings in the appeals phase.

In the February 2005 attack, a suicide bomber detonated a small van full of explosives as Hariri's armoured convoy passed.

Ayyash was found guilty of conspiracy to commit a terrorist act, committing a terrorist act using an explosive device, the "intentional homicide" of Hariri and of 21 other people, and attempted homicide of those injured in the attack.

Hassan Nasrallah, the head of the Hezbollah movement, has refused to hand him over or to recognise the UN-backed court.

The court has issued an international warrant for his arrest.

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Israel and Palestine

Israel orders wave of new house demolitions in Silwan, Jerusalem (Al Jazeera) By Ibrahim Hussein
December 31, 2020

Fakhri Abu Diab, 59, may soon have to decide whether he should contract a crew to demolish his family's building.

He built his property – in which 13 family members live across three units – without permission, having been denied permission four times since he first applied in 1987.

If the municipality carries out the demolition order, served on December 9, the cost could be \$30,000.

Diab says that, if he loses his home, "I have no alternative at the moment but to put up a tent".

He says 21 demolition orders were issued in Al-Bustan in December alone.

Homeowners and observers fear that the municipality, with the support of Prime Minister Benjamin Netanyahu, is preparing to raze a significant number of Palestinian homes in the city over the coming weeks.

New Israeli parliamentary elections set in March and outgoing US President Donald Trump's last days in the White House could hasten such a move.

"There's a lot of pressure from the extreme right both within the city and on the national level to take advantage of the remaining time," Laura Wharton, a Jerusalem municipal councillor with the Israeli left-wing party Meretz, told Al Jazeera.

Wharton estimates the number of standing demolition orders in East Jerusalem is as high as 30,000. However, she does not foresee all of them to be at imminent risk.

In 2020 alone, the United Nations recorded 170 demolitions in East Jerusalem alone and 644 in Area C of the occupied West Bank.

The figures indicate that this is the second-highest number of demolitions after 2016 since the UN began recording demolitions in the occupied Palestinian territories in 2009.

A freeze on the demolition of inhabited homes in East Jerusalem came in effect on October 1 to curb the spread of the coronavirus pandemic.

But the Jerusalem municipality abruptly ended the freeze on November 11.

When Al Jazeera contacted Jerusalem Municipality for its response to the new demolition orders, it did not address the issue but said it a statement: "Jerusalem is one of the leading cities in the world in addressing the needs of its residents, all its residents, especially during this difficult period."

Silwan, which lies south of the Old City's walls, has long been a target of ultranationalist religious settlers who often exert influence over the Jerusalem municipality, Wharton said.

"It's a problem when you have extremists both within the municipality and on the national level a PM who's trying to prove himself," Wharton told Al Jazeera.

Struggle over Silwan

About 30,000 Palestinians live in Silwan, many in substandard homes with poor infrastructure.

Approximately 500 Jewish settlers live in scattered settlements across Silwan.

The City of David Foundation, an Israeli NGO commonly known as El-Ad (the Hebrew acronym for “To the City of David”), was founded in 1986 primarily to advance territorial claims through archaeology and housing for settlers in Silwan.

In the mid-90s it was sub-contracted to run the City of David Park, which it intends to extend from Wadi Hilweh near Al-Bustan.

The plan entails the demolition of nearly 90 Palestinian homes to make way for a national park and new residential development for settlers.

The Jerusalem Municipality has officially changed Al-Bustan’s name to Gan Hamelekh (King’s Garden) on the premise that it was a garden for Israelite kings thousands of years ago.

Palestinian Al-Bustan residents have consistently had requests for building permits rejected by the municipality because it is considered “an open landscape area” under a scheme called The King’s Valley.

‘My home is destroyed’

“I’ve been harmed in so many ways; my home is destroyed ... my wife and kids are now living apart from me,” 28-year-old Kazem Abu Shafe’a told Al Jazeera.

Abu Shafe’a needed a home for his family of four. But, as a care worker for the elderly with a modest income, he could not afford to move out of Silwan.

So in August, he decided to build a home for his family on top of his mother’s house – also facing a demolition order – without applying for permission.

They moved into the extended property in early November, but on November 17, Municipal officers handed a demolition order to Abu Shafe’a.

He consulted a lawyer, but he told him that he could not annul the order.

Abu Shafe’a began salvaging furniture, the wife took the children and went to live with her parents until they could find a place to rent. Abu Shafe’a stayed at his mother’s home.

On December 22, the demolition squad including police and municipal workers came.

“It was around noon, there was no prior announcement,” Abu Shafe’a said.

“About 30 policemen spread out in the neighbourhood and the destruction was done,” he said.

Preventing a Palestinian capital

Al-Bustan is not the only neighbourhood in Silwan that is coming under pressure from the Israeli authorities.

Residents in Baten el-Hawa, in the heart of Silwan, are facing eviction orders after settler organisations successfully established ownership claims at Israeli courts.

Peace Now, an Israeli settlement watch group, says the lawsuits brought by settlers will result in the uprooting of an entire community in East Jerusalem based on exercising the law of “right of return”, which Israel only affords to its Jewish citizens.

Through al-Bustan, the settlers will establish contiguity of three locations. The City of David Park on the edge of Wadi Hilweh and Baten el-Hawa to the east.

“The vision is to connect the dots between all the settlements in Palestinian neighbourhoods,” Hagit Ofran, researcher and spokesperson at Peace Now, told Al Jazeera. “To surround the Old City to prevent a Palestinian capital in East Jerusalem.”

In stark contrast to the Jerusalem Municipality’s demolition policy towards Palestinians, stands a six-storey building in Baten el-Hawa, inhabited by Jewish settlers, since 2004.

“Yonatan House,” named after Jonathan Pollard, an American intelligence analyst who spied for Israel, was built without a permit two decades ago, yet the municipality ignored a court order to evacuate and seal the building and has left the house intact.

Meanwhile, Zuheir Rajabi, 50, and his family of six live in Batn el-Hawa just a few metres from Yonatan House.

An Israeli court has ruled that the family must leave their home after the pro-settler group Ateret Cohanim, through the Israeli Custodian of Absentee Property, established ownership of land owned in the name of a trust intended to benefit poor Jewish Yemenite immigrants over a century ago.

Today, there are 87 eviction orders against the Palestinian inhabitants in Batn el-Hawa due to Ateret Cohanim’s lawsuits.

Rajabi told Al Jazeera there will be a strong reaction from residents if they begin carrying out the demolitions.

“If all the families stand united in the face of this policy then we can stop the execution of the orders,” Rajabi said.

Shtayyeh condemns Israel's halt on granting visas to UN human rights employees (Wafa)

January 6, 2021

Prime Minister Mohammed Shtayyeh condemned Israel's continued refusal to grant or renew visas to employees of the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR).

This came during a virtual meeting with the director-general of the United Nations High Commissioner for Human Rights in the occupied Palestinian territory James Hainan, where they discussed the human rights situation in Palestine, and stressed the importance of UN staff presence in Palestine to document the occupation’s violations of Palestinian rights.

Shtayyeh stressed that there is a significant escalation in human right violations in Palestine as a result of the violence of the colonists, the steady increase in the colonial program, the continuous incursions into cities, villages, and camps, and the systematic destruction of the two-state solution and the possibility of a Palestinian state.

No more pay-for-slay: Bank of Palestine will no longer be paying terrorists (Israel Hayom)

By Ariel Kahana

January 7, 2021

The Bank of Palestine has recently discontinued its work with the accounts of terrorists who receive benefits from the Palestinian Authority.

According to official statements from the terrorist organizations, the bank has informed terrorists and their family members that they must withdraw all funds and close their accounts.

The decision stems from the warning the Bank of Palestine received from the Palestinian Media Watch, a non-profit Israeli institute that researches the Palestinian society.

The institute warned the bank about a year ago that according to the 2016 Counter-Terrorism Law, financial entities involved in the pay for slay system will be viewed as supporting terrorists – and will therefore be exposed to enormous legal and economic risks.

Israel's Military Advocate General had been delaying the application of the Counter-Terrorism Law in Judea and Samaria for years. Only after the murder of 17-year-old Rina Shnerb and following a demand by Palestinian Media Watch attorney Maurice Hirsch, who also represents the family, was Israel forced to clarify that the law does indeed apply to Judea and Samaria.

The Palestinian Authority prepared for the shift in advance. It paid a large part of terrorists' salaries several months in advance and is looking for new ways to continue the payments despite international pressure to stop doing so.

Israel's decision to deny coronavirus vaccine to Palestinian prisoners prompts outrage (Daily Sabah/Anadolu Agency)

January 10, 2021

Israel's decision to deny Palestinian prisoners the coronavirus vaccine is "racist" and contravenes international laws, a Palestinian rights group said Saturday.

An Israeli minister recently said vaccinating Palestinian inmates was "not a priority" for Tel Aviv, a move that the Commission

of Detainees and ex-Detainees Affairs said was aimed at "increasing the suffering of prisoners and to psychologically torture them and their families."

"The statements of the Israeli public security minister (Amir Ohana) are racist and show the ugly face of the occupation and its immoral and criminal view on the rights of men and women inside prisons," said Hassan Abd Rabbo, media advisor for the commission affiliated with the PLO, told Anadolu Agency (AA).

After the minister's initial remarks last month, Israel's Attorney General Avichai Mandelblit said Ohana's directives not to vaccinate Palestinian inmates were "lacking in authority and are not valid."

On Friday, though, Ohana reiterated that he will not back down on the decision, the Israeli Public Broadcasting Corporation reported.

He insisted that COVID-19 shots for Palestinian inmates will only be considered after all prison staff members are vaccinated, as well as the "general population of Israelis who are not incarcerated."

Abd Rabbo denounced the minister's comments as "a clear violation" of international laws.

"This position completely contradicts the obligations of the Israeli occupation under the Third and Fourth Geneva Conventions, a clear violation of international humanitarian law, and a clear violation of the instructions and protocols of the World Health Organization (WHO), which demand the vaccination of all prisoners," he said.

"The occupation must take preventive measures to protect prisoners held in overcrowded rooms and sections of prisons."

Earlier in the week, the Palestinian Prisoners Society said 188 Palestinian inmates tested positive for COVID-19 since the beginning of the pandemic.

According to Palestinian estimates, there are 4,400 Palestinians in Israeli prisons, including 41 women, 170 children and around 380 people held under Israel's administrative detention policy, which allows the detention of Palestinians without charge or trial.

Netanyahu approves hundreds of new homes for West Bank settlers on eve of Biden presidency (The Washington Post) By Steve Hendrix and Shira Rubin

January 11, 2021

Israeli Prime Minister Benjamin Netanyahu on Monday approved the construction of 800 new housing units in Jewish settlements in the West Bank, launching a potentially provocative expansion in the Israeli-occupied territory just days before President-elect Joe Biden's inauguration.

Critics immediately accused the prime minister, who has been closely allied with the pro-settler administration of President Trump, of needlessly antagonizing Trump's successor.

"The Biden administration still hasn't taken office and the government is already leading us to an unnecessary confrontation," tweeted opposition leader Yair Lapid, who hopes to be part of one of the coalitions aiming to unseat Netanyahu in March elections.

Biden has said he opposes settlement expansion and has clashed with Netanyahu over the issue in the past. The president-elect was known as a staunch supporter of Israel during his three decades in the Senate, and he and Netanyahu have both cited their long relationship in hoping for an amicable beginning to its next stage.

But Biden was also No. 2 in an Obama administration that frequently locked horns with Netanyahu. As vice president, Biden was infuriated during a 2010 visit when a government ministry announced plans to build 1,600 new housing units in an ultra-Orthodox settlement in East Jerusalem, an area that Palestinians covet as the capital of a future state.

Even though Netanyahu was said to have been blindsided himself by the timing of the 2010 announcement, there is no doubt that Israel's political establishment is keenly aware of the sensitivity surrounding such a settlement announcement now, nine days before Biden takes the oath of office.

"We're here to stay," Netanyahu said in a Facebook post Monday. "We're continuing to build the Land of Israel!"

The governing Palestinian Authority accused Israel of "stealing more Palestinian lands in an attempt to completely close the door to any chance to establish an independent, sovereign and viable Palestinian state with East Jerusalem as its capital."

Representatives from Jordan, Egypt and several European governments meeting in Cairo to discuss jump-starting the Israeli-Palestinian peace process jointly called on Israel to “immediately and completely cease all settlement activities.”

Monday’s announcement — the second time in recent weeks that the government has greenlighted new housing units in occupied areas — allows for the 800 homes to be built in at least 10 settlements.

Political observers said several factors were probably behind the timing of the notice. Netanyahu’s right-wing coalition has been clamoring for additional housing in settlements, where the population of Israelis has neared 500,000. The prime minister may also believe, they said, that approving construction now will cause less anger in Washington than waiting until Biden takes office and can officially object.

“It may be like a big gulp of oxygen before a big dive underwater when it won’t be so easy to make such announcements,” said a former diplomat who spoke on the condition of anonymity to comment candidly.

Israel is bracing for sharp changes in the White House’s stance. Trump upended decades of precedent by agreeing to the annexation of the Golan Heights and saw a new settlement there named in his honor. He also scrapped long-standing U.S. policy by declaring that settlements were not inherently illegal under international law.

Most notably, Trump’s peace plan would have allowed for the full annexation of the settlements into Israel proper, a step that critics said would end prospects of a cohesive Palestinian state on the West Bank. That proposal was shelved as part of the diplomatic deal reached last year between Israel and the United Arab Emirates.

But domestic concerns may be the biggest driver of Monday’s move. Israel is heading to a fourth national election in just two years, on March 23, and for the first time Netanyahu faces a substantial challenge from his right. Polls suggest that Gideon Saar, a settlements champion and former minister in Netanyahu’s Likud party, has pulled enough conservative support to threaten the prime minister’s record-long rule.

“What he’s trying to do is get in the window of the opportunity, in the days before Biden gets into office, to make himself seen as the only Israeli leader that can actually take care of the settlements and the settlers,” said Gayil Talshir, a political scientist at the Hebrew University of Jerusalem.

Of the new construction permits, 100 will go to Tal Menashe, a northern West Bank settlement where a woman was killed during an afternoon jog last month in an alleged Palestinian attack. Her husband has called for increased home construction as the “appropriate Zionist response” to her death.

“It’s become a clear one-for-one,” said Dahlia Scheindlin, a Tel Aviv pollster. “Whenever there’s an attack on Israelis: Build more settlements. Netanyahu knows that that’s the currency. He’s fighting for his political survival.”

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Afghanistan

Australia's war crimes commanders to soon learn their fate (Canberra Times) By Harley Dennett
December 31, 2020

Army commanders under whom the Afghanistan war crimes allegedly occurred will not have to wait much longer to learn how the Defence Force chiefs intend to respond to their alleged command failures.

Command-level leaders and Army lawyers who allegedly white-washed earlier investigations were not among the 19 individuals earmarked by criminal charges by Justice Paul Brereton's Afghanistan report, but he did recommend Army undertake administrative actions.

Their fate, along with expected structural and cultural reforms, will become clearer with the release of Australia's full response to the alleged war crimes. That announcement could occur as soon as January, after Defence Minister Linda Reynolds confirmed this week that the independent criminal justice response will begin next month once the Office of the Special Investigator begins operating.

The government put the brakes on the defence force plans to crack down swiftly following last month's release of Justice Brereton's report alleging 39 murders by 25 special forces personnel while on operations in Afghanistan between 2006 and 2013.

The government insisted that decisions and announcements be put on hold until the full implementation plan of the Brereton recommendations, including the delicate and lengthy process for criminal prosecutions, be announced simultaneously.

The three-person oversight panel, led by former inspector-general of intelligence and security Dr Vivienne Thom, is already working with ADF chief General Angus Campbell and Army chief Lieutenant General Rick Burr on the administrative and disciplinary components of the implementation plan. Only the plan for criminal prosecutions is yet to make progress.

Senator Reynolds said the oversight panel has hit the ground running working with defence and her as minister.

"I've been working very closely with the Chief of Defence Force over the last few weeks, and he is working through the recommendations, and he is preparing a draft implementation plan," the minister told reporters this week.

"I'm satisfied that when the implementation plan is released, [it will be] transparent, comprehensive, and it will address all of the matters that have been canvassed to date, and many more in that report."

"There's also in the report, a wide range of issues that the Chief Defence Force and the Chief of Army need to address administratively under Defence Force Discipline processes and Act. Those are the sorts of things that the CDF is reflecting on now, and working through how he deals with those, and all of those matters legal disciplinary and administrative will be contained in the implementation plan."

Justice Brereton identified 19 patrol-level individuals for criminal prosecutions in his report. None of the names have been released publicly, and even the Senator Reynolds's copy of the complete report had the name redacted to preserve integrity of any decisions she may have to make.

Former war crimes prosecutor urges federal investigator to pursue Army's 'chain of command' over Afghanistan allegations (ABC News) By Andrew Greene
January 3, 2021

A former New South Wales magistrate who once served as a war crimes prosecutor at The Hague says those higher up the Army's "chain of command" must be investigated over alleged unlawful killings in Afghanistan.

Graham Blewitt has told the ABC securing convictions over the disturbing findings of last year's Brereton inquiry would not be easy because Australian police did not currently have the appropriate expertise.

"I know from experience that investigating such allegations is not easy and it requires a level of expertise that does not exist currently in the Australian [state] police forces or in the Australian Federal Police," he said.

His warnings come on the day the Federal Government's new Office of the Special Investigator formally begins its work

examining the evidence uncovered by the Inspector-General of the Australian Defence Force (IGADF).

In November, Justice Paul Brereton recommended that 19 soldiers be investigated by police for the "murder" of 39 prisoners and civilians, and the cruel treatment of two others.

Last month, former Commonwealth DPP and federal court judge Mark Weinberg was announced as the special investigator who would pursue the most serious of the alleged crimes uncovered by the IGADF inquiry.

Mr Blewitt, who also helped to prosecute Nazi war criminals in Australia during the 1980s and 1990s, says it is crucial that the new office looks beyond just the lower ranked soldiers identified by Justice Brereton.

"In my view it would be irresponsible for the special investigation unit not to go higher up the chain of command," he said.

While the retired magistrate warns the work of investigations and then prosecutions will be difficult, he believes the process could be completed in under five years.

"It will be necessary to become very familiar with the work of Brereton and to then pick that up and carry the baton on — and complete the task," he said.

"It can be done but it's going to require dedication by a number of very professional people."

Rawan Arraf from the Australian Centre for International Justice said she was hopeful the Office of the Special Investigator would help secure convictions, but warned the process could take a long time.

"We haven't yet seen what the budget is for this office, but we're hoping that it is sufficient enough to be able to carry out these investigations which we expect will take many, many years."

Three Arrested In Connection With Assassination Of Afghan Election Activist (Gandhara)

January 9, 2021

Afghan forces have arrested three people in connection with the December killing of prominent election activist Yusuf Rasheed.

Kabul police spokesman Ferdaws Faramarz did not give the names of the three arrested or say if they belonged to any group in comments to RFE/RL on January 9.

Faramarz said the case was under investigation by security forces and that details would be shared when the investigation is completed.

Rasheed, who headed the independent Free and Fair Election Forum Of Afghanistan (FEFA), was slain along with his driver after unknown gunmen fired on his vehicle in a southern district of the capital on the morning of December 23.

Rasheed was on his way to participate in the inauguration of a peace advocacy group in Kabul when the vehicle he was riding in was ambushed.

It was one of several recent targeted attacks on journalists, activists, and politicians that have drawn condemnation from the United Nations and Afghan and foreign officials.

No militant group has taken responsibility for Rasheed's assassination.

The extremist Islamic State group has claimed responsibility for multiple deadly incidents in recent months, however, including attacks on educational institutions that killed 50 people, most of them students.

Rasheed's killing came just days after Rahmatullah Nikzad, a freelance reporter and head of a media-safety union in the central Ghazni Province, was killed in an attack by unknown armed men in the province.

On December 24, the day after Rasheed's death, social and political activist Freshta Kohistani was slain in a village in Kapisa Province, northeast of Kabul.

On November 12, RFE/RL reporter Ilyas Dayee was assassinated in Helmand Province when a magnetic bomb attached to his vehicle exploded. Afghan security officials claimed to have arrested a man suspected of involvement in Dayee's killing and released a video of the suspect's confession on December 11.

The targeted killings of prominent figures have come despite ongoing efforts between government negotiators and the Taliban to try put an end to decades of war in Afghanistan.

After a 20-day break in the negotiations, representatives of the government and the Taliban met in Qatar on January 6 for preliminary talks aimed at starting a second round of peace talks.

A spokesman for the Afghan National Reconciliation Council has said that negotiators are scheduled to hold their first session with the Taliban on January 9.

Afghanistan investigating if civilians killed in strike against Taliban (Reuters) By Orooj Hakimi & Storay Karimi
January 10, 2021

The Afghan government is investigating an air strike by its military in the southern province of Nimroz that local officials say resulted in the deaths of 14 civilians, as local residents brought their bodies to the provincial capital in protest.

Government officials confirmed the Saturday night strike, but said on Sunday that initial information showed the deaths were all of Taliban insurgents fighting Afghan security forces.

The clashes came just as representatives of the Afghan government and the Taliban kicked off the second round of peace talks in the Qatari capital Doha on Saturday.

"An air strike in Khashrod district has resulted in heavy casualties for the Taliban, and investigations into allegations that civilians have been killed are ongoing," the Afghan Ministry of Defence said in a statement on Sunday.

A local government official told Reuters, on condition of anonymity, that the Afghan air force targeted a residential house where it suspected Taliban were present.

The official said the 14 killed were all from one family.

Local residents told Reuters by phone that people from the area where the strike took place had brought the bodies to the centre of Nimroz's capital, Zaranj, to prove that the deceased were not Taliban fighters.

Taliban spokesman Qari Muhammad Yousuf Ahmadi also denied those killed were its own combatants, saying they were civilians, all members of one family, and included women and children.

Continued violence has hastened international calls for a ceasefire between the Afghan government and the Taliban, whose representatives met on Saturday for a first session in a second round of peace talks, where contentious issues such as a ceasefire and power-sharing are expected to be discussed.

Both sides, in separate statements on Saturday, said they discussed the agenda and that the meeting took place in a positive and amicable atmosphere.

Convicted JBLM war criminal among former troops requesting pardon from President Trump (The News Tribune) By Abbie Shull
January 10, 2021

A former Army staff sergeant from Joint Base Lewis-McChord who killed 16 Afghan civilians, including nine children, is among eight former service members convicted of war crimes who have filed petitions seeking pardons or clemency from President Donald Trump.

Robert Bales, 45, admitted to the 2012 massacre in Kandahar Province in a 2013 general court-martial in order to avoid the death penalty. He is currently serving a life sentence without the possibility of parole in the maximum-security wing of the Midwest Joint Regional Correctional Facility in Fort Leavenworth, Kansas.

Bales spent his entire Army career with Joint Base Lewis-McChord's 3rd Brigade, 2nd Infantry Division, and lived in Lake Tapps with his wife and two children.

Bales' attorney, John Maher, told The News Tribune his legal team wanted to take advantage of the fact that, traditionally, past presidents have given pardons in the last weeks of their administration. However, he said after the events of this week, a pardon for Bales is unlikely.

"Factoring out the events of Wednesday, I think the likelihood of a pardon is in the single-digit percentages," Maher said,

referencing the storming of the U.S. Capitol on Jan. 6 by a violent mob of pro-Trump loyalists. "I do think this president has a soft spot for military and law enforcement, so we'll see."

In the Dec. 2 filing, Maher asked the president to "disapprove the findings and the sentence in this court-martial, or grant a full and unconditional pardon, or commute the present sentence to 20 years confinement."

Maher said he filed the petition because the current defense team, which picked up Bales' case on appeal, does not believe that Bales was "in his right mind" when he entered a guilty plea. According to Maher, Bales had been taking the antimalarial drug mefloquine, which can have adverse psychiatric effects, including a tendency toward violence, in some patients.

Maher first raised the issue of Bales having allegedly been given mefloquine by the Army in a 2017 appeal, four years after he was sentenced at JBLM. Maher said Bales took mefloquine during a 2003-2004 tour in Iraq and possibly was taking it in Afghanistan in 2012.

There continues to be little evidence of Bales having taken the drug, according to retired Lt. Col. Jay Morse, who prosecuted Bales seven years ago.

In an op-ed for Military.com, Morse said the only evidence to support the claim is a statement from a fellow soldier "who thinks it likely that Bales was in the same unit formation he was in when he himself received mefloquine."

"The truth is this: Bales and his attorneys had the opportunity to present evidence three times," Morse wrote. "On each occasion, Bales' attorneys presented zero supporting evidence that he was ever given mefloquine, zero evidence that he was provided an unfair trial, zero evidence that we should question his mental state at the time of his murders."

Maher also said the Army failed to disclose information about key witnesses during the sentencing. He claims that the prosecution falsely portrayed several witnesses as farmers, rather than known associates to IED events or the Taliban.

When this claim was brought up during a 2017 appeal, Morse told The News Tribune that he was aware that one witness was briefly held at a facility in Parwan, Afghanistan but he "takes a pretty significant exception that he was tied into terrorist activities."

In op-ed for Military.com on Jan. 5, retired Lt. Col. David Gurfein, defended Bales' request for a pardon, calling him a "warrior." Gurfein is CEO of United American Patriots, a nonprofit that advocates for service members who believe they have been wrongly convicted of war crimes. Documents of support from UAP were included in Bales' petition for a presidential pardon,

Gurfein's op-ed included multiple falsehoods, including the claim that Bales might not have killed civilians at all, a fact which is backed up by multiple witnesses and Bales' own words in his 2013 confession.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

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Bangladesh International Crimes Tribunal

UN: Still No Permission From Bangladesh to Access Rohingya Island (Radio Free Asia)

December 31, 2020

The United Nations confirmed on Thursday that Bangladesh had not yet permitted it to assess the habitability of an island where the government has relocated nearly 3,500 Rohingya refugees, although Dhaka said it was prepared to facilitate U.N. participation.

This week, Bangladeshi authorities moved about 1,800 Rohingya to Bhashan Char, a remote island in the Bay of Bengal, as part of a program that government officials say aims to ease crowding at densely populated refugee camps on the mainland.

The group was the second batch of Rohingya refugees to be sent to the island since Bangladesh launched the controversial program in early December.

“[T]he U.N. has been consistent in seeking access to Bhashan Char and to the refugees,” Andrej Mahecic, acting head of the news and media unit of the United Nations High Commissioner for Refugees (UNHCR) in Geneva, told BenarNews, an RFA-affiliated online news service.

“The U.N. has continuously indicated that it is ready to undertake technical and protection assessments of Bhashan Char, while we have not yet been permitted to do so by the Government.”

An assessment would be “the concrete next step” in deciding whether the U.N. can be involved in the Bhashan Char project, Mahecic added, in an email response to questions from BenarNews.

“We remain ready to continue to engage in constructive dialogue with the Government and continue to request additional information from the Government regarding their plans,” he said.

When Bangladesh started the program in early December, the U.N. said at the time that it had not been involved in preparations for the mass relocation of refugees offshore and had “limited information” on the plan.

Independent assessments carried out by the United Nations “would review the safety, feasibility and sustainability of Bhashan Char as a place for refugees to live, as well as the framework for protection and the assistance and services they would be able to access on the island,” UNHCR said back on Dec. 2.

On Wednesday, a day after the second batch of refugees disembarked from navy ships at Bhashan Char, the Ministry of Foreign Affairs defended the government against what it called “misinformation” and allegations that the stateless refugees were transported offshore by force or against their will.

“The Government would like to make it unambiguously clear that the relocation process, which was commenced ... in line with the [Government’s] efforts to decongest and de-risk the camps, strictly followed the principle of voluntariness and was conducted with utmost transparency,” the ministry said in a long statement.

It was referring to refugee camps and settlements in mainland Cox’s Bazar district in southeastern Bangladesh, where most of the 1 million Rohingya refugees from neighboring Rakhine state in Myanmar have been sheltering.

“There was no question of the use of force, intimidation or the use of money to influence the decision of the participants,” the ministry added.

Bangladesh’s plan is to move 100,000 refugees to Bhashan Char in stages. The government spent about U.S. \$280 million to construct housing, a large embankment, cyclone shelters and other infrastructure on the island, officials had said.

In its statement on Wednesday, the ministry also said it was willing to smooth the process for U.N. involvement in the relocation of Rohingya to Bhashan Char.

“The [Government] reiterates its stance on the involvement of the U.N in the process and is ready to facilitate participation of the U.N. as per its mandate,” it said.

Earlier this month, Minister of Foreign Affairs A.K. Abdul Momen told BenarNews that the government had “no objection” to the U.N.’s going to Bhashan Char but that the world body had not put in a formal written request for a visit.

BenarNews asked Mahecic, the UNHCR spokesman in Geneva, whether it was true that the U.N. had not sent a written request to the Bangladesh government. He, however, did not address this issue in his response.

Rohingya photographer arrested

Meanwhile in a joint letter, 33 prominent figures as well as refugee and human rights advocates from Bangladesh and other countries called on Bangladeshi authorities Thursday to release a Rohingya photographer, Abul Kalam, who they said was detained on Monday as he took pictures of refugees who had boarded buses leaving for Bhashan Char.

“Photography is not a crime. Abul Kalam was taking photographs of buses on their way to Bhashan Char. He was doing so in a public place, albeit in a refugee camp. The relocation to Bhashan Char is a widely publicized program of the Bangladesh government. It is by no means a secret and has been extensively covered in the media,” they wrote.

BenarNews spoke to Kalam’s wife, who is a fellow Rohingya refugee.

“Some people caught him while he was taking photos of his sister who was shifting to Bhashan Char, and handed him over to the CIC,” Syeda Begum said, referring to an administrator in charge of the refugee camp. “He was beaten for no fault of his, and finally sent to jail.”

Khalilur Rahman, the administrator of the Kutupalong camp, denied that Kalam was beaten.

“He possessed a fake national identity card of Bangladesh. I do not know anything more,” Rahman told BenarNews on Thursday.

According to Ghazi Salahuddin, officer-in-charge of the police station in the Ukhia sub-district, Kalam was arrested for suspected involvement in an attack by Rohingya on a local magistrate and a camp administrator in late May, as the officials tried to remove illegal structures at a refugee camp. Three people were injured in the attack with machetes, brickbats, and other weapons.

“We produced him before the court on Thursday [for the May incident.]. The court sent him to jail,” Salahuddin told BenarNews.

Attempt to grab Revolutionary Jatindra Mohan’s house sparks public outcry (Dhaka Tribune) By Anwar Hussain, Chittagong
January 5, 2021

Prosecutor of the International Crimes Tribunal Rana Dasgupta said that the government could turn the historical house into a museum.

An attempt to grab the historical house of Deshapriya Jatindra Mohan Sengupta has prompted a massive outcry among the people of Chittagong.

On Monday morning, the front portion of the historical house located in the city’s Rahmatganj area was bulldozed under police escort.

A group of people made the grabbing attempt through a court order. However, the grabbers backed off in the face of stiff protest.

Protesting the grabbing bid, Chattagram Itihas Sangskriti Gobeshana Kendra held a press conference at Chittagong Press Club yesterday.

Reading out a written statement at the press conference, the platform’s chairman Aliur Rahman said that Chittagong district administration was the custodian of the 150-year-old house.

Terming it as an evil bid to destroy the heritage site of Chittagong, Aliur said, “Recently, an individual named Farid Uddin filed a case with the court claiming ownership of the property. However, an attempt was made to demolish the building without notifying the district administration.”

“Edith Ellen Gray, better known as Nellie Sengupta, lived in her husband Jatindra’s Rahmatganj house till 1972. The Englishwoman also fought for Indian independence. She was elected president of the Indian National Congress at its 47th annual session in Calcutta in 1933. Before dying issueless in Calcutta in 1973, she had not sold or handed over the property to anybody. That’s why the Bangladesh government enlisted the property as Arpita Sampatti (vested property),” he said.

Urging the government to retain the historical building and hand over the vested property to the Cultural Affairs Ministry, the platform also demanded the construction of a multistoried building behind the house and the establishment of a museum and research centre on the anti-British movement.

Speaking at the press conference, renowned sociologist Dr Anupam Sen said that the historical building should be protected at any cost.

Prosecutor of the International Crimes Tribunal Rana Dasgupta said that the government could turn the historical house into a museum.

Referring to Article 24 of the constitution, poet and columnist Abul Momen said that the State should adopt measures for protection against disfigurement, damage or removal of all monuments, objects or places of special artistic or historic importance or interest.

A platform under the banner of Chattogramer Bir Janata also held a rally before the Chittagong Press Club protesting the attempt to grab Jatindra Mohan Sengupta's historic house.

Jatindra Mohan Sengupta (1885-1933) was an Indian revolutionary who fought against British colonial rule. Jatindra was arrested several times by the British police. In 1933, he died in prison in Ranchi, India.

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War Crimes Investigation in Myanmar

Woman Severely Injured in Landmine Explosion in Myanmar's Rakhine State (Radio Free Asia) By Min Thein Aung
January 6, 2021

A civilian lost part of her leg and sustained facial injuries in a landmine blast in western Myanmar's war-ravaged Rakhine state on Monday, the woman's brother said, as unexploded ordnance from a two-year-long armed conflict continues to maim or kill villagers in war zones.

The incident occurred amid a nearly two-month lull in fighting between the Myanmar military and the rebel Arakan Army (AA), which seeks greater autonomy for ethnic Rakhine people in the state. The two sides agreed to refrain from clashes so that elections could be held in several Rakhine townships excluded from November's nationwide elections for security reasons.

Khin San May, 43, of Ouk Khabaw village in Kyauktaw township, stepped on the landmine while gathering firewood in the mountains near the community, said her younger brother Kyaw Hla Htay.

"She stepped on a landmine, and it exploded," he told RFA, adding that another sister who was with Khin San May had to carry her back to the village. The woman first was taken to Kyauktaw Hospital, but later transferred to Sittwe General Hospital in the state capital.

Myanmar forces and the AA had an armed clash in the area in March 2020, though Kyaw Hla Htay said that no one knows who planted the landmine that injured his sister.

Since the beginning of the current conflict through November 2020, three dozen villagers lost their lives to landmine explosions in northern Rakhine state and in adjacent Paletwa township of neighboring Chin state, while 77 others were wounded, according to an RFA tally. Some of the casualties occurred when civilians found unexploded ordnance and tried to dismantle it.

Villagers cannot avoid the danger posed by landmines left by both armies because they must go outside their communities for firewood and other necessities, local administrators said. They also pointed out that there are no serious efforts to educate locals about landmines and unexploded ordnance or to demine conflict zones.

Pan Thar, head of Ouk Khabaw village, said residents who eke out a living by hunting for forest products must go into wooded areas despite the risks.

“We warned everyone in the village not to go into the woods or nearby mountains [because] it is possible that there are many landmines in the area,” he said. “But we can hardly blame those who venture out into the woods for a living. If we could conduct an education campaign on the landmines, it would be beneficial for them.”

‘Local civilians lack awareness’

Khine Kaung San, director of Wun Latt Foundation, a local civil society group that conducts education campaigns at internally displaced persons (IDP) camps, agreed that information campaigns could prevent landmine and ordnance explosions that endanger civilian lives.

“Local civilians lack awareness, [and just] educating the people in IDP camps is not enough,” he said. “We frequently see many civilians getting injured by landmine blasts while venturing out near their villages. It’s necessary to conduct education campaigns for residents of all villages located near conflict zones.”

But such programs require support from the government, the military, and international NGOs because local civil society groups have limited programs, Khine Kaung San said.

The Wun Latt Foundation runs a limited number of education programs at IDP camps mainly by distributing informational pamphlets with the assistance of the Danish Refugee Council (DRC), an international humanitarian agency based in Denmark.

Rakhine state government spokesman Win Myint said officials are not involved in efforts to inform civilians about the dangers of landmines.

“We aren’t doing any work on the issue,” he said. “Some NGOs are doing landmine education campaigns. The education mainly focuses on warnings not to go to areas with landmine risks. Nobody knows which areas have higher landmine risks.”

When asked about the removal of landmine and unexploded ordnance, he referred RFA to the military, saying that it is not the government’s responsibility.

RFA could not reach Myanmar military spokesman Major General Zaw Min Tun for comment.

About 300 civilians have died during the two-year-long conflict, while more than 600 others have been injured, and 230,000 people have been displaced.

Myanmar is riddled with mines from the national military’s wars with numerous non-state armies affiliated with ethnic minorities since the country’s independence from Britain in 1948. Border areas with Bangladesh, China, India, and Thailand are heavily mined.

Myanmar Rights Groups Call For ‘Official’ Definition of Political Prisoner (Radio Free Asia) By Nay Myo Htun
January 11, 2021

Rights groups working to free political prisoners in Myanmar have called on the government and others in the country to arrive at an agreed definition of the term, saying that vague laws have led to the jailing of hundreds engaged only in peaceful protest, slowing Myanmar’s democratic transition.

Presidential Office spokesperson Zaw Htay raised eyebrows when he told reporters at a press conference in Naypyidaw on Jan. 8 that many of those now considered political prisoners in Myanmar were jailed not for political offenses, but for “breaking the country’s laws.”

“Someone should be considered a political prisoner only if they are arrested or sentenced to prison for staging a protest or expressing their political opinions in legal ways,” Zaw Htay said in reply to a question from RFA. “This definition does not apply to anyone who is arrested for breaking an existing law,” he said.

Critics called his remarks disappointing and unbecoming of a ruling party that fought Myanmar’s military dictatorship for decades and has numerous ex-political prisoners in its ranks, beginning with leader Aung San Suu Kyi.

Disputes over who is and who is not a political prisoner in Myanmar will be solved only if a more comprehensive definition of the term can be established, Take Naing—secretary of the Thailand-based Assistance Association for Political Prisoners ((AAPP-Burma)—said in a Jan. 9 statement.

“There are even several former political prisoners in our ruling government and in the parliament, including the State Counselor [Aung San Suu Kyi]. That’s why we are demanding the release of an official definition of ‘political prisoners,’” Take Naing said.

“As long as there is no official definition [of this term], there will be disputes, since many different organizations have their own definitions, while the government sticks to its own,” he said.

Tun Kyi from the Former Political Prisoners Society said the definition presented by Zaw Htay on Friday was incomplete, calling it an attempt to mask the true numbers of political prisoners now held by Myanmar’s ruling government.

“Successive governments [in Myanmar] have distorted the definition of political prisoners and denied that they existed, but they existed before and now under the ruling government as well,” he said. “Now, a spokesperson has implied at a national press conference that we don’t have any now, and this is not acceptable.”

“Moreover, our own definition of political prisoners is not based on the expression of opinions alone. In our work, we rely on more inclusive definitions that comply with international standards and designations,” he said.

Hundreds are still held

Myanmar national leader Aung San Suu Kyi, who spent a total of 15 years over a 21-year period under house arrest and several months in Yangon’s feared Insein Prison, where some of her own government’s critics now languish, has publicly stated that even one political prisoner in the country is too many.

But the 75-year-old Nobel laureate finished her term with about 584 political prisoners in various stages of incarceration or prosecution in Myanmar, with 36 serving prison sentences, 193 held in detention while waiting to be tried, and 355 out on bail while awaiting trial, AAP-Burma says.

Critics point to two laws—Section 505(a) of the Penal Code and Section 66(d) of the Telecommunications Law—that are now frequently used to jail students, performers, Facebook users, and other peaceful critics of Aung San Suu Kyi’s government and especially of Myanmar’s powerful military.

“In the past, the government used many laws and charges as excuses to arrest political prisoners,” one former political prisoner told RFA, adding that he had once served on a commission set up under the former government of Myanmar’s President Thein Sein to review the status of political prisoners jailed by the country’s previous military regime.

“We had records of all those arrests and campaigned for [those prisoners’] release while I served on the review committee for remaining political prisoners,” he said. “We also secured the release of many ethnic minority villagers who had been arrested for associating with insurgency groups by designating them, too, as political prisoners.”

“Zaw Htay’s comments are disappointing if they represent the government’s views,” he said.

Spokesperson for the ruling National League for Democracy (NLD) party Myo Nyunt seconded the rights groups’ call for a better definition of political prisoner, however, saying that the question of designating prisoners as political offenders has become “more and more complicated these days.”

“There have been many incidents that do not fit the existing definitions, and that’s why I think it will be more appropriate to have a conclusive discussion on this issue so that we can have an official definition of what a political prisoner really is,” he said.

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AMERICAS

North & Central America

Trump May Face Prosecution — but Not for His War Crimes (Intercept) By Jeremy Scahill

January 4, 2021

Donald Trump's instantly infamous Georgia phone call has rightly spurred calls for action against the soon-to-be former president. And with good reason: It was a clear attempt by the president of the United States to pressure and threaten state officials to "find" nonexistent votes that would cancel the will of the voters. But when asked on Monday about impeaching Trump for the call, a top House Democrat, Rep. Hakeem Jeffries, demurred, using a familiar phrase: "We're not looking backwards, we're looking forward." Jeffries's words were almost verbatim what then-President Barack Obama said when he decided not to prosecute anyone involved with the CIA's torture program.

Trump's imminent departure from power poses a fascinating question about accountability politics in Washington, D.C. For four years, Trump has flouted basic rules of law, profited off the presidency, used executive powers to protect and enrich his friends, and committed acts amounting to basic crimes that would have been prosecuted if committed by an ordinary person. In short, Trump has abused the powers of the presidency for personal gain.

Calls are mounting for post-presidency prosecution of Trump and with very good reason. But they center around Trump's personal and brazen crookedness. On the issue of his war crimes? Nothing. There is no movement demanding he be prosecuted under international law for the assassination of an Iranian military official on the territory of a third country. No calls for prosecution for proudly aiding and abetting the genocidal campaign of terror being waged by the Saudis in Yemen. No inquiries planned for his policy changes that allowed for even greater widespread killing of civilians in U.S. military operations.

There's little mystery why. While there was huffing and puffing from some Democrats about Trump's international recklessness, his "national security" policies for the most part fit squarely within the parameters of ordinary U.S. business. For four years, the bipartisan war machine in Washington lavished his administration with record-shattering military budgets culminating in an overwhelming bipartisan override of Trump's veto of the final National Defense Authorization Act of his presidency. The adults in Congress made sure the defense industry and the insatiable appetite for war among the political ruling class would be satisfied.

There was an opportunity in the recent past to show that the U.S. is capable of holding its own leaders accountable for their official crimes. It was on January 20, 2009, the day Obama and Joe Biden were sworn into office. They took power following the murderous eight-year reign of George W. Bush and Dick Cheney. But Obama adamantly refused to hold a single Bush-era official responsible for the total destruction of Iraq and the killing of hundreds of thousands of civilians. There were no trials for the people who ran the CIA's secret torture prisons or oversaw the kidnapping program.

The dominant rationale about Obama's "look forward as opposed to looking backward" doctrine, which he first enunciated as president-elect, was that it would have been catastrophic for morale at the CIA if Obama's administration prosecuted the torturers. The narrative was that Obama found the abuses of the Bush era appalling, was firmly against them, and would have used the law in an ideal world to seek justice, but was ultimately hamstrung by the complexities of governing and keeping the country safe. Obama, the logic held, couldn't afford to make an enemy of the CIA. But look no further than the warm friendship that the Obamas developed with the Bush family over these past 12 years to see how utterly vapid that narrative is. Obama has chosen to be a good friend and image rehabilitator of the most culpable figure, Bush. The message is not only that Obama would not hold them accountable for technical reasons, but also that he doesn't believe they even needed to be held accountable morally. Bush can lead his happy life as a painter and playfully pass mints to Michelle Obama. Torture? War crimes? That's so 2008.

We had an opportunity when Obama came to power to send a very powerful message to presidents and other officials who commit war crimes, authorize torture and kidnapping, and spy on U.S. citizens. But Obama intentionally chose not to go down that path. And within days of taking office, Obama himself authorized drone strikes in Pakistan that killed a group of civilians, including at least one child. By the end of 2009, he was surging troops into Afghanistan, expanding air strikes, and beginning a secret bombing campaign in Yemen using internationally banned cluster munitions. Order was maintained.

It is unlikely that Obama or any other former presidents are going to cozy up to Trump after his presidency. He will remain a pariah among the "adult" class. The crimes he committed that are of an uncouth variety are far too beneath the dignity of the office to be reconciled. Torture and killing of civilians is forgivable; the garish and unpresidential practices of mafia-style business accounting, hush money payments, and profiteering are not.

The Trump era has brought many comparisons to the demise of Richard Nixon and his notion that "when the president does it, that means it is not illegal." The comparison is appropriate because Trump actually said, "When somebody is president of the United States, the authority is total. And that's the way it's got to be." But this was essentially what Obama's Justice

Department argued when it intervened in June 2009 to defend former Defense Secretary Donald Rumsfeld and other U.S. officials accused of torture and death at Guantánamo Bay prison.

The Center for Constitutional Rights had filed a civil suit against Rumsfeld and 23 other military and medical officials “for their role in the illegal detention, torture, inhumane conditions and ultimate deaths” of two Guantánamo prisoners. Attorney General Eric Holder’s office intervened in the case to argue that, under the Westfall Act, Rumsfeld and the others could not be held responsible for their conduct.

The Westfall Act was passed in 1988 as an amendment to the Federal Tort Claims Act “to protect federal employees from personal liability for common law torts committed within the scope of their employment, while providing persons injured by the common law torts of federal employees with an appropriate remedy against the United States.” After Westfall, the government assumed legal responsibility for suits filed against federal employees, effectively blocking attempts to hold individual officials accountable.

That law was used by attorneys general in both the Bush and Obama administrations to attempt to absolve senior Bush officials of liability for their alleged role in crimes and to make the government liable. On June 26, 2009, Assistant Attorney General for the Civil Division Tony West wrote that “the type of activities alleged against the individual defendants were ‘foreseeable’ and were ‘a direct outgrowth’ of their responsibility to detain and gather intelligence from suspected enemy combatants.” In defending the government’s position, West cited case law, stating “genocide, torture, forced relocation, and cruel, inhuman, and degrading treatment by individual defendants employed by Department of Defense and State Department were within scope of employment,” and similar cases justifying CIA torture as part of official duty.

It really was an astonishing admission from the Obama Justice Department: Genocide, torture, and forced relocation are just part of the job for some American officials. (West is Vice President-elect Kamala Harris’s brother-in-law and a contender for the attorney general position under Biden).

Trump famously boasted that he “could stand in the middle of Fifth Avenue and shoot somebody and I wouldn’t lose voters.” That is probably true for much of his base. But it is also true that Trump — or any U.S. president for that matter — could intentionally carpet bomb civilian neighborhoods in foreign countries and not face an indictment.

It is safe to assume that Trump will not face trial for any war crimes he committed as president. And if he or his minions are sued by victims of torture or extrajudicial killing, the Biden Justice Department will almost certainly intervene to stop it, just as Obama did for Bush’s people. There will undoubtedly be years of attempts to prosecute Trump and other officials and family members on a whole range of charges in a variety of jurisdictions. Trump should be held accountable for any crimes he committed in office. But ignoring — or absolving — crimes of war will remain a central component of the myth of American exceptionalism. Like most nations the world over, including despotic and anti-democratic regimes, the U.S. system is geared toward justifying the worst crimes of its leaders.

Federal Judge Blocks Trump Order Targeting Lawyers Supporting ICC Afghan War Crimes Probe (Common Dreams) By Brett Wilkins

January 5, 2020

A federal judge in New York on Monday issued an injunction against President Donald Trump's June executive order sanctioning human rights lawyers cooperating with an International Criminal Court investigation of alleged U.S. war crimes in Afghanistan.

U.S. District Judge Katherine Polk Failla in Manhattan issued a preliminary injunction (pdf) barring the Trump administration from targeting four law professors with criminal or civil penalties for supporting the work of the ICC in its investigation of alleged extrajudicial killing, torture, rape, and other potential war crimes committed by military and CIA personnel and allied forces during the ongoing 19-year war in Afghanistan—the longest campaign of the so-called War on Terror.

"The court is mindful of the government's interest in defending its foreign policy prerogatives and maximizing the efficacy of its policy tools," Failla wrote. "Nevertheless, national security concerns must not become a talisman used to ward off inconvenient claims, a 'label' used to 'cover a multitude of sins.'"

The ruling came in a case filed last October by the Open Society Justice Initiative and professors Diane Marie Amann, Margaret deGuzman, Gabor Rona, and Milena Sterio, who argued that Trump's order violates their constitutional rights.

Failla determined that Trump's order unconstitutionally prohibits free speech "so as to induce [ICC officials] to desist from their investigation of U.S. and allied personnel."

James Goldston, executive director of the Open Society Justice Initiative, welcomed Failla's decision, saying in a statement that the injunction "affirms what we have said from the start: the executive order is misguided and unconstitutional, violating our fundamental rights to free speech."

The lawsuit came a month after Trump imposed sanctions targeting Fatou Bensouda and Phakiso Mochochoko, the ICC's chief prosecutor and prosecution jurisdiction division director, respectively, in retaliation for their scrutiny of U.S. wartime conduct.

U.S. Secretary of State Mike Pompeo declared at the time that "the United States has never ratified the Rome Statute that created the court, and we will not tolerate its illegitimate attempts to subject Americans to its jurisdiction."

In April 2019, the ICC Pre-Trial Chamber II announced it would not grant a request by Bensouda to open an investigation into alleged war crimes and crimes against humanity, including deliberate attacks on civilians and child soldier conscription by Taliban militants, torture and sexual violence by members of Afghan National Security Forces, and torture of prisoners held in U.S. military and secret CIA prisons in Afghanistan, Poland, Romania, and Lithuania.

The decision was condemned by human rights advocates, many of whom accused the ICC of bowing to intense pressure from the Trump administration after it barred Bensouda, a Gambian national, from entering the United States. The administration threatened further retaliation, including travel bans and economic sanctions, against the ICC.

In December 2019, the ICC convened a three-day hearing in The Hague, Netherlands at which prosecutors and Afghan victims of alleged U.S. and Afghan government torture pleaded with court officials to reverse their April decision and conduct a war crimes probe. The ICC unanimously ruled in March 2020 that the investigation could proceed. Pompeo condemned the decision, calling the ICC "an unaccountable political institution masquerading as a legal body."

In July 2020, top Trump officials were further incensed after prominent Canadian jurist William Schabas submitted a request to the ICC to investigate senior U.S. and Israeli officials for alleged war crimes committed against the Palestinian people.

Looking ahead to Trump's January 20 departure from the White House, Goldston asserted that "rather than spending time defending an order in direct conflict with Washington's historic support for international justice, the incoming administration should rescind it on day one."

According to Reuters, the incoming Biden administration may consider lifting sanctions against the ICC officials, pending an evaluation of the role of sanctions in U.S. foreign policy.

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South America

2021: the year after massacres returned Colombia red (Colombia Reports) By Adriaan Alsema
January 1, 2021

Conflict experts fear that 2021 could become a grim year for Colombia, where political campaigning will begin after a terrifying surge in massacres and assassinations.

Last year saw the highest number of assassinated human rights defenders and community leaders since 2011 and the persistent killing of FARC members who demobilized in 2017, according to conflict monitor Indepaz.

This violence was already threatening a peace process that followed the 2016 peace deal between the FARC and former President Juan Manuel Santos before the country was shocked by a wave of massacres not seen in years.

The coming year could be worse as the government of President Ivan Duque persistently denies reality and 2021 will be decisive for the 2022 elections.

"Looking at of the prospects for 2021, I believe that little will change and the situation will become gloomier." Political analyst

Fredy Alexander Chaverra

The year of the massacre

At least 375 people were murdered in 90 massacres in 2020, according to Indepaz, which 25 cases of the killing of more than three persons in 2019 and eight in 2015 when the FARC was still in arms.

Trying to blame narcos

The government of President Ivan Duque has tried to blame the violence on drug trafficking, but stands alone, as the government has refused to take action to dismantle paramilitary groups that were long promoted by the president's patron, former President Alvaro Uribe.

Duque all but abandoned a counternarcotics policy agreed with the FARC, the United Nations and farming communities, but has been violently opposed by drug traffickers since it took force in 2017.

Duque also conveniently ignored the fact that Defense Minister Carlos Holmes Trujillo is held responsible police murdering 13 people in Bogota on September 9, the deadliest massacre of the year.

The government's criminal interests Most of the massacres, however, took place in historically violent areas that appear to suffer the consequence of the president's reluctance to implement policies to formalize land ownership, one of the main causes of armed conflict in Colombia and a legal liability for Duque's backers.

The paramilitary groups promoted by Uribe and supported by the private sector, for example, embarked on the biggest land heist since the Spanish colonization under the pretext of fighting guerrillas, which is now being investigated by the war crimes tribunal and the prosecution.

In an apparent effort to conceal the ties between death squads and the president's allies, Duque and his party have tried to sabotage the transitional justice process that has not only been trying to shed light on war crimes and the 2011 Victims Law that seeks to return stolen land to their rightful owners.

The government and the ruling party had also been accused of promoting hate speech, another major cause of violence against social leaders, according to human rights organizations.

The failing security forces

The president's promotion of notoriously corrupt military and police commanders has additionally sunk the security forces in crisis, which allowed the surge of paramilitary groups, FARC dissident groups and the ELN guerrilla groups.

Among the reportedly five victim of the latest massacre of 2020 was a reintegrating former FARC guerrilla, of which 64 were assassinated in 2020, said Indepaz in its final update of the year.

Bleak outlook for 2021

Colombia's congressional elections and presidential elections won't be held won't be held until 2022, but with candidates who will have to position themselves this year.

Meanwhile, Colombia's Supreme Court is still investigating Uribe for his alleged role in a 2018 conspiracy with the mafia to secure Duque's election and could add to tensions anytime.

The government's attempt to blame the 2020 violence solely on drug traffickers may have been grossly inaccurate, but not entirely false.

Cocaine exports have been booming for years and providing generous rewards to illegal armed groups that are behind much of the violence.

The president's policies to curb drug trafficking were doomed ever since Duque took office in 2018, but are further complicated by the coronavirus pandemic, which has severely damaged the legal economy.

Furthermore, the political parties that currently support the government could turn against "Colombia's worst ever president" in order to have a change in 2022.

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Venezuela

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TOPICS

Truth and Reconciliation Commission

With no House, amendment to transitional justice law, as per court order, remains uncertain (Kathmandu Post) By Binod Ghimire
January 1, 2021

The wait for justice for the victims of decade-long armed conflict between 1996 and 2006 has already been a long one.

Now, it seems certain that the wait will continue.

Ministers from the KP Sharma Oli government had been promising representatives of the conflict victims to table a bill to amend the Enforced Disappearances Enquiry, Truth and Reconciliation Act-2014 in the winter session of the federal parliament to revise the law as directed by the Supreme Court. But Oli has dissolved Parliament after he was unable to face opposition from his own Nepal Communist Party.

Soon after the law was enacted in 2015, the Supreme Court, ruling on a writ petition, had directed the government to amend the Act saying that mass pardon cannot be given to perpetrators of gross human rights violations like enforced disappearances, rapes, tortures and extrajudicial killings.

The existing Act has several provisions that give the transitional justice commissions room for amnesty even in serious cases of human rights violations. However, since then no government has taken any concrete steps toward amending the Act as directed by the Supreme Court.

According to a member of the Commission of Investigation on Enforced Disappeared Persons, one of the two transitional justice commissions, amending the law is imperative for delivering justice to the victims.

“It is not possible to deliver justice to the victims without revising the Act,” Sunil Ranjan Singh, a member of the disappearance commission, told the Post. “We, along with the victims, urge the government to revise the Act through an ordinance.”

Earlier on November 29, during a meeting with the office-bearers of the Conflict Victims Common Platform, then Minister for Law, Justice and Parliamentary Affairs Shiva Maya Tumbahangphe had said that the government was working sincerely to revise the law during the winter session of Parliament. Minister for Foreign Affairs Pradeep Gyawali had made similar commitments during his interaction with the victims on December 13.

In his questionable Cabinet reshuffle, Oli appointed a new law minister and he does not think that an amendment will happen.

“We need a broader consensus to amend the Act as per the court’s ruling,” newly appointed Law Minister Lilanath Shrestha

told the Post.

According to Minister Shrestha, as the Nepali Congress and then Communist Party of Nepal (Maoist) are the major stakeholders of the transitional justice, consent from Sher Bahadur Deuba, president of the main opposition, and Pushpa Kamal Dahal, co-chair of Nepal Communist Party, is necessary to amend the Act as per court's order.

Dahal's Maoist party, after factions of it broke away, became the Communist Party of Nepal (Maoist-Centre) and this new version merged with the CPN-UML to form the Nepal Communist Party in 2017.

The government seems to be focused on extending the terms of the commissioners of the disappearance inquiry commission and the Truth and Reconciliation Commission which expires on February 9 despite the commissions making little progress since they were formed in 2015.

The two commissions were given two years to complete the investigation into the conflict-era cases of human rights violations and recommend actions against the perpetrators. But their terms were extended by two more years in 2017, through an amendment in the Act, as they couldn't complete even the process to collect the complaints. In January 2019, the government amended the Act once again to extend the terms of the two commissions by a year with the possibility of extension by another year.

So far, the Commission of Investigation on Enforced Disappeared Persons has completed preliminary investigations into 2,506 cases while the Truth and Reconciliation Commission has completed preliminary investigations on 3,500 of the 63,718 cases that have been filed to it.

Talking to the Post, newly appointed Law Minister Shrestha said he is aware of the need to revise the Act to extend the tenure of the commissions.

"I can tell you about the term extension. I have already started a preparation to issue an ordinance for it," Shrestha said.

The new teams of the chairpersons and members of the two commissions were appointed in January. This will be a third revision to the Act to extend the tenure of the commissions if the ordinance is issued as planned.

Victims are not surprised.

"I had a little hope even when Tumbahangphe and Gyawali assured us," Deb Bahadur Maharjan, general secretary of the Conflict Victims Common Platform, told the Post. "The dissolution of the House has further dashed our hopes."

The conflict victims say that Shrestha's argument that it cannot revise the Act without consensus is nothing but an excuse to delay justice.

"The Oli government, if it is sincere towards the victims, can incorporate the directives of the Supreme Court through an ordinance," Suman Adhikari, whose father Muktinath was shot dead by Maoist rebels in Lamjung after tying him to a tree in 2002, told the Post. "I fail to believe the government, which can dissolve Parliament abruptly, cannot revise the transitional justice Act without consensus."

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Terrorism

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Piracy

New strategies needed to eradicate piracy (Punch)

December 31, 2020

A recent report has refocused attention on the debilitating effects of piracy on Nigeria's coastal waters and the economy and the need for stronger official response. In reaction to alarming data by the International Maritime Bureau showing that the Gulf of Guinea accounts for over 90 per cent of global piracy and sea-based kidnapping, the Chinese authorities, leading other foreign nations, have suggested extra security protocols to protect their maritime trade with Nigeria and other sub-regional partners. The Federal Government needs to take extraordinary measures to secure its coastal waters through which 90 per cent of its international trade is conducted.

Preoccupied with the unprecedented level of insecurity — terrorism, banditry, kidnapping and armed robbery — across the country, the government appears to be paying less than required attention to coastal piracy. It should pay attention. Despite inefficiencies and poor infrastructure, the Nigerian Ports Authority said the maritime sector had 10,000 direct new jobs in 2017. It is through the coasts also that crude oil and gas that provide 90 per cent of export earnings are evacuated and the gateway for most imported goods.

Piracy in the Gulf of Guinea has spiked, keeping away cargoes and adding greatly to the costs of trading with Nigeria. Insurers are said to charge thrice the going rates on Gulf-bound cargoes. The gulf encompasses 13 countries in West and Central Africa. Nigeria accounts for about 850 kilometres of its coastline, 12 nautical miles of territorial waters; it has 24 nautical miles of contiguous zone, 200 miles of Exclusive Economic Zone and over 4,000 km of inland waterways.

A report by The PUNCH details how the oil and gas exports and other trade have come under severe threat from local and international piracy and kidnapping gangs. Oil production vessels, tankers, container ships and coastal barges have been attacked and crews held hostage for ransom. Of the 132 piracy attacks globally in the first nine months of 2020, most were in the Gulf of Guinea, as were 80 of the 85 seafarers kidnapped. The Association of Nigerian Licensed Customs Agents estimates resulting losses at N1.9 trillion this year. The United Nations said piracy in the gulf had become more violent and cost \$2 billion in annual losses. The International Maritime Bureau ranked Nigeria as the biggest victim of piracy in 2018 with 21 attacks out of the 77 reported worldwide; 73 per cent of kidnappings and 92 per cent of the hostages held occurred in the Gulf of Guinea. There were just three off Somalia, once the global hub of piracy. Identified hotspots include Apapa, Bayelsa, Brass, Bonny Island and Port Harcourt.

Ominously, the United Nations Office on Drugs and Crime said piracy has moved inland as local criminals attack barges on the creeks to steal crude in coordination with gangs operating at sea. Passengers and their goods too are coming under attack on inland waterways. Robbers and kidnappers attack ships and boats while in the ports, said Reuters, with increased brigandage in the Niger Delta region.

The economy is haemorrhaging and the President, Major General Muhammadu Buhari (retd.), needs to give piracy as much attention as the criminality in the hinterland. The Economist brands our coasts as the “centre-point’ of contemporary sea piracy,” with Nigeria hosting the largest share of piratical operations. Shipping, said the Maritime Industry Foundation, “is the lifeblood of the global economy,” carrying 90 per cent of world trade and generating over \$500 billion in freight rates. In Nigeria, it generates about \$6 billion annually, said the Nigerian Maritime Administration and Safety Agency, employs 100,000 persons directly and supports two million indirect jobs.

Safeguarding the waterways therefore needs fresh thinking and strategies. The task forces, naval operations and controversial security contracts have achieved limited success. In June 2019, Buhari assented to the Suppression of Piracy and Other Maritime Offences Act in furtherance of the Yaoundé Code of Conduct, a pact signed in 2013 by 25 West and Central African countries to address piracy, armed robbery against ships and illegal shipping. This should be vigorously enforced. The Nigerian Navy needs to be well-funded, manned and equipped with coastal vessels and smaller, manoeuvrable patrol boats that can operate in the labyrinthine creeks and inlets. The Navy, Police and the Nigerian Security and Civil Defence Corps should have highly trained special operations personnel. Increasingly, countries battling piracy, drug smuggling, human trafficking and arms smuggling rely on intelligence, affordable interdiction technology tools such as aerial and underwater drones, listening devices and one-man and two-person mini vessels to smash criminal gangs and networks. Groundwork should commence for a coastguard force to police the coastal and inland waters and free the Navy for its primary military duty of territorial defence and power projection. NIMASA should step up its plans to acquire additional surveillance airplanes helicopters and boats. As the UNODC says, piracy is simply illegal big business and should therefore be defeated by securing the land, tracking financial flows and stamping out corruption. At their height, Somali pirates were collectively making \$30 million a year, it said.

A Cardiff University research identified corruption, weak law enforcement and poverty as aiding piracy in Nigeria and hindering efforts to stamp it out. The Navy, Customs and the NPA allegedly collude with pirates. A report said that “the dysfunctional oil industry and violent politics of the Niger Delta” also fuel piracy. Tackling it therefore requires stepping up the

anti-corruption war, rigorous law enforcement, cleaning up state agencies, reforming the oil industry and securing a buy-in by the coastal communities in law enforcement. Unless locals take the lead, the federal security personnel will continue to record limited success. As the Chinese have indicated, the country needs to cobble together an international coalition similar to the one that stamped out piracy on the Somali coast. UNCTAD projects global maritime trade to plunge by 4.1 per cent this year but expects it rise by 4.8 per cent in 2021; Nigeria should quickly curtail piracy to benefit from that recovery curve.

Armed Iranian troops boarded South Korean tanker, ship's owner says (CNN) By Jake Kwon, Gawon Bae, and Zamira Rahim
January 5, 2021

The owner of a South Korean-flagged tanker which was seized by Iran in the Persian Gulf on Monday has described how "armed soldiers" boarded the vessel.

The crew of the Hankuk Chemi tanker received a 10 to 20 minute warning from Iranian authorities before the ship was boarded by troops, its owner, DM Shipping Co Ltd., told CNN in a statement Tuesday.

The company said its communication with the tanker was cut off as soon as the ship was seized.

Five South Korean nationals are among the 20 civilian mariners aboard the tanker, the South Korean foreign ministry said. Iran's ambassador to Seoul told the South Korean government that the sailors who were on board "are safe", South Korean officials said in a media briefing Tuesday.

Seoul dispatched an acclaimed anti-piracy unit to the Strait of Hormuz following the tanker's seizure.

The Cheonghae Unit, which includes South Korean special forces, arrived in the strait on Tuesday aboard the 5,000-ton destroyer Choi Yong, according to the South Korean defense ministry.

Tensions in the Persian Gulf have increased in the past week, near the one-year anniversary of the deadly US strike on Qasem Soleimani, a top Iranian general.

The US has flown B-52 bombers over the region, and on Sunday US President Donald Trump ordered the USS Nimitz aircraft carrier, which was due to rotate home, to remain there.

Then on Monday, Iranian boats seized the Hankuk Chemi as it transited the Strait of Hormuz, the narrow entrance to the Persian Gulf from the Arabian Sea.

Iran said the vessel was seized for "creating environmental and chemical pollution in the Persian Gulf," the semi-official news agency Tasnim said. The vessel has been seized by the navy of the Islamic Revolutionary Guard Corps, according to the Mehr news agency.

But following the tanker's seizure, an Iranian government spokesman claimed that two years ago South Korea had frozen \$7 billion of Iranian funds which were currently held in a South Korean bank.

"We hope the south Korean government will unblock the frozen money as soon as possible," Ali Rabiei said Tuesday on Iranian state television. Choi Young-sam, a spokesman for South Korea's foreign ministry, said Tuesday that the South Korean government is in close communication with counterparts in Tehran and is trying to secure the release of the sailors and the vessel.

There was no suggestion the Cheonghae Unit would be undertaking a rescue operation, with the defense ministry saying it would be advising other South Korean-flagged vessels in the area on safety.

Established in 2009 as South Korea's first overseas anti-piracy force, the Cheonghae Unit had been deployed to the Gulf of Aden, between Somalia and Yemen, to help maintain the free movement of South Korean vessels through the region.

Almost a year ago, the unit's area of operations was expanded to include the Gulf of Oman and the Persian Gulf, about 1,800 kilometers (1,118 miles) to the east, as tensions spiked in the region.

That expansion came after officials in the US, a key South Korean ally, asked for help in safeguarding international shipping in the region, although Seoul stopped short of joining a US coalition to protect the route.

Yet the unit has pulled off rescues of South Korean nationals in the region before -- most notably in 2011, off the coast of Somalia. In that action, commandos from the Cheonghae Unit stormed a South Korean tanker that had been hijacked along with its crew of 21 by a gang of Somali pirates.

The commandos killed eight pirates and captured five others, according to the South Korean Defense Ministry. None of the tanker's crew died.

The Cheonghae Unit also freed South Korean nationals captured by pirates on a Singapore-flagged merchant ship in 2012 and supported the evacuation of South Korean nationals from Yemen in 2015, the government said.

In its statement on Tuesday, the Hankuk Chemi's owner said it was in contact with the South Korean consulate in Tehran and expected more information later in the day.

The company added that it has asked its protection and indemnity insurance (P&I) club to investigate the seizure. The insurance club is expected to dispatch an investigator to Iran to check on the safety of the crew and to examine Iran's claim that the tanker was seized due to environmental contamination.

Pirates attack boats, 2 die, many missing in Rivers (PM News) By Okafor Ofiebor

January 8, 2021

Two passengers were killed in a pirate attack on two commercial boats around Dema Abbey Community on Bonny waterways on Tuesday, it has been learnt.

Rescue operation for many of the passengers in the two boats who were still missing as at the time of filing in this story is going on.

It was learnt that on seizure of the two boats on the waterway, the pirates compelled the passengers to jump into the water.

In the process, not less than two out of about 14 passengers drowned, while the rest struggled to swim to the nearby bushes and mangroves.

Confirming the tragic incident, the Chairman of Bonny Local Government Area, David Irimagha, said security agencies were mobilized to respond to distress calls from victims of the attacks.

He further said the security agencies were on the trail of the perpetrators of the attacks with a view to apprehending them and bring them to face the wrath of the law.

Irimagha appealed for the understanding from the people of the area as efforts were being made to arrest the situation.

“From the very first call we mobilized the security agencies who equally responded speedily, unfortunately, the timing of the incident became a worrisome challenge.”

“Nevertheless security operatives were there to secure the rescued persons and also search for others still inside the water while also chasing the criminals. They later moved the rescued persons to Polokiri Aru-Gbanama, from where they later escorted them to Bonny”.

He stated that the rescue operation was still on in search of those yet to be accounted for while the corpses of the two dead persons have been recovered and brought back to Bonny.

The Bonny LG boss commiserated with the bereaved families over the loss of their loved ones, describing their deaths as “unfortunate and premature” while urging them to take solace in the comfort that the Almighty God avails.

He assured that his administration was doing all it can to ensure that those who were yet unaccounted for were found and brought back to their families. Piracy has been the bane of marine transportation in coastal communities of the Niger Delta.

Besides lives that are prematurely cut short, goods, including the speedboats worth millions of naira. An average Speed boat engines cost not less than N2million depending on the horsepower.

In Pics: 2 Egyptian citizens kidnapped by pirates off Nigerian coast return home (Egypt Today)

January 9, 2021

Egyptian government has returned two citizens who were kidnapped by pirates off Nigerian coast in November, the Foreign Ministry said in a statement on Friday.

The two, a maritime officer and an engineer, were among the crew of a cargo ship that was hijacked in a piracy attack on November 26. Assistant foreign minister for consular affairs and Egyptian expatriates Amr Mahmoud Abbas received the two citizens upon their arrival, the ministry added.

In December, the Foreign Ministry said it was coordinating with Nigerian authorities to secure the release of the two Egyptians.

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Gender-Based Violence

UN Court Rejects Bosnian War Rape Convict's Plea for Release (Balkan Insight) By Lamija Grebo

January 4, 2021

The Mechanism for International Criminal Tribunals in The Hague has turned down a request for early release from Dragoljub Kunarac, the wartime leader of a Bosnian Serb Army reconnaissance unit, who was jailed by the UN court for multiple rape and the enslavement of two women in the Foca area during the Bosnian conflict.

The court's president, judge Carmel Agius, said in the decision, which was made on December 31, that although Kunarac is eligible as he has served two-thirds of his 28-year sentence for wartime crimes, "a number of factors militate against early release".

"Kunarac's failure to sufficiently demonstrate rehabilitation and the high gravity of his crimes both weigh heavily against his early release," Agius wrote in his decision.

He added that there was not sufficient evidence to demonstrate the existence of compelling humanitarian grounds which would warrant overriding his negative assessment.

Back in 2017, the UN court also rejected Kunarac's application for early release, citing "the high gravity of the crimes and the fact that Kunarac has not demonstrated sufficient signs of rehabilitation".

The trial judgment in the case against Kunarac was a landmark ruling – the first in which an international war crimes court treated sexual violence as a crime against humanity.

In 2019, the Bosnian prosecution raised new charges against Kunarac, accusing him of persecuting Bosniak civilians in the Foca area in 1992.

The prosecution claimed he was involved in the murder of at least six people, as well as torture, deportations and setting houses on fire.

Iran gov't approves bill to combat violence against women (Al Jazeera) By Maziar Motamedi

January 4, 2021

The government of Iran's President Hassan Rouhani has approved a longstanding bill that aims to better protect women against domestic and other forms of violence.

In a meeting on Sunday evening, cabinet ministers greenlit the draft bill, called Protection, Dignity and Security of Women Against Violence, which has been in the works since the administration of former President Mahmoud Ahmadinejad.

The bill must now be reviewed and approved by the parliament, after which it will be sent to the powerful constitutional vetting body called the Guardian Council, consisting of jurists and religious experts.

The most senior woman in Rouhani's outgoing government hailed the move, which she said was the result of hundreds of hours of work by tens of legal experts, judges, executives and officials.

Masoumeh Ebtekar, vice president for women and family affairs, dedicated the 58-article bill to "worthy and patient Iranian women" in a tweet.

The legislation completed its lengthy process of review by the judiciary in September 2019.

It defines violence as "any behavior inflicted on women due to sexuality, vulnerable position or type of relationship, and inflicts harm to their body, psyche, personality and dignity, or restricts or deprives them of legal rights and freedoms".

It obligates the judiciary to create offices to support victims of violence and hold educational courses for judges and other judiciary staff.

The bill also envisages the formation of a fund by the judiciary to support victims of violence and help imprisoned women, among other things.

The state broadcaster is also directed by the legislation to produce more programmes that promote the support of women and the prevention of violence against them as family values.

Moreover, the bill sees a role for the ministry of education in holding educational courses for students, teachers and parents, and in better identifying vulnerable students.

The ministry of health, on the other hand, is tasked by the draft bill to boost its medical and psychological services to women and train experts in handling women who have fallen victim to violence.

Law enforcement and prison organisations are among other entities that will have to increase their efforts as part of the vision laid out in the legislation.

In a report published last month, rights group Human Rights Watch said the bill had several positive provisions, including those that engaged different parts of the government and other entities in women's issues.

But the New York-based organisation said the bill "falls short of international standards" as it does not criminalise some forms of gender-based violence, including marital rape and child marriage.

The bill was finalised by the government after several high-profile incidents concerning women that took centre stage nationally during the past year.

In late May 2020, a 14-year-old girl called Romina Ashrafi was gruesomely beheaded by her father in an apparent case of "honour-killing". The father was given a nine-year jail sentence.

In September, decades-old sexual traumas were unearthed as Iranian women launched their own version of the global #MeToo movement on social media.

The movement implicated several high-profile artists and one major company, and led to at least one arrest.

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Commentary and Perspectives

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WORTH READING

An Analysis of the Application of International Humanitarian Law to the Armed Conflicts Arising from Operation Peace Spring (University of Amsterdam)

Greta Ramelli

January 9, 2021

This thesis investigates the application of IHL to the armed conflicts arising from Operation Peace Spring, which was launched by Turkey in October 2019, in the de facto autonomous region of Rojava, in northern Syria.

The aim of the thesis is to fill the gap in the existing literature which discusses extensively the allegations of war crimes

committed by Turkey and its proxy forces during Operation Peace Spring, without addressing the question of application of IHL, although the latter is a *conditio sine qua non* for the existence of war crimes.

The research concludes that OPS initiated three main armed conflicts, which classify as transnational armed conflict, international armed conflict and belligerent occupation and that IHL governs the conduct of the parties to these hostilities. Such conclusions have important consequences for the protection of civilians, combatants and POWs during OPS, as well as a significant impact on the prospects of prosecution of the alleged war crimes.

Based on the conclusions drawn in this thesis, it is recommendable to conduct future research on the assessment of the relevant conduct as war crimes and the prospects of state accountability for the wrongdoing of individuals acting on Turkey's behalf.

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