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War Crimes Prosecution
Watch

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FREDERICK K. COX
INTERNATIONAL LAW CENTER

Founder/Advisor
Michael P. Scharf

Faculty Advisor
Jim Johnson

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Editor-in-Chief
David Krawiec

Technical Editor-in-Chief
Erica Hudson

Managing Editors
Matthew Casselberry
Alexander Peters

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

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AFRICA

NORTH AFRICA

Libya

Course of coronavirus pandemic across Libya, depends on silencing the guns (UN News)

April 7, 2020

Fighting must stop immediately in Libya if it is to have any chance of staving off the COVID-19 outbreak, the top United Nations official in the North African country said on Tuesday as he condemned an attack on a major Tripoli hospital.

At least one health worker was injured when the Al-Khandra General Hospital came under heavy shelling on Monday, damaging the fully-functioning 400-bed facility.

Yacoub El Hillo, UN Resident and Humanitarian Coordinator in Libya, said the attack not only violated international humanitarian law, but also defied calls for a global ceasefire amid the coronavirus pandemic.

It also showed ongoing disregard for a truce announced in mid-January between the UN-recognized Government of National Accord (GNA) and the so-called Libyan National Army (LNA) led by commander Khalifa Haftar that began to lay siege to the capital Tripoli, a year ago.

“This is unacceptable at a time when healthcare and health workers are vital in our fight against a global pandemic”, Mr. El Hillo said, adding that the hospital was a potential COVID-19 assigned facility.

“A deplorable strike like this – resulting in senseless damage of a most-needed medical facility – cannot be justified”, he said in a statement.

Guterres condemns attacks

In a statement released on Tuesday night, the UN Secretary General strongly condemned the attacks on the hospital, and “continued attacks on medical personnel, hospitals and medical facilities, particularly at a time when they are critical to prevent the spread of the COVID-19 pandemic.”

António Guterres reminded all parties that medical personnel, hospitals and medical facilities are “protected under international humanitarian law and that attacks on them may constitute war crimes.”

Libya racing against time to contain virus

Libya has reported 18 confirmed cases of the novel coronavirus so far, and one death, according to a global situation report issued by the World Health Organization (WHO) on Monday.

“Libyan health authorities, together with the UN and our humanitarian partners, have been racing against time to contain the spread of the virus”, said Mr. El Hillo, also the Secretary-General’s Deputy Special Representative for Libya.

“If Libya is to have any chance against COVID-19, the ongoing conflict must come to an immediate halt.”

As of March, a total of 27 health facilities in Libya have sustained damage to varying degrees due to the proximity of fighting, with 14 being forced to close and the remainder at risk of following suit as lines of conflict shift.

In a statement on 4 April, the first anniversary of the start of the LNA’s offensive to seize Tripoli, the United Nations Support Mission in Libya (UNSMIL) said the country was in the midst of a needless conflict that has shattered hopes for a peaceful political transition through a UN-backed National Conference and subsequent elections.

“The conflict has since escalated into a dangerous and potentially endless proxy war fueled by cynical foreign powers that has now widened geographically, with civilians paying the highest price”, it said.

The humanitarian situation has deteriorated to unprecedented levels, it said, with UNSMIL documenting at least 356 civilian deaths and 329 injuries in the year to 31 March. Some 149,000 people in and around Tripoli have been forced to flee their homes since the offensive began; nearly 345,000 civilians remain in frontline area and an estimated 749,000 live in areas affected by fighting.

An estimated 893,000 are in need of humanitarian assistance, UNSMIL said, adding that it has received a growing number of reports of human rights violations, including hundreds of cases of arbitrary detention, enforced disappearance, torture and extrajudicial executions by armed groups across Libya.

The conflict is taking a heavy toll on Libya’s already struggling economy. An oil blockade imposed on 17 January has results in more than \$4 billion in financial losses, while funds that should be going into critical infrastructure are being redirected to the war effort.

“The influx of foreign fighters and advanced weapons systems into the country continues unabated and their use on the battlefield has directly lead to an intensification of the conflict,” UNSMIL said, pointing as well to a “flagrant disregard” of an

embargo on arms shipments into Libya.

Libya government: 'UAE drones targeted post office in Sirte' (Middle East Monitor)

April 7, 2020

The forces of the Libyan Government of National Accord (GNA) announced today that Emirati drones, backing the militias of retired Field Marshal Khalifa Haftar, targeted a post office in Al-Washka area in the vicinity of Sirte.

Mustafa Al-Mujie, spokesman for Operation Volcano of Anger, told Anadolu Agency: “Emirati drones supporting Haftar’s militia raided the area twice. Thus, one of the strikes targeted a post office, causing the suspension of communications there.” Al-Mujie added that the bombing caused material damage, noting that the field situation in Abu Qarain and Al-Washka areas is cautiously calm.”

He pointed out that “the GNA’s air force bombed, on Monday, a fuel tanker in the city of Bani Walid, which was on its way to supply Haftar’s militia.”

Al-Mujie said that yesterday GNA forces made progress on the axes of Ain Zara and Wadi Al-Rabi, south of Tripoli, after launching a military operation against Haftar’s forces in the area.

GNA spokesman Muhammad Gununu said that “heavy artillery belonging to the heroic GNA forces targeted precisely two warehouses of ammunition owned by Haftar’s terrorist militia in Wadi Al-Rabi axis in response to previous attacks that targeted civilian neighbourhoods.”

On Sunday, the GNA announced that its forces have targeted a military aircraft loaded with ammunition immediately after it landed in the vicinity of the city of Tarhuna, south of the capital Tripoli. The military aircraft was on its way to supply Haftar’s forces.

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CENTRAL AFRICA

Central African Republic

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Democratic Republic of the Congo

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Convicted Congolese Warlord Escapes. Again. (Human Rights Watch) By Lewis Mudge
April 7, 2020

A week ago, President Felix Tshisekedi of the Democratic Republic of Congo gave the order to arrest a notorious warlord responsible for atrocities in the southern region of Katanga. Two days earlier, Gédéon Kyungu had escaped from house arrest in Lubumbashi after dozens of his militiamen entered the city and other towns in the region.

Gédéon – he is known by his first name – should never have been under mere house arrest. He had escaped from prison in 2011, two years after being convicted for crimes against humanity and sentenced to death. When he surrendered in 2016, the government of then-President Joseph Kabila placed under him under house arrest instead of sending him back to prison.

Between 2002 and 2006, Gédéon’s operational zone was known as the “triangle of death” because of the many atrocities that his militia committed. They spread terror among local people and clashed with government troops. Hundreds of civilians were killed and an estimated 150,000 people were forced to flee their homes. In some of the worst cases, Gédéon’s fighters publicly tortured victims to death and cannibalized them.

On March 28, Gédéon’s men walked through the streets of Lubumbashi and five other towns, brandishing guns, knives, and sticks, and chanting war songs. They killed a police officer just outside Lubumbashi and wounded two security force members in Likasi. Congolese rights groups alleged that the response from the security forces was heavy-handed, with at least 31 militiamen reportedly shot dead. Dozens were arrested.

When the shooting stopped, Gédéon was gone.

Congo’s human rights minister, André Lite, called on the security forces to respect human rights and international humanitarian law. “When you serve the flag, there are certain things you cannot afford to do,” he said. Lite also said he saw “horrible things in videos that we cannot accept in any way.” The government and the national human rights commission have announced investigations.

Gédéon should be arrested and sent to prison. But government forces need to act in accordance with the law to prevent a new escalation of violence in the region.

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Mali

Atrocity Alert No. 196: Yemen, South Sudan and Mali (reliefweb)

March 25, 2020

Five years of war crimes have turned Yemen into world's largest humanitarian crisis.

Five years ago today, 25 March, a Saudi Arabia and United Arab Emirates (UAE)-led international military coalition intervened to support Yemen's government in their war against Houthi rebels. Since then, over 12,000 civilians have been killed and at least 3.6 million displaced from their homes.

The UN-mandated Group of Eminent Experts on Yemen has found that all parties to the conflict have committed serious violations of international humanitarian and human rights law that may amount to war crimes and crimes against humanity. This includes the use of landmines in civilian areas, deliberate obstruction of humanitarian aid, enforced disappearances, rape, torture and the recruitment of child soldiers. Schools, medical facilities, markets and essential water and electrical infrastructure have also been systematically targeted by airstrikes and shelling.

The conflict has resulted in the world's worst humanitarian crisis, with 80 percent of Yemenis requiring aid and assistance. It is estimated that tens of thousands of children have died of starvation while at least 14 million people remain at risk of famine. The crisis has also exacerbated the spread of disease, with Yemen suffering more than 1 million suspected cases of cholera since January 2018.

Although fighting in Yemen decreased after the 2018 Stockholm Agreement, violence has escalated since the end of January in Marib, Al Jawf and Sana'a governorates. The escalation began after the Houthis launched a missile attack on a mosque in Marib governorate on 20 January, killing 116 government troops. Increased fighting and airstrikes have caused more than 40,000 civilians to flee the region. Hostilities have also escalated in Taizz governorate where the largest public hospital, al Thawra, has been shelled.

Jahaan Pittalwala, MENA Region Analyst at the Global Centre for the Responsibility to Protect, warned that, "this latest escalation poses a grave threat to Yemeni civilians, as parties to the conflict have consistently shown brazen disregard for the laws of war and for human rights over the past five years." The escalation also threatens to derail the tentative steps made towards a peace agreement in Yemen, including months of negotiations in Oman between Saudi Arabia and the Houthis. After five years of war, Yemen desperately needs an immediate country-wide ceasefire, protection of civilians, and an end to impunity for war crimes and crimes against humanity. Yemen cannot wait.

Recurring inter-communal violence threatens peace process in South Sudan. On 20 March the UN High Commissioner for Human Rights, Michelle Bachelet, expressed alarm over the recent escalation in inter-communal violence in South Sudan, urging the authorities "to curb the bloodshed and bring those responsible to justice." Clashes between armed youths from the Lou Nuer, Dinka Bor and Murle communities have taken place since mid-February in parts of central and eastern South Sudan. Hundreds of people have reportedly been killed during battles stemming from disputes over cattle and access to water and grazing land. According to the UN, during the clashes over 200 women and children were allegedly abducted and subjected to sexual violence, while many homes were also burned and destroyed. An additional 41 people were reportedly killed in intra-communal fighting amongst members of the Dinka ethnic group in the Bahr el Ghazal region.

While there is a history of seasonal cattle raids and inter-communal violence between Nuer, Murle and Dinka communities, increased access to small arms and light weapons over the past decade has transformed some of these traditional conflicts and made them much deadlier. Recent disputes have also been exacerbated by resource pressures caused by flooding in Jonglei earlier this year and the decline of state authority during the 2013-2018 civil war. The UN has also found evidence that some recent clashes may have been instigated by local politicians and traditional leaders who are exploiting these tensions for their own ends.

While the formation of the Transitional Government of National Unity (TGoNU) on 22 February was an important political step towards peace in South Sudan, recurring inter-communal violence demonstrates that civilians continue to face the threat

of mass atrocity crimes. Acknowledging the challenges faced by the new government, High Commissioner Bachelet emphasized that, “for any durable peace to take hold in the country, inter-communal violence must be addressed, and the perpetrators investigated and prosecuted.” The High Commissioner also called for increased peacebuilding efforts between rival communities.

Although the UN Mission in South Sudan deployed peacekeepers to some villages to protect civilians following the recent violence, the TGoNU must take urgent steps to expand state authority outside Juba and consistently protect all vulnerable populations. During May the UN Security Council should extend the arms embargo for South Sudan and help prevent arms proliferation from fueling further inter-communal violence.

Deadly ethnic violence continues in Mali one year after Ogossagou massacre. On 18 March the UN peacekeeping mission in Mali (MINUSMA) and the Office of the UN High Commissioner for Human Rights (OHCHR) released the conclusions from their investigation of a 14 February massacre in Ogossagou, a predominately ethnic Fulani village in the Mopti region of Mali. The report alleged that traditional hunters called “Dozos” – who come mainly from the ethnic Dogon community – planned and perpetrated the attack, killing at least 35 civilians. The attackers also looted or destroyed 136 properties, while at least 19 villagers remain missing. Malian soldiers who were deployed to Ogossagou had withdrawn from their post the night before and Dogon men reportedly diverted UN peacekeepers from the village an hour before the attack.

The massacre occurred less than a week before the anniversary of Mali’s worst atrocity in recent history, when more than 157 people were massacred by suspected Dozo fighters in Ogossagou on 23 March 2019. MINUSMA and OHCHR determined that both attacks may constitute crimes against humanity.

The Head of MINUSMA, Mahamat Saleh Annadif, stressed that “I am very concerned about the impunity enjoyed by the perpetrators of these acts.” According to witness testimony gathered by Human Rights Watch, some perpetrators participated in both attacks on Ogossagou. The precarious security situation and a chronic lack of judicial personnel hampers investigations into these atrocities and undermines domestic accountability mechanisms. The two Ogossagou massacres are part of an ongoing pattern of deadly ethnically-motivated attacks across the Mopti region. While such attacks are perpetrated by rival armed groups, the victims are mainly unarmed civilians.

The Malian government must ensure that those responsible for inciting, directing and committing the massacres in Ogossagou and other attacks are held accountable. Mali’s government, with the support of MINUSMA, must increase its security presence in the Mopti region and strengthen its capacity to prevent future atrocities.

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Liberia

Belgian investigators drag feet on Martina Johnson; Liberia’s War Criminal (Global News Network) By Cholo Brooks

April 3, 2020

The pace of Belgian investigations into the role of alleged rebel commander Martina Johnson during the Liberian civil war is trying the patience of the defence and civil parties. Six years after the case was opened, investigations have not yet been concluded and Belgian investigators have not yet been to Liberia, whilst other European judicial authorities have.

Is it a lack of will or a lack of means? Belgian investigations into the case of Martina Johnson, a Liberian suspected of having been commander in a major armed faction during the Liberian civil war, is worryingly slow, and many fear the consequences for the trial that is expected to take place.

Alain Werner, director of Swiss NGO Civitas Maxima which investigated Martina Johnson’s alleged crimes in 2011, regrets the death of a witness he considers key, and fears that others will die. The suspect’s lawyer, Jean Flamme, also says certain witnesses he wanted to interview for the defence are now dead. Meanwhile, he says Martina Johnson, 50, has been subject to strict rules of house arrest for the last six years and is suffering from a serious liver disease.

Johnson is suspected of having herself killed, tortured and maimed several people at a military checkpoint at the Dry Rice

Market on the edge of the city.

Martina Johnson is suspected of having served as a commander in the National Patriotic Front of Liberia, a rebel group led by Charles Taylor that sparked Liberia's first civil war between 1989 and 1996. The rebels launched an assault on the capital city of Monrovia on October 15, 1992, known as Operation Octopus, which claimed the lives of hundreds of civilians and members of foreign humanitarian organizations. Johnson is suspected of having herself killed, tortured and maimed several people at a military checkpoint at the Dry Rice Market on the edge of the city.

After the fall of Charles Taylor in 2003 (he became president in 1997, before being forced by a new armed rebellion to flee the country), Martina Johnson went to Belgium. She settled in Ghent with her husband, a Belgian of Liberian origin, and their son. It was there that the police came to arrest her on 17 September 2014. Two years earlier, three Liberian victims had filed charges against Johnson for acts she allegedly committed during the assault on Monrovia.

Why has the investigation not yet been concluded? "The rogatory commission has not yet been able to go to Liberia. We are waiting for a positive message from the competent Liberian authorities," replies the Belgian Federal Prosecutor's Office, which says three requests to investigate at the scene of the crimes have been sent to the Liberian authorities and have remained unanswered.

It is therefore incomprehensible that the Belgian judicial authorities are unable to obtain authorization [to investigate in Liberia].

But Alain Werner, whose NGO has helped victims bring this and other cases linked to crimes committed during Liberia's two civil wars (1989 to 2003), finds this argument hard to understand. "Indeed, things were blocked until last year. Liberia had not acceded to requests from foreign authorities to come and investigate in the country. But the situation has changed since 2019," he says. "The French, the Finns and a third European country have received authorization to go to Liberia, and have already gone there. It is therefore incomprehensible that the Belgian judicial authorities are unable to obtain authorization, when the indictment of Martina Johnson dates from 2014, before investigations started in those other three countries.

"The impression we have from our investigative work in Liberia is that Johnson's crimes are known in Monrovia," continues Werner, who has acted as prosecutor and counsel for victims in several international war crimes trials. "So if the Belgian investigators go there, they will find much more than we did at the time under more difficult conditions."

Defence demands

Johnson's lawyer also thinks for different reasons that the investigators should travel to Liberia. "My client denies that she was in the military, but it's true that she was one of the security officers who were responsible for the close protection of Charles Taylor," says Flamme. "We are faced with written testimonies [brought via Civitas Maxima and its Liberian partner, the Global Justice and Research Project] from people who were children at the time of the events. They say they recognized Commander Martina Johnson. I highly doubt that. How do they know it was Martina Johnson? These witnesses need to be heard directly, in person.

"There is also a photographer who took a picture of a woman sitting on a cannon, claiming that it was her [Martina Johnson] and that she was an artillery general in Taylor's army," continues the lawyer, who has already asked several times for his client's case to be dropped. "We obtained authorization four or five years ago to hear defence witnesses, but that required a trip to Liberia. First we were told it was impossible to go there because of the Ebola virus. Then one of the federal prosecutors told a hearing [in the Ghent indictment chamber] that there was no money to go there. Now, four or five of the witnesses who were asked to testify have died. The damage is irreparable. And we're getting to the point where it is no longer a reasonable time before trial."

Investigating nonetheless

Lawyer Luc Walleyn, who represents the civil parties, is nevertheless optimistic. "The contacts between the Belgian and Liberian authorities seem to be changing since these other European countries last year obtained authorization to carry out rogatory commissions on Liberian territory," he explains. "And other important investigative duties have nevertheless been carried out. The investigation is continuing, at its own pace." He nevertheless hopes the investigation will be completed by the end of 2020, at the latest. Walleyn notes that Liberian exiles and refugees have been heard in other countries. The federal prosecutor's office also says Belgian investigators have travelled to the United States to consult records from the Liberia Truth and Reconciliation Commission. Between 2006 and 2009, the Commission gathered some 20,000 testimonies of abuses committed during the armed conflict that ravaged the West African state. According to the NGO TRIAL International, Martina Johnson's name appears on the Truth and Reconciliation Commission's list of the main alleged perpetrators of these crimes.

Yet given the initiatives taken by other European courts handling Liberian cases, it seems Belgian judicial authorities can hardly avoid travelling to Monrovia to gather direct testimony, almost 30 years after the events. The current health crisis due

to the coronavirus is likely to complicate such a visit a little more.

George Dweh, Notorious Civil War Actor, Is Dead (Daily Observer) By Joaquin M. Sendolo
April 6, 2020

George Dweh, a key player in the Liberian civil war that claimed the lives of over 250,000 and destroyed infrastructures across the country, is dead. He was born March 6, 1961.

Mr. Dweh's death was announced on Saturday, April 04, 2020. According to Sinoe County lawmaker J. Nagbe Sloh who posted the death news of Dweh on his Facebook page, he died of a heart attack.

According to the Sinoe County lawmaker, Mr. Dweh fell sick at his residence and was hastily rushed to the John F. Kennedy Medical Centre where he died on arrival. "In fact, the family is planning to take him to Grand Gedeh County for burial," said Representative Sloh.

George Dweh, a cousin of the late President Samuel K. Doe, is on record for his active role in systematic killings of Manos, Gios and other perceived enemies in Monrovia during the Liberian civil war. He, according to reports, was a member of the Nyonblu Tailey death squad that roamed Monrovia especially Sinkor at the height of the civil war in 1990. The entire Johnny Nah family was massacred by a death squad led by George Dweh, according to lone survivor Johnny Nah Jr who testified before the Truth and Reconciliation Commission (TRC).

In one human rights report about massacres committed in Liberia, George Dweh is recorded among others as one who allegedly participated in the massacre of 27 Gio and Mano families that were members of the Armed Forces of Liberia (AFL) residing at the Barclay Training Center (BTC). In other instances, George Dweh is recorded for allegedly eliminating the Johnny Nah family in Monrovia in 1990, and participated in the massacre of 250 persons, most of them Gio and Mano tribes, at the John F. Kennedy Hospital on August 2, 1990.

Dweh's active and brutal role in the Liberian civil war did not end following the death of Doe in 1990. He later became an active member of the notorious rebel group, Liberia United for Reconciliation and Democracy (LURD) that invaded Liberia in 1999 in Lofa County from neighboring Guinea. He subsequently became a founding member of the Movement for Democracy in Liberia (MODEL) that came by way of the Ivory Coast in 2003.

Following the Comprehensive Peace Accord (CPA) in Ghana in 2003, George Dweh ascended to the post of Speaker of the National Transitional Legislative Assembly (NTLA) from 2003 to 2005 March 14, and he was suspended from the Assembly after being accused of financial mismanagement and corruption. Dweh contested in the 2017 presidential election as a candidate for the Redemption Democratic Congress (RDC) and accrued a total vote of 4,935. George Dweh is survived by six children; all of them having names that are derivatives of his name, 'George'.

The death of Dweh without having faced justice for his alleged crimes, according to local rights and justice advocates, underscores the urgent need for the Government of Liberia to establish a War and Economic crimes court in order to combat and end the scourge of impunity in Liberia. Dweh's passing has left the human rights community with a sense of loss in that the opportunity to have him face justice is now lost forever, says a prominent justice advocate (name withheld) who fears that other key perpetrators may likely die before facing justice given the undue delay and seeming reluctance of this government to do what its predecessor failed to do.

"We need to be fast in making sure that the court is established because most of the warlords and perpetrators of war crimes are getting old and may die soon," the justice advocate and human rights lawyer said.

It can be recalled that President George Weah once campaigned on the promise that he would establish a war crimes court to try perpetrators of gross human rights abuse upon taking over as President. But that promise appears to have faltered with no visible sign yet that President Weah is going to make good on his promises, according to observers, despite a rising public cry for justice.

Meanwhile, scores of major players in the Liberian war are still around, some of them serving as lawmakers and enjoying state resources. Some are Senator Prince Y. Johnson of Nimba County (Independent National Patriotic Front); Representative George Boley of Grand Gedeh (Liberia Peace Council); Alhaji G.V. Kromah (ULIMO-K), Thomas Yahyah Nimely (MODEL) and Seku Damateh Konneh (LURD). Alhaji Kromah is now on a bed of affliction, having since faded from the political scene and seemingly vanished from public life.

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EAST AFRICA

Uganda

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Kenya

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Kenya's coronavirus curfew begins with a wave of police crackdowns (Washington Post) By Max Bearak and Rael Ombuor
March 28, 2020

Kenya's dusk-to-dawn curfew was intended to encourage social distancing to prevent the spread of the coronavirus.

Instead, security forces unleashed beatings and tear gas, injuring dozens of people, potentially exposing many more to the virus and damaging public trust in the government's strategy to contain the outbreak.

In cities across Kenya, policemen and other uniformed officers used their boots and batons in a brutal crackdown — with some incidents caught on video — seemingly carried out to drive home the seriousness of the curfew measure that took effect Friday.

But witnesses and others caught in the clashes describe indiscriminate attacks by security forces and detention tactics that crowded people together in violation of social distancing protocols.

In one instance, footage showed dozens of people detained on the ground, practically on top of each other. In other video clips, hundreds of people were corralled into tight spaces as officers approached, weapons brandished. A woman was shoved to the ground by a uniformed man; nearby, another vomited because of the tear gas.

Much of the police brutality was not captured on video but recounted by victims and witnesses.

Kenya has confirmed 38 cases of covid-19 as of Saturday, though testing has been slow to ramp up, potentially masking the extent of the virus's spread here. The country has precious few intensive care units. The chaos on Friday offered a grim look at how drastic measures to contain the coronavirus outbreak could spark social unrest, and even spread the virus.

The worst violence was reported in the coastal city of Mombasa, where security forces descended upon a mass of commuters who were gathered at a ferry crossing about an hour before curfew, hoping to take the last trip across a channel to a largely working-class neighborhood.

"You could see the fury in them as they asked us to lie down on the ground. And then they started beating us, one blow after another. Then came the tear gas canisters," said Ahmed Swaleh Hassan, 26, a father of two who works at a printing press.

What ensued was a mix of frenzy and awful stillness, Hassan recalled. He saw officers beating two old men mercilessly, while next to them three women lay flat on the ground, not moving. "If there was one person with the virus in that crowd, where I was lying, where we were piled on top of each other, then all of us have the coronavirus right now and it is the government that has made us contract that virus," Hassan said in an interview. "They were not protecting us. They were killing us."

Bernard Mogesa, who leads the Kenya National Commission for Human Rights, a government oversight body, called the

police action “pitiable and despicable.”

“In this instance, the police officers are in total breach of peace, failed to protect the innocent and their actions have the potential of further spreading the novel coronavirus,” he said.

The spokesman for the National Police Service, Charles Owino, said he regretted the violence that took place but placed blame squarely on the public. He accused some people of provoking the crackdown by throwing stones at officers.

“It was total disregard for the law, total indiscipline . . . what members of the public did was totally wrong,” he said in an interview with Kenya’s Citizen TV. “They refused to follow instructions, they threw stones at policemen — all the same, the policemen should show some form of restraint. But first of all I have to particularly blame members of the public.”

Kenya’s health minister, Mutahi Kagwe, appealed for people to stay at home.

“I am also urging the police that people must be treated humanely,” Kagwe said. Many of those who were injured in Mombasa were bystanders caught in the wrong place at the wrong time. Mishi Rajab Abdalla, 46, was taking her 2-year-old son to the hospital for an appointment to manage his hydrocephalus, a condition where fluid builds up in the skull and causes the brain to swell.

“Out of nowhere it was a stampede. I fell down on top of the baby, and that’s when they beat me all over with their clubs,” she said through tears on Saturday. “My baby was in great pain.” Abdalla said that to comply with curfew, she then rushed her child to a small clinic where he was prescribed painkillers. She can’t afford the private hospitals and is already worried about her income because of the curfew.

More than eight out of 10 workers in Kenya — and across Africa — work in the informal sector, which in most cases means earning no fixed salary. Working from home isn’t an option for those who make their living cleaning other people’s houses, driving motorcycle taxis, or selling food on the roadside.

For many, the imposition of a curfew added to the daily chaos of commuting, which was already hampered by the arrival of torrential rains across Kenya. Most Kenyans travel in privately owned minivan taxis called matatus, which also must be off the streets by dusk. Many matatu drivers either stayed home on Friday, or raised their fares, taking advantage of people desperate to get home. Silas, 35, a call center worker who didn’t share his full name for fear of losing his job, said he left his office three hours before curfew went into effect to give himself enough time to get home. But outside his office, there weren’t any matatus. He and hundreds of others walked toward downtown Nairobi, where queues for transport were blocks long.

“I didn’t even get close to the front of the queue by 7 o’clock, and that’s when the police came in with their sticks and whips and started chasing us and beating us,” he said. “The police shouted at us, saying, ‘We gave you enough time, why are you still outside?’ They wouldn’t listen. So many people were walking on the streets. It was a massive crowd. Isn’t this how the disease is spread?”

Kenya Police Abuses Could Undermine Coronavirus Fight (Human Rights Watch) By Otsieno Namwaya
March 31, 2020

Kenyan authorities have started enforcing a dusk to dawn curfew, just days after the country recorded its first corona-related death.

The curfew was announced on March 25 for an unspecified period. Kenya has 50 confirmed cases of COVID-19 but given limited testing capacity, the number of infections is likely higher.

The curfew started off on the wrong foot, with police across Kenya reportedly using excessive force, beating and tear gassing crowds of people on their way home from work. In Mombasa, media reported that police started beating people who were queuing to board the ferry, the only means of transport home to the mainland after work, more than two hours before the curfew. Local television stations and social media showed footage of police apparently beating journalists covering the events in Mombasa.

Although the government said curfew is one of the measures to control the spread of the coronavirus, the way some police are implementing it could backfire by forcing people together. In Mombasa, police forced crowds of people to lie down together, in some cases on top of each other, as they beat, kicked, and slapped them for allegedly violating curfew. The crowds of tear gassed travelers, who did not have protective gear, coughed and yelled hysterically as police descended on them with batons, kicks, and blows.

In downtown Nairobi, due to the curfew and fear of police violence, people were stranded without public transportation in city centers, forced to sleep standing side by side against the walls of buildings.

Police themselves were at risk. Two police officers I spoke to said officers were dispatched in trucks to enforce curfew, huddled together without protective gear such as face masks or hand sanitizer.

Rights groups, media, and political leaders have widely condemned police violence, but the Kenyan interior cabinet secretary blamed Kenyans for their lack of discipline.

It's not likely we will see accountability for these excessive enforcement actions. Kenyan police have a history of rights abuses, including during law enforcement operations, and the officers involved are rarely investigated or held to account. During and after the 2017 presidential elections, Human Rights Watch documented more than 100 cases of opposition supporters killed by police and pro-government gangs. Authorities have never investigated the killings.

The authorities should ensure police respect the law and avoid abusive conduct while enforcing the curfew. Otherwise, excess use of force could undermine government's ability to win popular support and cooperation in an effort to control the spread of the virus.

Kenyan president apologises for police violence during curfew (Aljazeera)

April 1, 2020

Kenya's President Uhuru Kenyatta has apologised for violence by the police following the enforcement of a nationwide curfew last week.

The police have been accused of using heavy-handed tactics to enforce the dusk-to-dawn curfew since its introduction on Friday to mitigate the spread of the coronavirus pandemic, with tear gas, baton charges and the alleged firing of live rounds.

"I want to apologise to all Kenyans for ... some excesses that were conducted," President Kenyatta said on Wednesday in Nairobi.

"But I want to assure you that if we work together, if we all understand that this problem needs all of us, and if we pull in the same direction, we will overcome." The police also ordered an investigation into the shooting of a 13-year-old boy who died in the capital Nairobi on Monday after being shot while standing on his balcony as police forced people into their homes. The victim's father, Hussein Moyo, told AFP news agency that the bullet had "ripped through his intestines".

"This operation was planned in the wrong way. The police arrive yelling and when people see that they run scared. They beat and rob people, they also throw tear gas into our houses," Moyo said. "During the day we are fighting coronavirus, and yet we have to deal with bullets during the night."

Sporadic clashes have also been reported in the western city of Kisumu and the port town of Mombasa where officers chased and beat commuters and fired tear gas last week.

The curfew is among measures that Kenya has taken to slow the spread of coronavirus. It has also closed borders and schools, and encouraged people to stay at home and avoid gatherings.

A lockdown has yet to be imposed, but Kenyatta said tighter restrictions had not been ruled out.

"We as a government are preparing for the worst, but together with the 47 million Kenyans, we are hoping and praying that we do not need to take further measures," he said. Kenya has so far recorded 81 cases of coronavirus and one death.

Fury in Kenya over police brutality amid coronavirus curfew (Aljazeera) By Duncan Moore

April 2, 2020

Since November, Emily Nyambura had been running a thriving mobile coffee business in Mathare, a densely populated settlement in Kenya's capital, Nairobi.

With a growing customer base, she would earn on good days up to 1,500 Kenyan shillings (\$15) - but all that changed last week.

On the evening of March 27, Nyambura was, as usual, walking the streets of Mathare, selling to her customers who drink tea in the morning and coffee after work.

But at 7pm, police descended on the area to enforce a dusk-to-dawn curfew announced by the government as part of a series of sweeping measures aimed at slowing the spread of the coronavirus pandemic.

The officers fired tear gas, shot guns in the air and beat people with canes and rubber hoses, residents said. Nyambura was hit while trying to flee the scene, breaking in the process one of her flasks that she uses to sell coffee.

"There was no warning, they just started to beat people," Nyambura said on the phone. "Everyone on the road - it didn't matter your age, even grandparents - all were being beaten."

According to Nyambura, many people in the area had no idea the 7pm-to-5am curfew was actually in place. "It was a surprise because most slum people don't have a TV; they get information from one another and don't always get the right information."

Informal workers such as Nyambura are disproportionately bearing the brunt of the curfew crackdown. In areas like Mathare, where people often live in poorly built dwellings housing entire families in one or two rooms, most business takes place outside.

This means forcing people to be home by 7pm significantly reduces working hours for those selling goods from roadside stands and outdoor markets, further exacerbating the economic hardship brought on by the coronavirus.

Street vendors and workers with long commutes - some of the poorest and most vulnerable groups in Nairobi - are the ones most at risk of being caught outside and punished by the police. Additionally, these groups are the least likely to be successful reporting such abuses, activists say.

According to Michael Ndung'u, a human rights advocate and youth leader with the Kiamaiko Community Social Justice Centre, this comes down to a basic lack of trust between underserved communities and the police.

"We have tried to bring the police and the people together, but that can't happen when they see the police shooting people," Ndung'u said. "This is not a war, this is a disease. You are supposed to treat people in a manner that will help the community ... not treating people like animals."

Kenyatta apology

While officials and others in Kenya defend the curfew as a crucial tool in the fight against COVID-19, the highly infectious respiratory disease caused by the new coronavirus, its implementation has been widely criticised.

In the coastal city of Mombasa, officers were filmed beating people waiting for a passenger ferry, as well as journalists covering the events, two hours before the start of the curfew on Friday. The next day, a motorbike taxi driver was assaulted by the police after reportedly dropping a pregnant woman off at the hospital and later died of his injuries.

When asked about the violence in Mombasa, police spokesman Charles Owino said the incidents were "regrettable" but defended the use of force. "This is a serious war against a serious disease ... When instructions have been given that we are going to have a curfew, they must be followed ... I have to particularly blame members of the public because we are protecting life."

President Uhuru Kenyatta has since apologised for the violence following the enforcement of the curfew.

"I want to apologise to all Kenyans for ... some excesses that were conducted," he said on Wednesday in Nairobi. "But I want to assure you that if we work together, if we all understand that this problem needs all of us, and if we pull in the same direction, we will overcome."

His comments came a day after police said they had opened an investigation into the death of a 13-year-old boy on Monday evening, when officers attempted to clear out street vendors in the informal settlement of Kiamaiko in Nairobi.

According to witnesses, rocks were thrown and officers began firing live rounds into the air. Yassin Hussein Moyo, who was out on the balcony of his house alongside other children watching the scene, was hit in the stomach by one of the bullets and died, his family said.

In a matter of days, the death toll from curfew enforcement has already exceeded the official coronavirus death toll of one, while reports of police beatings continue to emerge.

"Yesterday, after the apology they were still beating people," Ndung'u said on Thursday. "My neighbour arrived from his job as a matatu tout late yesterday, and was confronted outside his gate and beaten with sticks and pipes. Now he can't even walk outside, it was only 7:20pm, he was 20 minutes late."

Despite several requests for comment, the Kenya Police Service declined to comment further on the actions of their officers.

The incidents have renewed anger in Kenya over police brutality, a pervasive issue in high crime areas such as Kiamaiko, where trust in authorities is low.

In a February report detailing the killing of at least eight people in Nairobi's low-income neighbourhoods, Human Rights Watch said police "continue to kill crime suspects and protesters in cold blood despite persistent calls to end the killings and the use of excessive force".

'We are getting angry'

Hassan Usman lives in Kiamaiko, near where Monday's shooting took place. Since COVID-19 entered Kenya, he has seen his work at the local goat market and surrounding slaughterhouses dry up, slashing his income at a time when all seven of his children are staying home due to the closure of schools.

For Usman, the curfew is a step too far, crippling people's livelihoods during an already tough time and further stoking anger at the police.

"They come at night to harass people here and close businesses by force, even if you have meat you still need to sell," Usman said. "We are getting angry, it has affected many people. If you want people to remain at home under curfew, you should give them something to eat and drink."

For him, the curfew is another burden for the working class, a poorly designed measure from a government that is out of touch with the situation on the ground.

While Usman said he is worried about COVID-19, hunger, rising crime and avoiding police beatings are much more pressing issues.

"We are hand to mouth, people are sleeping hungry," Usman said. "If you defend against corona[virus] this way, many people will die of hunger."

Back in Mathare, Nyambura has given up selling coffee for now, switching to bananas which bring in only 200 shillings (\$2) a day. Since her customers drank only coffee in the evening, she decided the extra money is not worth risking a beating.

It is a hard transition, especially now that she has temporarily adopted a street child who has nowhere to go during the curfew.

Nyambura feels that her community, already struggling with a slowing economy, is being unfairly targeted.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

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Somalia

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb Ex-Policeman Charged with Murdering Civilians (Balkan Transitional Justice) By Haris Rovcanin

March 31, 2020

The Bosnian state court has confirmed an indictment charging former reservist policeman Milorad Kronic, a citizen of Bosnia and Herzegovina and Serbia, with crimes against humanity, BIRN has learned.

The indictment alleges that Kronic supervised the transportation of male civilian prisoners from detention facilities in a sports hall and a factory in Sanski Most to the Manjaca detention camp on June 11, 1992.

According to the charges, Kronic separated six prisoners from the others and then participated in murdering them by the roadside between Pavici and Hazici.

The indictment claims that his crime was committed as part of a widespread and systematic attack on the Bosniak and Croat civilian population in the municipality of Sanski Most by the Bosnian Serb Army, along with police officers and paramilitaries.

Bosnian Court Rejects Wartime Rape Defendant's Appeal (Balkan Transitional Justice) By Albina

Sorguc

April 1, 2020

Bosnia's Constitutional Court said that it has rejected Zarko Vukovic's appeal against his conviction, describing as unfounded his claim that his right to a fair trial was violated.

The court's decision, made on March 26, said that "nothing points to a violation of the right to a fair trial", and that the way the facts and evidence in the Vukovic case were assessed "does not give the impression of arbitrariness".

Former Bosnian Serb Army soldier Vukovic was found guilty of repeatedly raping a woman in Foca in eastern Bosnia and sentenced to seven years in prison.

Vukovic forced the victim into the basement of her house and raped her several times from April to August 1992, the verdict said.

He appealed against the verdict but the state court's appeals chamber rejected his plea and upheld the conviction in January 2018.

Bosnia Seeks Interpol Help to Detain War Fugitives (Balkan Transitional Justice) By Haris Rovcanin

April 3, 2020

The state court in Sarajevo has asked Interpol to call for the arrests of Dusan Cimes, Slobodan Curcic and Goran Mojovic, who are all wanted to face war crimes charges but are currently living abroad.

Cimes is accused of participating in a widespread and systematic attack by the Bosnian Serb Army and police against the Bosniak civilian population.

"In his capacity as chief of the [police] Public Security Station of the Serb Municipality of Bihac, based in Ripac, and as a member of the crisis committee and wartime municipal presidency, he deliberately participated in a joint criminal enterprise aimed at ethnically cleaning the territory of the Bosniak population living there by persecuting them on ethnic and religious grounds," the Cimes indictment alleges.

A hearing for Cimes to enter his plea was scheduled in August 2019, but the defendant failed to appear, although the court said that he had been served with the subpoena. The state prosecution believes that he now lives in the Serbian capital Belgrade.

Curcic, a former Bosnian Serb Army soldier who now lives in Montenegro, is accused of killing two Bosniak civilians during an attack on the village of Hum in the Foca municipality in 1992. “He has also been charged with having participated, alongside other people, in the rape and sexual abuse of Bosniak women and girls, and having personally raped one person,” the prosecution said in an earlier statement.

Curcic was also due to enter his plea in 2019, but the court announced at the time that the hearing would be postponed indefinitely.

Mojovic is accused of committing crimes against humanity related to the destruction of cultural, religious and historical monuments.

He is accused of causing a blast that completely destroyed the historic 16th Century Aladza mosque in Foca on August 2, 1992.

“The defendant placed and detonated the explosives together with another soldier, who was killed in 1993,” the prosecution has previously claimed.

Mojovic and his lawyer failed to appear at a plea hearing scheduled in 2019, although the court noted that the subpoena had been properly served.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Hague Court Denies Early Release to ‘Unrehabilitated’ Convicts (Balkan Transitional Justice) By Emina Dizdarevic
April 8, 2020

Bosnian war victims’ representatives have welcomed decisions by Carmel Agius, president of the Mechanism for International Criminal Tribunals in The Hague, to reject requests for early release filed by war crimes convicts because he thinks they have not demonstrated rehabilitation.

In October 2018, before he became president of the UN court, Agius opposed a request from former Bosnian Serb Army general Radivoje Miletic to be released early after having served two-thirds of his 18-year sentence for wartime crimes against Bosniaks from Srebrenica.

Miletic is serving his sentence in a prison in Finland. According to Finnish law, as well as the longstanding practices of the International Criminal Tribunal for the Former Yugoslavia, ICTY and its successor, the Mechanism for International Criminal Tribunals, MICT, Miletic had the right to seek early release, but the judges who sentenced him expressed disagreement with his early release considering the severity of his crimes.

One of those judges, Carmel Agius, told then MICT president Theodor Meron that another reason to reject Miletic’s request was because he had demonstrated “no signs of rehabilitation whatsoever”.

“According to judge Agius, the fact that Miletic recognises the severity of his actions, as he has stated through his defence attorney, is by no means sufficient to demonstrate rehabilitation, particularly considering the fact that Miletic was ‘cold, argumentative and uncompromising’ throughout the first instance trial,” Meron wrote in his decision.

At the beginning of 2019, only a few months after the decision in the Miletic case, Agius became the MICT’s president and continued the practice of seeking evidence about rehabilitation when deciding on early release requests.

In January this year, he rejected a request from wartime Croatian Defence Council fighter Miroslav Bralo, who asked to be

released early from a Swedish prison where he is serving his 20-year sentence for the killings of Bosniak civilians, including children, in the village of Ahmici, near Vitez, in 1993.

“I generally do not consider it appropriate to enable convicted persons to return to the affected regions before they have served their full sentence, without having demonstrated a certain degree of rehabilitation, including that their release will not endanger peace and security in the envisaged place of residence,” Agius said in his decision.

Agius quoted a report by the Swedish prison medical officer, who said that Bralo “has no remorse for his acts”. Murat Tahirovic, president of the Association of Victims and Witnesses of Genocide, welcomed the new practice introduced by Agius.

“With the arrival of judge Agius, requests [for release] have been examined more thoroughly and all requests filed so far have been rejected. That is certainly positive for all victims, particularly witnesses,” Tahirovic told BIRN.

But Belgrade lawyer Aleksandar Lazarevic, who has represented clients at the Hague Tribunal, said he opposed the requirement for convicts to show they have been rehabilitated.

“I think that the fact that convicts are obliged to admit the commission of crimes as a precondition for their early release is completely unacceptable, particularly if they pleaded not guilty to crimes they were charged with during their trials. In this way they are somehow forced to admit guilt,” Lazarevic said.

At present, 16 people convicted by the ICTY of wartime crimes in Bosnia and Herzegovina are serving their sentences, while two other convicts are waiting to be transferred to the countries where they will serve sentences- former Bosnian Serb political leader Radovan Karadzic and former Bosnian Croat military officer Milivoj Petkovic.

Last month, Agius rejected a request for the early release of Radoslav Brdjanin, the former political leader of the unrecognised, Serb-led Autonomous Region of Krajina, who was sentenced to 30 years for crimes against humanity.

In his decision, Agius said that “the severity of his crimes is an obstacle to his early release. Furthermore, Brdjanin has not demonstrated successful rehabilitation.”

While he was the Tribunal president, judge Meron rejected requests for early release of Stanislav Galic, the wartime commander of the Bosnian Serb Army’s Sarajevo-Romanija Corps, Goran Jelusic, a wartime Bosnian Serb detention camp guard, and former Bosnian Serb general Radislav Krstic, but only because they had not served two-thirds of their sentences.

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Domestic Prosecutions In The Former Yugoslavia

Croatia Frees Serbian War Criminal ‘Captain Dragan’ (Balkan Transitional Justice) By Milica Stojanovic and Anja Vladislavjevic
March 28, 2020

Former Serbian paramilitary commander Dragan Vasiljkovic, alias Captain Dragan, who was convicted of committing war crimes against Croatian civilians and prisoners of war in 1991, was released from Lepoglava prison in northern Croatia on Saturday morning after serving his 13-and-a-half-year sentence.

His lawyer in Croatia, Sladjana Cankovic, told BIRN that Vasiljkovic was released after serving his sentence in full. The Justice Ministry also confirmed this to Croatian media.

Media reported that Vasiljkovic was transferred to the Bajakovo border crossing, expelled to Serbia and banned from entering the European Economic Area for 20 years.

Dragan Palibrk, Vasiljkovic’s lawyer in Serbia, told BIRN that he does not know if Vasiljkovic will be put in quarantine in Serbia.

In Serbia, which has 528 confirmed cases of COVID-19 so far, 28 days of quarantine is currently mandatory for all Serbian citizens returning from abroad. Depending on the country from which the returnee has arrived, this can be at home or in an

official quarantine facility.

Vasiljkovic was found guilty of committing his crimes in June and July 1991 at the fortress in Knin, where imprisoned Croatian policemen and soldiers were abused, as well as during an attack on a police station in the town of Glina and surrounding villages in July 1991, which result in the killing of one civilian and a journalist.

He was extradited to Croatia in 2015 from Australia, where he had been working as a golf instructor under the name Daniel Snedden.

He had moved to Australia at the age of 14 but returned to Yugoslavia before the start of the 1990s conflicts and was then sent by the authorities in Belgrade to be the commander of a training centre for a Serb special paramilitary unit in Croatia in 1991.

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Turkey

Turkish-occupied Syria cuts off water to 400,000 during pandemic (The Jerusalem Post) By Seth J. Frantzman
March 26, 2020

Turkish-backed far right militants cut off the water to 400,000 Syrians, including tens of thousands of children, during the coronavirus pandemic, according to reports in eastern Syria. It comes at the worst possible time for people in Syria, including Kurdish and Christian minorities, who are in lockdowns due to the pandemic and now have no water. The area is already threatened by the virus because the international community has cut off aid and does not provide testing for the virus.

The US-backed Syrian Democratic Forces defeated ISIS a year ago in eastern Syria but now millions of people who live in the area lack access to basic needs. Turkey invaded part of eastern Syria in October 2019 after the US withdrew.

According to human rights reports Turkish-backed extremists attacked civilians, executed at least one female politician in an extrajudicial killing and caused up to 200,000 people to be displaced from their homes. The extremists also threatened minority Christian communities who were recovering from ISIS.

Turkish forces occupy parts of eastern Syria near Tel Abyad but Turkey does not provide its occupied areas with many basic needs. Instead local militias are accused of looting, kidnapping and extortion. Over the last six months that has included attempts to cut off water to other parts of Syria.

On March 21 residents reported that water had been cut off from the Allouk station, affecting 460,000 people. The UN and others have recorded the same incident. People in Hassakah, and neighboring villages, under SDF control, now have no water. Some water can be brought by trucks but at a time when the WHO recommends social distancing this increasingly leads to threats of the spread of the virus.

Turkey has not provided support for areas it occupies during the crises, as coronavirus rapidly spreads in Turkey, leaving Syrian refugees and internally-displaced people, wondering what comes next. The Turkish-backed factions near Tel Abyad now control water supplies to others in Syria that they have switched off.

Turkey, a NATO ally, has not responded to the water shortage and its role in backing groups responsible for it. The Syrian regime does not provide support for Syrians in eastern Syria and with border crossings to Iraq closed due to the pandemic it is unclear how the area will continue to function well amid the crises.

US forces are now stopping movement due to the pandemic and the US is withdrawing from some areas in Iraq as it repositions. ISIS is on the rise and Russia is allegedly pressuring to take control of oil wells in eastern Syria. Turkey has also pressured Russia to cut a deal for a partition of oil resources in eastern Syria as Turkey seeks to get the US to withdraw from more locations. A year after groups in Eastern Syria, particularly the Kurdish fighters, helped defeat ISIS, they lack even water for their homes during a global pandemic.

Turkey/Syria: Weaponizing Water in Global Pandemic? COVID-19 Protections Rely on Adequate Supply (Human Rights Watch)
March 31, 2020

Turkish authorities' failure to ensure adequate water supplies to Kurdish-held areas in Northeast Syria is compromising humanitarian agencies' ability to prepare and protect vulnerable communities in the COVID-19 pandemic, Human Rights Watch said today. Turkish authorities should immediately do everything they can to resume supplying water through the Allouk water pumping station.

Turkey and Turkish-backed forces took control of the Allouk water station during the Turkish offensive on Northeast Syria in October 2019. The Allouk water station, located near the town of Ras al-Ain (Serekaniye), serves 460,000 people in al-Hasakeh governorate, including al-Hasakeh city and three displacement camps. Aid organizations have told Human Rights Watch that the Turkish authorities have interrupted water pumping several times since the start of the year, with the latest interruption on March 29.

"In the midst of a global pandemic that is overloading sophisticated governance and infrastructure systems, Turkish authorities have been cutting off the water supply to regions most under strain in Syria," said Michael Page, deputy Middle East director at Human Rights Watch. "The Turkish authorities should do everything they can to immediately resume supply to these communities."

Local authorities and humanitarian groups in Northeast Syria say they are facing immense obstacles in putting a COVID-19 preparedness plan in place. They are unable to bring additional supplies into the region because the border with the Kurdistan Region of Iraq is closed. The UN Security Council de-authorization of al-Yarubiyeh crossing for cross-border supply in January, due to the threat of a veto of the entire resolution by Russia, has also affected supplies. Al-Yarubiyeh was primarily used by the World Health Organization to provide supplies to Northeast Syria.

Aid agencies say that because of limited options, they have made it a priority to raise awareness around hand washing practices. However, the repeated interruptions to the water supply has meant that they are unable to even encourage this measure.

Turkey says that authorities in control of al-Mabroukeh and Tishreen Dam have failed to provide electricity to the water pumping station, and the Turkish-controlled city of Ras al-Ayn, but humanitarian workers say al-Mabroukeh does not serve the pumping station and that there continues to be enough electricity to operate the water station. Human Rights Watch has previously documented discriminatory diversion of aid and essential services by the Syrian government. All parties should ensure that they do not block essential services to populations in need, Human Rights Watch said.

Allouk water station provides water supplies for populations that are already deemed vulnerable, including in al-Hol and Areeshah camps, which host tens of thousands of Syrians, Iraqis, and foreigners who lived in areas formerly held by ISIS. Human Rights Watch has documented dire conditions in these camps, including overflowing latrines, sewage trickling into tattered tents, and residents drinking wash water from tanks containing worms. These conditions are likely to be exacerbated with the water supplies cut off, and will only put the population at greater risk of contracting coronavirus.

Alternatives to water pumping from the Allouk water station are insufficient, say aid agencies working in the region. They are currently trucking in water, a time-consuming and unsustainable process. According to a report by the Northeast Syria water and sanitation group, water trucking provides less than 50 percent of the needs of the population and is too costly. One aid worker said that the quality of the water being brought in through trucking is much lower than pumped water and especially affects the availability of drinking water.

Local officials and reports say that the interruptions of pumping at Allouk are a pressure tactic to force Kurdish-led authorities to supply electricity to areas under the control of the Turkish-backed factions from al-Mabroukeh electricity station, which remains under the control of the Syrian government and Kurdish-led authorities as part of the Russian-Turkish deal that was concluded in December 2019.

Under international human rights law and the laws of war, all parties to an armed conflict must protect objects indispensable to the survival of the civilian population, including those necessary for water distribution and sanitation. Parties to the conflict need to ensure civilians' access to adequate water and sanitation. International human rights law also obligates governments and de facto authorities to respect the right to water and ensure that people can enjoy clean, available, acceptable, accessible, and affordable water and sanitation. The Syrian government, Kurdish-led authorities, UN aid agencies, and Turkey need to work together to ensure that water and electricity are supplied to the civilian population without discrimination or unlawful restrictions. "Not only is the Turkish authorities' water shut-off to communities in Northeast Syria harmful to civilians, but it could also blowback on Turkey itself," Page said. "Rights-respecting public health measures are needed to address the coronavirus; borders alone won't stop a pandemic's spread."

Erdogan 'risks lives' blocking water supply to Kurds (Arab News)

April 2, 2020

Turkish President Recep Tayyip Erdogan was accused by aid and rights groups on Wednesday of risking lives during the coronavirus pandemic by restricting water supplies to nearly half-a-million Kurds in northeast Syria.

The restriction compromises humanitarian workers' efforts to protect local communities against COVID-19, especially in terms of handwashing practices and personal hygiene, Human Rights Watch said.

On March 29, Turkey blocked the flow of water through Allouk pumping station near the Syrian town of Ras Al-Ain. The station has been controlled by Turkey and allied Syrian forces since October 2019, when Ankara launched an offensive against Syrian-Kurdish forces.

"A water shortage would certainly make a coronavirus outbreak less controllable in Syria, and drive individuals to escape to where they can get treatment and be protected, and the likely target would be neighboring countries, including Turkey," Sara Kayyali, a Syria researcher at Human Rights Watch, told Arab News.

Allouk had been providing water to about 460,000 people in Syria's Al-Hasakeh governorate, including those living in displacement camps such as Al-Hol and Areesh. UNICEF warned that the "interruption of water supply during the current efforts to curb the spread of the coronavirus disease puts children and families at unacceptable risk." Human Rights Watch said: "The Turkish authorities should do everything they can to immediately resume supply to these communities."

The group is concerned that the water shortage may lead to a greater risk of coronavirus contagion in the region.

Faruk Logoglu, a retired Turkish diplomat, called for the introduction of "corona diplomacy" by Ankara in its relations with Syria, which does not have enough hospitals, ventilators, medicines and medical equipment. "Contacts should be initiated" by Turkey with the Syrian government "to develop a joint plan of action to fight the pandemic," he said.

Some regions of Syria, especially opposition-held Idlib province, are a ticking time bomb, with an insufficient number of coronavirus test kits.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

Prosecutors: Suspect in Iraq Slayings Should Remain Jailed (New York Times)

April 6, 2020

An Iraqi immigrant who ran a Phoenix driving school and was arrested two months ago on charges of participating in the killings of two police officers in Iraq nearly 15 year ago should remain jailed until his extradition case is over, federal prosecutors said.

Ali Yousif Ahmed Al-Nouri, who became a U.S. citizen in 2015, faces allegations that he led an al-Qaida group that fatally shot the officers in 2006 on the streets of Fallujah. His lawyer has denied the accusations.

A detention hearing for Ahmed was scheduled for Tuesday, though information in online court documents suggested it could be postponed. Lawyers preparing for the hearing filed documents last week over the issue of whether Ahmed should be released while his extradition case plays out.

Ahmed's lawyer, Jami Johnson, disputed arguments by prosecutors that Ahmed poses a danger to the community and poses a flight risk. She also said he could be killed if he is sent back to Iraq.

In arguing for his release, Johnson cited Ahmed's earlier work in the U.S. as a cultural adviser to military and said that her 42-year-old client, who suffers from heart and lung ailments, is vulnerable to being infected with coronavirus in the Florence, Arizona, detention center where he is being held.

For most people, the coronavirus causes mild or moderate symptoms, such as fever and cough that clear up in two to three weeks. For some, especially older adults and people with existing health problems, it can cause more severe illness, including pneumonia and death.

In both attacks on the two officers in the Iraqi city of Fallujah, armed men emerged from cars, fired on the officers and fled.

In the first shooting, a masked attacker held a gun to a witness' head, while another masked man tried to open fire at a police officer but his gun malfunctioned.

Another attacker then killed police Lt. Issam Ahmed Hussein. The witness later identified Ahmed, who was not wearing a mask, as the group's leader, according to court records.

Four months later, Iraqi authorities say Ahmed and other men fatally shot Officer Khalid Ibrahim Mohammad as the officer sat outside a store. A witness recognized Ahmed, whose mask had fallen off, as one of the assailants, according to court records.

Ahmed has denied involvement in the killings and in being member of a terror group.

Johnson said violence and turmoil in Iraq traumatized her client and prompted him to flee to Syria, where he lived in a refugee camp for three years before moving to the U.S.

After settling in Arizona, Ahmed volunteered in Phoenix's refugee community and worked as a military cultural advisor, traveling to bases in other states to help personnel as they prepared to deploy to the Middle East to fight the Islamic State, his attorney said. He bought a home in Surprise on the northwestern edge of metro Phoenix and operated the driving school serving largely Middle Eastern immigrants.

In the court records, prosecutors arguing for Ahmed's continued detention said he left Iraq after the killings to avoid prosecution.

They also questioned Ahmed's credibility, saying he gave conflicting explanations on how he suffered gunshot wounds while in Iraq and that they could not determine why he spent time in a Syrian prison before moving to the United States.

Johnson countered that the Ahmed would have a difficult time fleeing because the coronavirus pandemic has closed many borders and made international travel nearly impossible.

Johnson questioned why the Iraqi criminal case against Ahmed took 14 years to be filed, doubts her client would get a fair trial in Iraq and alleged that there is pervasive corruption in the Iraqi justice system.

"Mr. Ahmed cannot return to Iraq, or he will almost certainly be killed," Johnson wrote.

While the Trump administration isn't mentioned in Johnson's filing, she previously claimed the case emerged from information provided by informants who had "everything to gain by delivering the Trump administration a supposed 'terrorist refugee' in an election year."

It's unclear whether Ahmed came to the United States as a refugee.

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Syria

April 6, 2020

A United Nations investigation into attacks on humanitarian sites in Syria concluded in a report released on Monday that the Syrian government or its allies had committed most of them — but failed to name Russia, the most important of those allies, as a perpetrator.

The board of inquiry looked into just six of the hundreds of attacks on sites like hospitals and schools committed during the Syrian civil war. In a summary of its work, the board refrained from specifically blaming Russia, despite strong evidence, previously published by The New York Times, that a Russian warplane had carried out one of the six — the bombing of a school.

The inquiry stated only that “the Government of Syria and/or its allies had carried out the airstrike.”

“This is a deliberately mealy-mouthed report,” said Richard Gowan, U.N. director at the International Crisis Group.

“On a charitable reading, this summary contains enough oblique and tentative statements confirming the Syrian government and Russians’ responsibility,” he said. “On a less charitable reading, this is an effort to minimize offending Moscow that reflects the fact that U.N. officials believe that continued cooperation with Russia is key to the future of humanitarian operations in Syria.”

Human rights and advocacy groups had criticized the board of inquiry’s limited scope after its establishment by Secretary-General António Guterres in August, saying it ignored hundreds of other attacks on hospitals, clinics and medical personnel committed by the government of President Bashar al-Assad and his Russian ally.

Physicians for Human Rights, an advocacy group that tracks attacks on medical workers in Syria, has documented at least 595 such attacks since the civil war began in 2011. Of those, 282 have occurred since Russia intervened in September 2015 in support of Mr. Assad.

At least 923 medical workers have been killed since 2011. The Syrian government or its allies, primarily Russia, committed 536 of the 595 attacks, according to the group’s statistics.

“The U.N. Secretary-General’s extremely limited investigation was doomed from the beginning,” said Susannah Sirkin, the director of policy at the Physicians for Human Rights. “It failed to account for the overwhelming evidence that the Syrian and Russian governments have executed a consistent and brutal strategy of bombing hospitals, schools and civilian sites.”

But Mr. Guterres gave the inquiry a mandate only to look into attacks on humanitarian targets that had been supported by the United Nations or included in its “deconfliction” system, through which organizations could register their sites in the hope of protecting them from attack.

The inquiry looked at seven specific strikes carried out from April to July 2019 in opposition-held territory in northwestern Syria: on a school, a refugee camp, a children’s services center, three hospitals and a medical clinic. The board dropped one of the hospitals from its review, concluding that it did not match Mr. Guterres’s criteria.

It also determined that among the six attacks it had investigated, the Syrian government or its allies had committed all but the one against the refugee camp, which the board said was probably carried out by opposition forces.

“The charges in this report could not be more serious. And the incidents the report studied are the tip of the iceberg,” said David Miliband, president of the International Rescue Committee.

The Times has previously reported that Russian warplanes bombed a string of hospitals in northwestern Syria over one 12-hour period in May 2019 and then returned to bomb one of those hospitals again in November.

The hospital that was bombed twice, in the town of Kafr Nabl, was one of the sites under investigation by the board of inquiry. But instead of looking into the two Russian attacks, it focused instead on a separate attack on the same hospital, carried out by the Syrian government in July.

Before the inquiry’s publication of the report, Russia pressed Mr. Guterres not to release its conclusions, diplomats have said. Russia has vetoed 14 Security Council resolutions calling for action on Syria since 2011. In December, it blocked a resolution on cross-border aid deliveries from Turkey and Iraq to millions of Syrian civilians.

Louis Charbonneau, the United Nations director at Human Rights Watch, said the refusal to explicitly name Russia was “deeply disappointing.” He added that the widespread attacks on humanitarian facilities and hospitals in northwestern Syria had, in addition to causing direct suffering, led to “a tragic and criminal reduction” in the area’s ability to deal with the likely

spread of coronavirus.

The Russian and Syrian missions to the United Nations did not comment on the report.

The report also addressed some flaws in the deconfliction system, which relief groups had harshly criticized for failing to prevent attacks on hospitals and being marred by factual errors. The system, run by the United Nations Office for the Coordination of Humanitarian Affairs, was meant to share the coordinates of protected facilities among the warring parties, including Russia.

The report found that until September the United Nations did not have procedures for verifying, storing and updating those coordinates, and that confusion over exactly what the system would do to protect humanitarian sites had led to mistrust.

Mr. Miliband called on the United Nations to develop "accountability mechanisms to deter further attacks and bring justice for those who have already suffered."

But Mr. Gowan said he doubted that the report would do anything to deter Russia.

"It may reassure Syrian and Russian officers that they are unlikely to face any real accountability in future," he said.

Report finds Syrian government forces responsible for 2017 chemical attacks (CNN) By Jennifer Hansler
April 8, 2020

The Organization for the Prohibition of Chemical Weapons' Investigation and Identification Team (IIT) has concluded the Syrian government forces were responsible for a series of chemical attacks on a Syrian town in late March 2017.

US Secretary of State Mike Pompeo praised the OPCW report, saying the US agrees with its conclusions and charging that the regime of Bashar al-Assad is responsible for "atrocities" that rise to the "level of war crimes."

Wednesday's 82-page report, the first from the IIT, found that one unit of the Syrian Arab Air Force was believed to be responsible for the March 24 and 30 sarin bombings in southern Ltamenah, which jointly affected at least 76 people. A Syrian Arab Air Force helicopter is believed to have "dropped a cylinder on the Ltamenah hospital" on March 25, 2017, releasing chlorine that affected at least 30 people, the report found.

"As the investigation progressed, and various hypotheses were considered, the IIT gradually came to these conclusions as the only ones that could reasonably be reached from the information obtained, taken as a whole," the report said.

IIT Coordinator Santiago Oñate-Laborde noted that "attacks of such a strategic nature would have only taken place on the basis of orders from the higher authorities of the Syrian Arab Republic military command. Even if authority can be delegated, responsibility cannot."

Pompeo praised the chemical weapons watchdog, saying in a statement Wednesday that the report "is the latest in a large and growing body of evidence that the Assad regime uses chemical weapons attacks in Syria as part of a deliberate campaign of violence against the Syrian people."

"The United States shares the OPCW's conclusions and assesses that the Syrian regime retains sufficient chemicals - specifically sarin and chlorine - and expertise from its traditional chemical weapons (CW) program to use sarin, to produce and deploy chlorine munitions, and to develop new CW," Pompeo said.

In the statement, the top US diplomat said the Assad regime "is responsible for innumerable atrocities, some of which rise to the level of war crimes and crimes against humanity."

"We urge other nations to join our efforts to promote accountability for the Syrian regime and uphold the international norm against chemical weapons use. The unchecked use of chemical weapons by any state presents an unacceptable security threat to all states and cannot occur with impunity," he said. A member of the human rights organization Syria Campaign, releasing a statement under the pseudonym Laila Kiki, said, "Independent irrefutable proof that Assad gassed civilians is a long time coming.

"Investigations are only helpful if they apportion blame and are then used as evidence to hold the perpetrators of some of the most heinous war crimes of our time to account," they said. "The next step must of course be justice for all those who were killed by the Syrian regime."

The Trump administration launched airstrikes against Syria in April 2017 and as part of a joint operation with France and the

United Kingdom in April 2018 -- both in retaliation for alleged chemical weapons attacks. It has warned that it would respond if the Assad regime was again to use chemical weapons against its people -- a warning reiterated by a senior State Department official on Wednesday. It is unclear, however, whether Assad will pay any significant price for the the conclusions drawn in the report.

OPCW Director-General Fernando Arias noted that it now falls "to the Executive Council and the Conference of the States Parties to the Chemical Weapons Convention, the United Nations Secretary-General, and the international community as a whole to take any further action they deem appropriate and necessary."

UN Secretary General Antonio Guterres said he "has taken note of the issuance of" the IIT report and noted "that the use of chemical weapons by anyone and anywhere is intolerable, and impunity for their use is equally unacceptable." His statement did not mention Assad specifically.

The senior State Department official told reporters that the UN Security Council would serve as the typical forum for accountability, but "that mechanism, alas, is not available to us because Russia, usually supported by China, has blocked every attempt to hold the regime, the Assad regime and its allies which, as I said, includes Russia as well as Iran, accountable."

"Therefore, what we have to do is to take other actions," they said. "Those actions ... are of a political, diplomatic, economic nature."

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Yemen

Lawyers file evidence of Yemen war crimes in 3 jurisdictions (Middle Eastern Monitor)

March 30, 2020

Law firm Stoke White has filed evidence of war crimes and crimes against humanity said to have been committed in Yemen. The firm made the submissions in three jurisdictions — Britain, the US and Turkey — on behalf of its clients.

In a press release issued today, Stoke White explained that the applications have been made using UN mechanisms, requesting the authorities to investigate further the notorious Sanaa Funeral Hall bombing in 2016, the UAE's use of mercenaries and allegations of torture in secret prisons in the country. The submissions are said to include evidence that officials and even authorities higher up in the coalition partners — notably the UAE and Saudi Arabia — as well as mercenaries were all involved directly in war crimes in Yemen.

In September last year, the same law firm held a press conference in which it announced its intention to file a complaint on behalf of three clients whose relatives were among the victims of the funeral bombing in which 137 civilians were killed. The principle of universal jurisdiction was cited, under which anyone accused of committing serious international crimes may be brought to justice in, for example, British and US courts, "irrespective of where they took place, who the perpetrator is and what their nationality is".

Last week, Stoke White also submitted evidence to the UN Working Group on the Use of Mercenaries, and requested an investigation into all mercenaries operating in Yemen, in particular the executives of America's Spear Operations Group.

Today it was announced that separate applications were filed with the UN Human Rights Council and the Group of Eminent Experts on Yemen regarding violations of international human rights and war crimes.

The applications include allegations such as targeted killings, enforced disappearances, sexual assault, illegal detention and torture in secret prisons, as well as the use of American and other foreign mercenaries in Yemen. They point out that responsibility is shared by the internationally-recognised government of Yemen, Saudi Arabia and the UAE.

Will Baha'is be released from Yemeni prisons as ordered? (Al-Monitor) By Naseh Shaker

April 6, 2020

In a surprise move, the leadership of the Houthi movement ordered the release of all

detained members of the Baha'i religious minority in Yemen on March 25 and pardoned their leader, Hamed bin Haydara, who had been sentenced to death.

"We order the release of all Baha'i prisoners and announce the pardon and release of Hamed bin Haydara," Mehdi al-Mashat, head of the Houthi-led Supreme Political Council (SPC), said in a televised speech marking the fifth anniversary of the Yemeni war that broke out March 26, 2015. "The concerned authorities should put all that into effect."

The National Security Bureau under the government of Abed Rabbo Mansour Hadi had arrested Haydara Dec. 3, 2013, and held him in Sanaa on charges of being a "destroyer of Islam and religion." In October 2014, after Houthi rebels captured Sanaa, he was transferred to the Central Prison, under the jurisdiction of the Prosecution Service.

On Jan. 8, 2015, officials announced the charges against him, including apostasy, using a false name (accusing him of being Iranian), converting areas of Yemen into a Baha'i homeland and collaborating with Israel. In 2017, the Sanaa-based Mwatana Organization for Human Rights and Amnesty International demanded Haydara's release in a joint statement. He was found guilty in January 2018, and a Houthi court had on March 22 upheld the death penalty against him.

In 2010, the US Central Intelligence Agency estimated Yemen's population to be almost 99.1% Muslim and the remaining 0.9% consisting of Jews, Baha'is, Hindus and Christians, many of them refugees or temporary foreign residents. According to the Baha'i International Community (BIC), which represents Baha'i worldwide, Yemen's Baha'is have constantly suffered persecution at the hands of the authorities in Sanaa, who subject them to arbitrary arrest and imprisonment.

The BIC praised the order to free detained Baha'is and called for its "immediate implementation." On March 23, Amnesty International had urged Houthi authorities to overturn Haydara's death sentence and release him immediately and unconditionally, asserting that he was being persecuted for his beliefs.

Hind al-Eryani, a journalist and Yemeni human rights activist based in Sweden, told Al-Monitor, "The Houthis did the right thing to order their release." Noting that the Houthis are themselves a minority, she asserted that minorities who hold power should not treat other minorities the way the Baha'is have been treated.

Eryani said that she had learned about the Baha'is and the treatment of them in 2000, after which she began to campaign for their release. She believes it is important to support what diversity there is in Yemen.

Osama al-Fakih, director of media, communications and advocacy at Mwatana, said he isn't entirely sure why the SPC issued its order. "What I believe is that this decision is a result of accumulative efforts by all human rights organizations," he told Al-Monitor. "But also it might involve some political factors that I'm not aware of."

According to the BIC, six of the Baha'is being held have been in prison for several years for their religious beliefs. The community said in a March 25 statement, "Today's order must lead to the lifting of the 2018 charges against a group of over 20 Baha'is."

Fakih welcomed the Houthi's action and said that in addition to the Baha'is, all other arbitrarily detained prisoners as well as those forcibly disappeared should be immediately released to reduce the threat of a coronavirus outbreak inside prisons even though Yemen has yet to confirm a case of COVID-19.

"The general conditions inside detention centers in Yemen are not really good," he stressed. "[They] lack basic services. It would be catastrophic if [the novel coronavirus] spreads in detention centers."

"Approximately five visits were made to Haydara [by Mwatana representatives] in 2016 and 2018 while he was in Central Prison," Fakih said. "On July 27, 2018, he was transferred to the health center inside the Central Prison."

Fakih further remarked that someone from his organization last visited Haydara in late 2018 or early 2019 and that the last attempt, made a month ago, had ended unsuccessfully. They were denied access on the grounds that the prison director was not there to issue them an entry permit.

Attempts by Al-Monitor to interview Haydara also ended unsuccessfully, with authorities and guards citing a number of reasons, including coronavirus restrictions and the need to obtain permits. In the meantime, BIC and other Baha'i representatives appear to be limiting public comments until further movement on the releases.

Diane Alai, the Baha'i International Community's representative to the United Nations, declined to speak with Al-Monitor, but on April 1, tweeted, "One week since Mahdi Al-Mashat (Supreme Political Council) announced a pardon for Hamed bin Haydara & unconditional release of all #Bahai-s in prison in #Yemen. They are all still incarcerated. When will the order be implemented? #YemeniBahais."

What the Baha'is will face once they are released is anyone's guess. Eryani remarked that only with peace and a stable state will Yemenis be able to exercise freedom of religion and speech and enjoy human rights.

"The situation now is not helping the vulnerable groups, and I am talking about Yemen as a whole, not just Houthi-controlled areas," Eryani said. Yemen's civil war grinds on with fighting between Houthi and Hadi forces and their assorted allies, so the Baha'i, and others, remain without reliable protections.

Fakih wonders whether the Baha'is, after their release, will be allowed to remain in Sanaa and to practice their faith openly or be forced into exile. "We believe they should practice their beliefs freely, whoever they are," he said. "[It] is going to depend on the behavior of the warring parties, whether they really do respect human rights and believe in their people. It's up to them."

UN official condemns shelling of prison in Yemen (Middle Eastern Monitor)

April 8, 2020

The UN has condemned the Sunday's attack on a prison in Yemen which left at least six people dead and 11 others injured.

"I strongly condemn the shelling on Sunday of the Central Prison in Taiz, resulting in the deaths of five women and a child, and leaving at least 11 other people injured," said Michelle Bachelet, the UN high commissioner for human rights.

Bachelet said, there was no military presence in the area and no armed clashes.

"Such an attack cannot be justified in any circumstances. This attack appears to be in breach of international humanitarian law, and depending on the circumstances could amount to a war crime," she said.

The Houthi rebels claimed they did not attack the prison.

Yemen has been beset by violence and chaos since 2014, when the Iranian-backed Houthi rebels overran much of the country, including the capital of Sanaa.

The crisis escalated in 2015 when a Saudi-led military coalition launched a devastating air campaign aimed at rolling back Houthi territorial gains.

Tens of thousands of Yemenis, including civilians, are believed to have been killed in the conflict, which has led to the world's worst humanitarian crisis as millions remain at risk of starvation.

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Special Tribunal for Lebanon

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

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Israel and Palestine

UN: Settler violence against Palestinians has increased during COVID-19 (The Jerusalem Post) By
Tovah Lazaroff
April 4, 2020

Settler and Jewish extremist violence against West Bank Palestinians has spiked by 78% during the last two weeks of the COVID-19 pandemic when compared to the rest of this year, the United Nations has reported.

Between March 17 and 30, “at least 16 attacks by Israeli settlers resulted in five Palestinian injuries and extensive property damage,” the UN reported.

“This represents a 78% increase compared to the bi-weekly average of incidents since the start of 2020,” it said. Its data is based on information from its field reporters.

The UN spoke of two incidents in which Palestinians were assaulted in the village of Umm Safa and Ein Samiya near Ramallah. In one of the assaults, an ax was used and in another one a hammer, the international body said.

“Another two herders were physically assaulted and injured (in one case by a dog unleashed by settlers), while grazing sheep near Ein al Hilweh (Tubas) and At Tuwani (Hebron),” the UN said.

There were five separate incidents in the Burqa village near Nablus. There were also attacks in Al Mughayyir near Ramallah and the villages of Khashem and Dara near Hebron.

The attacks included the stoning of vehicles, vandalizing structures and physical assault, the UN added. In the Gush Etzion region, some 100 Palestinian-owned olive trees were uprooted and in Hebron, surveillance cameras were damaged or stolen from a home and a school, the UN said.

According to the UN, there were 341 attacks against Palestinians by settlers and Jewish extremists in 2019. The report also noted a decrease in injuries during clashes with Palestinians and soldiers, as well as a decrease in IDF activity against Palestinians.

Some 40 Palestinians, including 70 children, were injured by Israeli security forces. “This represents a sharp decline compared to previous weeks,” the UN said. It attributed this to access restrictions imposed due to COVID-19.

Most of the injuries were the result of clashes that occurred in the Tuwani village near Hebron, which broke out after Israeli security forces responded to an incident of settler violence there.

Israeli security forces carried out 72 search-and-arrest operations in the West Bank and east Jerusalem, arresting 64 Palestinians, including 10 minors. Some of those operations took place in Hebron and 20 in east Jerusalem.

“The overall number of operations declined by nearly 30%, compared to the bi-weekly average since the beginning of the year,” the UN said.

It also recorded a Gaza rocket attack against Israel and an IDF counter-strike.

In the West Bank, the UN reported that an Israeli bus driver was injured in a stoning attack by Palestinians near Bethlehem. Another eight Israeli vehicles were damaged by stones on a bypass road near Ramallah. The information was based on NGO data.

On March 22, the IDF killed a 32-year-old Palestinian man and injured his relative in response to incidents of stone-throwing at Israeli vehicles in the West Bank near Ni’lin, the UN reported. Family members said the two men were on their way to buy supplies. The death brings the toll up to nine this year, it added.

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Gulf Region

Lawyers file evidence of Yemen war crimes in 3 jurisdictions (Middle East Monitor)

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ASIA

Afghanistan

Afghanistan: Prosecute Head of ISIS-linked Group (Human Rights Watch)

April 6, 2020

The Afghan government should bring appropriate war crimes charges against Aslam Farooqi, leader of the Islamic State of Khorasan Province (ISKP), an affiliate of the Islamic State (ISIS), for his alleged role in directing attacks against civilians in Afghanistan, Human Rights Watch said today. Farooqi, whose real name is Abdullah Orakzai, should be afforded a fair trial in accordance with international human rights standards, including ensuring that victims and witnesses to these attacks can testify at the trial.

On April 4, 2020, Afghanistan's intelligence agency, the National Directorate of Security, announced that they had arrested Farooqi, in Kandahar province. Farooqi had replaced the group's former leader, known as Abu Omar Khorasani, in July 2019, after the group suffered setbacks under pressure from military operations by the United States, the Afghan government, and the Taliban.

"Farooqi's arrest is an opportunity for the Afghan authorities to show that they are capable of securing fair justice for victims of war crimes and other atrocities," said Patricia Gossman, associate Asia director. "Victim participation is key to ensure that justice is not only done, but seen to be done, by those most affected by Farooqi's crimes."

The ISKP has claimed responsibility for numerous attacks in Afghanistan that have killed civilians. In the most recent incident, the armed group claimed responsibility for the March 25 attack on a Sikh temple in Kabul that killed at least 25 people. From 2016 through 2018, ISKP suicide bombers attacked dozens of Shia mosques and other facilities in Kabul and other cities, killing and injuring thousands of civilians.

Afghanistan has a poor record in bringing individuals implicated in human rights abuses and war crimes to justice. The government currently holds thousands of detainees under overly broad terrorism laws but it has not charged any suspects with war crimes or crimes against humanity. Trials of terrorism suspects are held in secret and often rely on confessions coerced under torture. The authorities have made no efforts to solicit victims' participation in the trials.

Afghanistan incorporated war crimes and crimes against humanity as part of its 2017 penal code. Article 337 of the code defines war crimes to include intentionally directing attacks against the civilian population, and intentionally directing attacks against buildings dedicated to religion and education. The attorney general's war crimes unit has carried out investigations into some attacks by ISKP, but until now there have been no prosecutions under these laws.

"Afghanistan owes it to the victims to carry out a credible prosecution and fair trial of Aslam Farooqi and others accused of serious crimes," Gossman said. "The pursuit of justice is essential if Afghanistan is to bring an end to such violence."

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

Statement of the Judges of the Trial Chamber of the ECCC Regarding Case 004/2 Involving AO An (Extraordinary Chambers in the Courts of Cambodia)

April 3, 2020

The Trial Chamber is aware that at the close of the investigation the two Co-Investigating Judges issued two separate and opposite closing orders. The National Judge submitted a dismissal order while the International Judge issued an Indictment. Both closing orders were appealed by relevant parties.

The Trial Chamber is aware of "Considerations of Appeals against Closing Orders" issued by the Pre-Trial Chamber on 19 December 2019. While there were several issues on which all the judges agreed with regard to the key issue, the results were again divided, with the International Judges approving the indictment (and declaring the dismissal order as void) and the National Judges determining that the case should be dismissed (and the indictment annulled).

The Trial Chamber has received an "Interoffice Memorandum" issued only by the two International Judges of the Pre-Trial Chamber on 12 March 2020, which was addressed to the parties.[1] It appears to have been a response to litigation resulting from a submission made by the International Co-Prosecutor, which was a request for "All Required Administrative Actions to be Taken to Forward Case File 004/2".

It notes that in the months following the issuance of the "Considerations", two separate and opposing sets of instructions, were sent to the Record and Archives Unit of the Office of Administration, by the Pre-Trial Chamber. The International Judges, through a greffier, directed the unit to formally notify the Trial Chamber while the National Judges, through another greffier, directed the unit not to notify the Trial Chamber of the "Considerations" and to archive the case file.

The Memorandum notes that two letters were also sent by the President of the Pre-Trial Chamber and by the International Judges of the Pre-Trial Chamber respectively, to the Office of Administration and others. Again, the letters gave competing and contradictory instructions on what should be done with the case file.

The Office of Administration, understandably, wrote back and asked for clarification as to which of the two opposing

instructions it should implement or in the alternative, for actionable instructions. As noted in the Memorandum this request remains unanswered indicating that the full Pre-Trial Chamber Panel could not agree to a single set of instructions.

On 16 March 2020 the President of the Pre-Trial Chamber issued a memorandum, entitled, “Re-Confirmation of the Decision in Case File 004/2”. In this document he notes that only the portion of the “Considerations” which were unanimously agreed upon have “applicable effect” and that the separate opinions of the national and international judges are expressions of “personal opinions” which have “no applicable effect”. Further, the President states that the Pre-Trial Chamber will not take any further administrative action to notify the Trial Chamber or to forward the case file.

In their Memorandum the International Judges of the Pre-Trial Chamber have indicated that they have done all they can and that their efforts are at an end.

The Trial Chamber notes that it has never been formally notified of the case and it has not received the case file. In a memorandum to the Office of Administration dated 29 January 2020, the International Judges of the Pre-Trial Chamber acknowledge that notification is necessary “in order to prevent the situation of its [the Pre-Trial Chamber’s] decision being unimplemented and the case being lost in limbo”. Further in the same memorandum they state that absent notification the Trial Chamber “apparently stays in an exceptional situation where it has not been granted access to the case file and not been able to work on the pending requests”.

The Trial Chamber also understands that most of the case file is confidential and considers this to be a substantial issue in that the Trial Chamber has no access to that material and can have no access to it, unless and until there is proper notification and transfer of the file.

Looking at actions, not words, the International Judges of the Pre-Trial Chamber have demonstrated that it is impossible for a Chamber of the ECCC to take judicial action when it is divided about the need to do so.

The International Judges of the Trial Chamber believe an argument could be made that under the unique circumstances of the case the Chamber has inherent authority to address some of the preliminary issues raised by the parties in communications sent to the Chamber.

The National Judges of the Trial Chamber hold a different view. They assert that the Trial Chamber does not have the case file. So far, the case file is under the authority of the Pre-Trial Chamber and the Trial Chamber has not received any notification and forwarding the case file from the Pre-Trial Chamber to the Trial Chamber since the Pre-Trial Chamber issued its “Considerations” on 19 December 2019. The National Judges of the Trial Chamber believe that this case was closed before the Pre-Trial Chamber. Therefore, the Trial Chamber does not have any authority to make any decision regarding the case. Consequently, relevant documents and requests from the parties served to the Trial Chamber by hard copies shall be returned to them. Finally, they have stated there will not be a trial of AO An now or in the future.

As issuing a formal decision of the Trial Chamber is not possible, the International Judges have agreed to join with their National colleagues to issue this joint statement. Although this statement has no legal force it is hoped that it will provide transparency and clarity to the public and the relevant parties of the case file.

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Bangladesh International Crimes Tribunal

Bangladesh: Convicted Killer Of Sheikh Mujibur Rahman Arrested In Dhaka (Republic World) By Riya Baibhawi
April 7, 2020

A former Bangladeshi military captain, who was convicted for killing the country’s founder Bangabandhu Sheikh Mujib Rahman was arrested by police in Dhaka on April 7. Abdul Majed, who killed the Bangladeshi leader on August 15, 1975 was one of six absconding ex-army officials who were sentenced to capital punishment after their trials in absentia.

Home Minister Asaduzzaman Khan Kamal confirmed the ex-captain Abdul Majed's arrest and said he had been sent to court to "exhaust legal options". He also revealed that he was arrested in Dhaka immediately after his return to the country following his exile in India.

Based on a tip-off, Bangladesh's Counterterrorism and Transnational Crime unit of Mirpur police captured him and sacked him in jail following orders by a magistrate court. According to reports, Majed was presented to Old Dhaka court where he was reportedly seen wearing white pyjamas and handcuffed in bulletproof jacket and helmet. Speaking about his arrest, a police officer reportedly said that Majed was brought to the court at around 12.15 pm. He added that Dhaka Metropolitan Magistrate A M Zulfikar Hayat passed his order at 12.55 pm asking the police to send him to jail.

Majed, a self-confessed killer, was not only involved in Bangabandhu's killing at his private residence in Dhanmondi but was also involved in murders of four other national leaders in high-security Dhaka jail on November 3, 1975.

Bangladesh's freedom struggle

Bangladesh's War for independence began after the Pakistani military junta based in West Pakistan launched Operation Searchlight against the people of East Pakistan on the night of 25 March 1971. It pursued the systematic elimination of nationalist Bengali civilians, students, intelligentsia, religious minorities and armed personnel. The war ended on 16 December 1971 after West Pakistan surrendered. Bangabandhu Sheikh Mujibur Rahman, known as the father of Nation in Bangladesh served as the first President of Bangladesh and later as the Prime Minister of Bangladesh from 17 April 1971 until his assassination on 15 August 1975.

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War Crimes Investigation in Myanmar

Military Accused of Burning Abandoned Houses, Shops in Rakhine (Rohingyavision) By Naf Sailor
April 7, 2020

Many abandoned houses and shops in several locations have been burnt to ashes recently in Northern Maungdaw and Buthidaung, Rakhine State, Rohingya Eye reported.

Those houses and shops belong to Rohingya who were forced out to Bangladesh by the military cleansing operation against the Muslim population of Arakan in 2017.

The locals from the neighborhood accuse the security forces of torching those villages and markets because of their doubtful movement around.

On March 31, 2020, at around 2:00 p.m. more than a hundred shops were burnt to the ground in Ngakura Market of Northern Maungdaw. After their owners were attacked and forcefully deported to Bangladesh in 2017, all the shops were left abandoned except some 20 lots.

A Sarapa (the Burmese acronym for military intelligence) office is located behind market, from where the arson started. Some eyewitnesses told Rohingya Vision that they have observed the Sarapa members and their hangers-on moving curiously around the western corner shortly before the fire broke out there.

Reportedly, as the majority of the shops belong to Rohingyas, there are also some Buddhist who have been trying in collaboration with Sarapa to move the market to the Buddhist village and build separately. This could also be the motive to this arson attack.

The next day, almost all the uninhabited houses in two hamlets of Ngar Sar Kyu Village Tract, Northern Maungdaw.

On April 29, 2020, all the uninhabited houses in four hamlets around Mee Chaung Zay (Mingi Zee) of Northern Buthidaung were also burnt to ashes, according to the source.

In both locations security forces were seen before the burning, according locals.

“As the military’s bulldozing of those villages was criticized and perhaps this may be a new tactic to seize those lands and use for military-backed projects.” said an observer from the ground.

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AMERICAS

North & Central America

A Taliban Fighter Is Serving a Life Sentence in the U.S. That’s a Huge Problem for Our Soldiers. (Daily Beast) By Jeremy Kamens and Captain Brian Mizer

April 6, 2020

Irek Hamidullin was a foot soldier for the Taliban, captured after a firefight in 2009 in Afghanistan.

He and his fellow soldiers had tried to attack an Afghan Border Police post, but were routed by U.S. helicopter pilots who killed everyone in his group but him. No U.S. or Afghan government soldiers were injured in the battle. Imprisoned at Bagram Air Base until 2014, Hamidullin was then brought to federal court in Richmond, Virginia, and prosecuted. He was convicted of crimes including material support to terrorists and attempted murder of U.S. military personnel and sentenced to life plus 30 years.

Now that the U.S. has inked a peace deal with the Taliban—with the critical assistance of five former Gitmo detainees exchanged in the swap for Bowe Bergdahl—and President Trump has communicated directly with Taliban leaders, it’s time to reconsider whether Hamidullin (who one of us represented in this criminal case) should remain in federal prison. By negotiating a peace deal with the Taliban, the U.S. has recognized that Taliban soldiers should be treated just like any other adversary.

Hamidullin’s conviction has no precedent in our history. We have always recognized, as the price of war, the right of our adversaries to fight back— and insisted that our soldiers receive the same treatment. In 1775, General George Washington complained to his British counterpart that American soldiers should not be put in jails like criminals, and warned that British prisoners would be treated the same way Americans were treated.

Confederate soldiers likewise were immune from ordinary criminal prosecution. In 1891, a Lakota chief was famously acquitted in federal court of murdering an Army officer on the ground that he was simply fighting in a war. And the U.S. treated captured North Vietnamese soldiers as prisoners of war.

This practice was always meant to protect American soldiers captured by our adversaries. It is summed up by Supreme Court Justice Hugo Black’s observation that “it is no crime to be a soldier,” which is why soldiers may be held until the end of a war but then must be released.

There are reasons to treat the Taliban differently, of course. Deposed in 2001, the Taliban are not recognized as the legitimate government of Afghanistan, even though they have maintained control over large parts of the country since they were overthrown. Nor do they observe the laws of war.

But neither did the North Vietnamese. Hamidullin, moreover, was never accused of committing a war crime. And a soldier fighting on behalf of a deposed government is still a soldier. German soldiers, after World War II, were even prosecuted for executing captured French partisans who fought after the Germans took Paris, because the Free French were still entitled to be treated as soldiers.

News reports say that the principal sticking point in the new peace deal is not the ongoing Taliban attacks on Afghan security forces, but the commitment “to expeditiously release combat and political prisoners as a confidence building measure,” in which “up to five thousand prisoners of the [Taliban]” and “up to one thousand prisoners of the other side” are to be released. The plan also provides for the “goal of releasing all of the remaining prisoners over the course of the subsequent three months.”

Afghan President Ashraf Ghani, who is not a party to the deal, reportedly has objected that “freeing Taliban prisoners is not the authority of America, but the authority of the Afghan government.” Although he originally authorized the release of fifteen hundred Taliban soldiers as a prelude to peace talks, that decision is now up in the air.

But there is one prisoner who should be released by the U.S. government right now: Irek Hamidullin. He is no different than any other soldier in any other war we’ve fought. He thus committed no crime by fighting on a battlefield against the United States. Now that the U.S. has entered into a peace deal with the Taliban, he should be released—because that’s how U.S. soldiers should be treated.

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South America

Colombian warlord: Release of death squad boss 'El Mono' from U.S. prison has Canadian victims seeking truth (National Post) By Brian Fitzpatrick

March 27, 2020

When Salvatore Mancuso was shipped from Colombia to a U.S. cell, he said, ‘they extradited the truth.’ But his sentence ends today and he has secrets to tell

For weeks, locals had been quietly fleeing the northern Colombian town of El Salado. They were afraid, they told neighbours, of the arrival of the AUC, a death squad led in their region by a tall, imposing figure named Salvatore Mancuso, known as “El Mono.”

By the year 2000, El Salado, a farming community nestled in Colombia’s Montes de María mountains, had become a coveted target in a brutal conflict between two irregular armies. On one side were the Marxist guerrillas of the Revolutionary Armed Forces of Colombia (FARC), who had been at war with the Colombian state since 1964. On the other was Mancuso’s United Self-Defence Forces of Colombia (AUC), a paramilitary death squad that colluded with corrupt elements of the Colombian military and did their dirty work.

As it did for the FARC, Colombia’s cocaine trade bankrolled the AUC. And to move AUC drugs from Colombia’s interior to the Caribbean coast — for export onward to North America — Mancuso needed to clear a path north through El Salado and across the Montes de María. On Mancuso’s orders, Rodrigo Mercado Peluffo, a fearsome AUC boss known as “Chain,” planned an attack on El Salado using five FARC deserters — handed over to him by the Colombian army — to guide the way.

By Feb. 16, 2000, for anyone who hadn’t fled, it was too late. Four hundred AUC soldiers began garrotting peasants, slowly encircling the town. When they reached El Salado’s main square, the AUC produced a list upon which were scrawled the names of suspected FARC operatives, or locals felt to be helping them. Mancuso would later call what followed an “anti-subversive” operation. In reality, it was killing for sport. Over a weekend on a concrete soccer field, at least 40 men, women and children were stabbed, bashed and shot dead. Using instruments pillaged from El Salado’s cultural centre, the killers gave each victim a musical sendoff.

The Colombian army, despite frantic calls from locals to the nearest base, was nowhere to be found.

“They pulled my daughter away,” one survivor told Human Rights Watch seven years later. “She called to me, ‘mommy,’ and they shot her in the head. She had been celebrating her 20th birthday that day. They killed my cousin, they scalped her, tied her up ... they strangled her and finally, they cut her head off.”

The mother thought another of her daughters, a seven-year-old, had lived. Three days later she found her body. “They put a

plastic bag over her head and she died, suffocated ... on the top of a hill.”

This March 27, Salvatore Mancuso, now 55, will end his sentence at the U.S. Penitentiary in Atlanta, GA, having served just under 12 years in prison. One of 14 AUC leaders extradited from Colombia to the U.S. in May, 2008, Mancuso wasn't jailed in America for the many massacres he has admitted to during the AUC's reign of terror, which lasted from 1997 until the group was demobilized by the Colombian government in 2006. Instead, Mancuso did his time for drug trafficking, and his extensive cooperation with U.S. prosecutors secured what critics call his grossly inadequate sentence.

After a period in U.S. immigration detention, Mancuso is expected to head to Medellín, Colombia, after a Colombian judge ruled that he must live in that city and not return to his old stomping grounds in the country's north. But under the terms of an amnesty agreement between the Colombian government and the AUC, Mancuso may never have to return to prison in that country.

Since the FARC first took up arms against the state in the 1960s, Colombia's multi-sided war has displaced seven million people and claimed more than 260,000 lives. Canada has taken countless refugees from Colombia in recent decades, many fleeing FARC violence but thousands, too, fleeing AUC terror.

For AUC victims in Canada, Mancuso's case is but another example of the impunity that has long plagued the Andean nation. Still, they have hope. Despite the injustice of his sentence and the fear his name provokes, Mancuso offers one final shot at making sense of a senseless conflict. For he has indicated he would be willing, upon his return, to tell more about what he says are the AUC's links to drug trafficking, to military commanders — and to the highest levels of Colombian political power.

Colombians, both at home and in Canada, are very interested in what “El Mono” has to say.

Córdoba

Colombia is divided into 32 departments, similar to America's states or Canada's provinces. Salvatore Mancuso was born in Montería, in the northern department of Córdoba. His father, an Italian immigrant, hailed from Sapri, a coastal town on the “foot” of that boot-shaped country. Fluent in Italian, young Salvatore attended, for a time, the University of Pittsburgh, where proceeds from his father's farm and auto-repair business let him spend a semester adding English to his repertoire.

In the early 1990s, Mancuso's father's farm became a target of the leftist FARC rebels. Mancuso — who had flirted with engineering but preferred ranching — used connections at a Córdoba military battalion to arm local farmers. He would take the fight to the guerrillas.

At around the same time, in the same region, the psychopathic Castaño brothers, whose father had been killed by the FARC, were similarly occupied, training men at their ranch, Las Tangas. Led by their older brother Fidel, a drug trafficker known locally as “Rambo,” Carlos and Vicente Castaño would play a key part in the 1993 fall of Pablo Escobar, who was once their ally. By 1994, Fidel would be killed, but Carlos and Vicente went on to set up the paramilitary Peasant Self-Defence Forces of Córdoba and Urabá (ACCU). Mancuso would join them

By 1997, Colombia was dotted with similar paramilitary groups. They banded together to become the United Self-Defence Forces of Colombia (AUC). Led by the Castaños, Mancuso and a few others, the AUC had 30,000 troops at its apex, divided into regional blocs. Mancuso took command of much of the country's north. On paper, the FARC and smaller left-wing rebel groups such as the National Liberation Army (ELN) were their foes. In reality, with backing from shadowy elements within Colombian military, political and business circles, the AUC forcibly rigged elections and wiped out civilians who sometimes had vague links to the FARC, but mostly none at all.

As the FARC grew rich from kidnapping and later from the cocaine trade, the AUC did likewise. They shipped cocaine to North America and Europe, taxed those who grew the coca leaves used to make it, and also set its prices. Among their major clients? The ‘Ndrangheta crime syndicate of Italy, Mancuso's ancestral home. They took land from small farmers which would later be given at knockdown prices to their ranching and business allies. They even worked security for multinationals based in Colombia. In one famous case, Chiquita Brands International was forced to pay \$25 million in a U.S. court in 2007 for handing \$1.7 million in protection money to the AUC between 1997 and 2004.

By September, 2001, the AUC was killing peasants faster than it could incinerate them in its ovens, and was designated by then-U.S. secretary of state Colin Powell as a foreign terror outfit. Álvaro Uribe took office as Colombian president in August the following year. To calm the Americans, who were funnelling hundreds of millions of dollars to Colombia to fight the FARC and the drug trade, Uribe started in late 2002 what came to be known as the Justice and Peace process. To demobilize the AUC's fighters, they were offered amnesty. The leaders were given a maximum of eight years in prison, as long as they made full confessions, surrendered ill-gained assets and compensated their victims.

Knowing he had been indicted in the U.S. on drugs charges, and fearing extradition, Mancuso led the surrender of more than

1,400 of his fighters in a made-for-camera ceremony in Córdoba in December, 2004. The men handed in their weapons and Mancuso went into detention.

But in a surprise move, on May 13, 2008, Uribe sent Mancuso and 13 other AUC leaders to the U.S. anyway. Officially, Uribe punished them because even from prison, they were acting on behalf of the AUC. But in the minds of many Colombians, the extraditions allowed Uribe to silence paramilitaries who had begun, as they confessed their crimes, to implicate powerful people, many of them allies of the president.

Mancuso, as far back as 2002, had boasted that the paramilitaries controlled 35 per cent of Colombia's congress. After the AUC demobilized, their confessions, coupled with other discoveries, set off a scandal dubbed "parapolitics," which resulted in the arrests of dozens of elected representatives. In January, 2007, in Medellín, Mancuso alleged shocking levels of AUC, army and political collaboration. Though his cooperation with the process has continued sporadically from the United States, AUC victims say he was only getting started. The Colombian justice system should have been allowed to fully deal with him, they say.

Former president Uribe, now a Colombian senator, remains a hugely polarizing figure in Colombia, and is seen as a political father figure to current president Iván Duque. Praised by many Colombians for crippling the FARC during his 2002-2010 reign, Uribe has also long been accused of paramilitary ties and has faced high-profile investigations. He has vehemently denied the accusations and has never been convicted of any such offences. But his brother, Santiago Uribe, is at present on trial on charges that he used his family ranch to set up a paramilitary death squad called the Twelve Apostles, which is accused of killing hundreds.

Before he was sent to the U.S., Mancuso had outlined meetings he had with Mario Uribe, a former senator and second cousin of the former president. In 2011, as Mancuso sat in his U.S. jail cell, Mario Uribe was sentenced to seven and a half years in Colombia for having ties to the AUC.

When the Colombian and American governments collaborated to extradite him, Mancuso said, "they extradited the truth."

Fear from afar

In Canada, finding the victims of the AUC and then getting them to speak to a reporter is like trying to pick up mercury with a fork.

Over weeks and months, calls are made to lawyers, NGOs and community organizers. Most are not returned. Meetings are arranged and no one shows. "The fear remains," one contact emails, as the trail falls silent. Legal officials who have dealt with AUC cases are extremely reluctant to comment. Everyone is fearful.

Eventually, a man we will call Ernesto, picks up the phone, willing to tell his story if his real name, and other identifying details, are not revealed. He was kidnapped by the AUC and accused of being a guerrilla collaborator. He met its leaders face-to-face and somehow lived to tell the tale before escaping to Canada.

In the late 1990s, Ernesto worked for a Colombian human rights NGO. "We were trying to connect human rights violations with some politicians and also with some big industries," he says, and soon, "we found some interesting things. We were trying to analyse why, in some regions, there were peasant massacres and a lot of displacement. We found links between (the violence) and economic projects, but we could not finish the whole investigation because of what happened later on."

What happened was that one day in 1999, Ernesto and others at his NGO were kidnapped at gunpoint by a gang contracted by the AUC. "We are the ones you've been calling right-wing extremists," he was told. "We thought that we were going to get killed right away," he recalls.

Eventually flown hundreds of kilometres by helicopter to what he now knows was Córdoba, the northern heartland of the AUC, he was detained under guard for weeks at a local farmhouse. Then, one night, he was roused in the middle of the night and taken, hooded, on "a big trip, some (parts) by car, some by horse." As dawn neared, Ernesto says, he and a co-captive heard horses coming up a country road to meet their own.

"Sorry about all this," a man said, and when he ordered that the captives' hoods be removed, Ernesto discovered that it was the supreme leader of the AUC: Carlos Castaño. At a house nearby, Castaño ordered his soldiers to serve the hostages tinto, the bitter, cheap Colombian coffee given in small cups.

"First, he said sorry about the way he had to do things, but we had to realize that we're in a war, and war is hard," Ernesto recalls. "He asked us about the type of work we did at our NGO. We told him about our work on conflict resolution in small communities, and he said the AUC was trying to do things like that in the areas where they worked. At that moment, the conversation was nice, no bad words, no loudness, nothing."

Then everything changed.

“In one moment, he says: ‘Ok, we know you are guerrilla collaborators and we’re going to put you on trial.’”

Ernesto knows that very few people have heard similar words from Castaño and lived to talk about it. “We were thinking, this guy is going to kill us at any moment.”

Sent back to the farmhouse, the captives sweated over Castaño’s accusation for five days. Incredibly, they were released. In the face of outside pressure, Castaño told them that the “proof” against them wasn’t that strong, so they would be freed — as long as they told the public that the AUC was interested in peace.

Ernesto stayed just a few more days in Colombia before fleeing to Europe, where he remained for a year and a half. In his absence, the NGO was bombed. After a brief return to Colombia, in late 2000 he came to Canada.

“The crime they were judged for in the U.S. is narco-trafficking,” Ernesto says of the extradited AUC bosses. But in his mind, Mancuso, Castaño (who would be killed in 2004) and the other paramilitaries are, “War criminals, to be precise, under international law.”

Mancuso speaks

In a Medellín courtroom in January, 2007, Salvatore Mancuso began his long-awaited confession in earnest, having been detained since surrendering in late 2004. He outlined AUC killing sprees that he commanded at El Salado and many other towns and villages. He used PowerPoint to describe his role, naming victims as he went through 87 slides. In total, Colombian prosecutors would say, he oversaw 139 massacres that killed 837 people.

And then, after a few more appearances, he was gone, sent to the U.S. for smuggling AUC cocaine between Colombia, the Caribbean, and Mobile, Alabama. After mostly secretive proceedings — reams and reams of court documents from his case file are still sealed — Mancuso was given 15 years and 10 months by Judge Ellen S. Huvelle in D.C.

And on Friday, March 27, 2020 — having served less than 12 years — his time is up.

Most AUC men had limited dealings with the Colombian justice system once they were put on the plane north; by that point, it was the Americans that wanted their secrets and who could make them the best offers. Some, such as Mancuso’s co-accused Juan Carlos “El Tuso” Sierra, a renowned drug trafficker, have even won asylum in the U.S. after convincing authorities they would be in danger if they went back to Colombia.

“These people were just trying to make a deal and they became the opportunistic criminals they always were,” says one U.S. legal official who dealt closely with the AUC cases. “Everybody stands to win and that’s what makes it continue. The DEA wins because they get the bad guy. The prosecutor wins because he got the bad guy, too. The bad guy wins because he gets a good sentence and the lawyers win because they get their money,” says the official, who didn’t want his name revealed.

“When I watch Narcos,” he says of the hit Netflix show, in which the Castaños are played by actors, “it’s such tacky bullsh*t. Everybody thinks they’re going to meet Marlon Brando in The Godfather, people with a ‘code.’ But they’re not ... I mean, these people are killers.”

‘These people’

Jesus Antonio Criado is one of “these people.” It’s October, 2012, and the AUC man known as “the Mechanic” is sitting in a pew in a Bogotá courthouse. He leans forward, almost whispering, his face twitching. He’s dressed casually, in blue jeans, a yellow sports jacket and Adidas sneakers. There are only a handful of people in the room, including a heavily armed guard.

“I have confessed, more or less, to 82 charges between killings, kidnapping and extortion,” Criado says, after the guard is persuaded to let him talk. “When I began, almost a year into my time with the paramilitaries, I saw and learned some things that I didn’t want to. These were very strong things, but it was very difficult to get out of the group. From that day, I had two options — death or jail.”

Criado, looking at the guard, then at us, says he demobilized from the AUC as part of Uribe’s Justice and Peace agreement; in court that day he was admitting to some of his crimes. For outlining his role in the AUC — he had left out aggravated murder, displacement and forced disappearance — he was looking at the maximum eight-year sentence.

Criado worked for an AUC commander in the city of Ocaña, in the Norte de Santander department. The local AUC men, he says, began to trust him because he fixed their cars, earning him his nickname. Starting as a low-level snitch, he rose to become a financial boss of his AUC bloc.

He tells a familiar tale. “I was a victim from the violence from before I was even born,” he says. “My father was disappeared by the ELN guerrillas and I began my involvement in violent actions when I was very young. When I had the opportunity to get involved with paramilitary groups I began to help them — first just as an informant and then (it was) an organic kind of thing.

“Fortunately, I am in jail now. I feel fortunate because a lot of my companions weren’t so lucky. They got killed or were disappeared. I’m trying to make amends for what I did, but I realize I should never have begun with the group.”

In Medellín, Juan Camilo Hernandez says he began with the paramilitaries in the mid-1990s, aged 13.

Like Criado, he chose one side over the other, heading to Medellín after being displaced by the conflicts in the banana-growing region of Urabá. He says the AUC told him that training would be so difficult the war would feel like a rest. Ready for combat in the Antioquia department, they trained with live rounds in their guns.

“If you couldn’t pass the training, the organization would kill you themselves,” he says. “Physically and mentally, they prepare you for war. It comes to a point you don’t care about anyone.

“They valued life more than us,” Hernandez says of the Colombian army. “We went in and cleaned everything out. The AUC had the mountains; the military had the towns. Massacres occurred when the army couldn’t do it, because they’d have blood on their hands.”

“The money,” he says. “It talks. A soldier could earn very little for what they do, and for people to come and offer five times what they’re earning? That’s a big motivation to close your eyes, to shut your ears.”

The truth

Tim Horton’s coffee cups dot the office furniture, as close to 25 Colombians gather in a meeting room in Toronto on a rainy February evening. The group is talking about how, from afar, they can play a part in their home country’s future.

In 2016, Colombia signed an historic peace deal with the AUC’s longtime enemy, the Marxist FARC rebels, an agreement that won former president Juan Manuel Santos the Nobel Peace Prize. Although the deal has since been plagued by the return to war of FARC fighters, the process contains three core branches: The Truth, Coexistence and Non-Repetition Commission aims to uncover the truths behind the 50-year conflict; the Unit for the Search for Persons Presumed Disappeared aims to find Colombia’s hidden dead; and the Special Jurisdiction for Peace covers transitional justice for crimes committed on all sides.

As part of the truth commission, survivors and perpetrators, often in exile, are interviewed by independent experts. The testimony is not usable in criminal proceedings, but it is hoped their contributions will help answer why Colombia’s wars happened, and how to stop them from happening again.

On this night, participants offer suggestions on how to boost participation in Toronto and other Canadian cities. The organizers, hailing from a broad network of advocacy groups, wonder aloud why more people have not shown up. As a presentation is made, one woman finally remarks, “now we are talking about the elephant in the room.” What she means is, not all Colombians fled from the same thing, they’re not all of the same political persuasion, and many war victims are not officially classified as protected refugees, while others are. There’s an unspoken awkwardness.

As the night ends and the crowd filters out, Luis Mata, who works with Toronto’s FCJ Refugee Centre, introduces himself to a reporter. In the days that follow, he will tell the story of his best friend, who was murdered on Salvatore Mancuso’s orders. Luis wants answers, too.

Luis grew up in a farming family in the northeastern Norte de Santander department. Seeing farmers struggle daily, he says, made him passionate about land issues. In 1992, the 500-year anniversary of the Spanish conquest of the Americas, he attended student protests and began work with leftist youth movements. Two years later, he was working as a peace counsellor in the troubled Valle del Cauca region, in western Colombia. Mediating between agitating peasants and the government, he was vocal about the influence of the paramilitaries and their allies in armed cooperatives called Convivir, which had recently been legalized by the government.

In his line of work Luis knew this was dangerous. By 1995, Uribe, who would later be president, was serving as governor of the Antioquia department. When a political ally of Uribe came to the city of Cali, and Luis declared the man unwelcome, he encountered “huge problems.” He received threats and his vehicle and house were shot at. At one point, he helped to arrange a memorial for a priest who had been dismembered by the paramilitaries. “After that,” he says, “a man called me, asking ‘what is your problem?’ I was vocal, saying the killings were the responsibility of corrupt politicians and the paramilitary groups. That was the wrong thing for me to say.”

With his world closing in, Luis was given 14 months of safe haven by a group in Spain. Foolishly, he says, he returned to

Colombia briefly to continue his work. The threats resumed. "Friends that I was working with were disappeared, were killed," he says.

After a final, seven-hour detention by the army, and with his books on Colombia's conflict denounced as leftist propaganda, Luis fled. He has the date and time of day, burned into his mind: "We landed in Canada at 7.20 p.m. on Dec. 16, 2002," he says. "I was watching the snow, with so much uncertainty."

He arrived in Toronto with a wife, four-year-old son and the idea of staying for six months. "While I was here some friends were killed, and some massacres happened in areas I used to work, so we decided to make a refugee claim."

Among those killed was Tirso Velez. A leftist politician and one-time mayor of the municipality of Tibú, Norte de Santander, Velez was gunned down in a killing plotted by the AUC boss Jorge Iván Laverde, as a political favour to Mancuso. Mancuso would later claim, without any evidence, that Velez was a guerrilla collaborator.

When the AUC killed Velez, it hit Luis hard. He became ill, suffering from night terrors, plagued by the guilt that conflict survivors feel when they leave their friends behind.

"For many months I was seeing Tirso in my dreams," Luis says. "It was so hard. I could have a family and peace, but others could not."

Free man

A spokesperson for U.S. Immigration and Customs Enforcement told the National Post that it cannot comment on how long Mancuso may spend in immigration detention or whether he has applied for asylum in the U.S. It is understood that in the near term, the COVID-19 outbreak will hold up his release. Calls to a lawyer known to have represented Mancuso were not returned. If he returns to Colombia, he will have to meet the requirements of the Justice and Peace law, which includes continued cooperation for the next four years.

"After these four years, Salvatore Mancuso may request the total termination of his process," his lawyer told Colombia's *Semana* magazine in November. It is probable that Mancuso's time spent in U.S. prisons will be counted in full towards his eight-year Justice and Peace sentence, but not guaranteed, and he may face "preventative detention" upon landing over a separate money-laundering charge. He has applied to join a new process, the Special Jurisdiction for Peace (JEP), which was set up during the 2016 peace deal with the FARC. Demobilized paramilitaries, its literature says, "are not investigated or prosecuted by the JEP. Exceptionally, they may be able to submit to the JEP when they can make an extraordinary contribution to the truth."

If accepted, Mancuso has indicated he would start by talking about former president Uribe and a host of other politicians. Many are wondering about Mancuso's ability to stay alive, because his confessions have put him in peril. The massacre at El Salado, in which he claimed army backing, was not an isolated event.

In July, 1997, in a six-day AUC bloodbath in Mapiripán, on the edge of Colombia's eastern plains, at least 49 were killed with chainsaws. Again, calls to an army base went ignored. Mancuso claimed he rigged things with the Colombian air force, so that flight paths into the area would be cleared for the AUC.

At El Aro, Antioquia, in October, 1997, the AUC murdered at least 15. Mancuso told the courts that he met with an army commander to gather intelligence so the AUC could prepare the assault.

Mancuso has made claims about Colombian army and police payments, rigged elections, prosecutors on the take. But in many instances, he has implicated dead people. What he later said to the Americans, only they know for sure.

"Mancuso no doubt gave valuable information to the DEA and to U.S. prosecutors about people at the highest echelons of the Colombian government, and some for their involvement in narco-trafficking," says Adam Isacson, a Colombia expert with the Washington Office on Latin America.

"He couldn't have just been riding on other paramilitaries to get the kind of sentence reduction that he got. It had to be talking about where the networks really led to, to power structures in Colombia."

One source in Bogotá told the National Post: "A lot of big shots, local and regional politicians, must be really, really angry. Dozens of people are in jail, or were, because of his declarations."

"Something happened in Colombia... I would like to understand it," Luis Mata says. "I will celebrate if Mancuso goes back to Colombia, and the state can protect him enough for him to speak out.

"Because maybe he has many things to say about his relationships with politicians, with industrial and rich people that

benefitted from this storm of violence that paramilitary groups created.”

Luis has never returned to Colombia since he fled, and says the hope he felt, after the signing of former president Santos’s 2016 peace pact with the FARC, is fading. A total 107 Colombian human rights defenders were killed in 2019, according to the United Nations, and a large portion of the 12,000 FARC who laid down their guns have returned to the jungle. Meanwhile, new paramilitary groups, now operating more like mafias than butchers, dominate Colombia’s criminal underworld. Many of them are ex-AUC.

Yet for Luis, the chance to be involved in the truth commission offers one last shot for the victims of his generation; something perhaps, for his friend Tirso.

“That supposed peace agreement with Uribe and his government and the paramilitary groups? That was a total joke. They never stopped. They never stopped,” he says.

“But the truth commission is something amazing, something meaningful. Because sometime, in the future, we will be able to look at each other face to face, without having these dark shadows in between.”

Justice after war: innovations and challenges of Colombia’s Special Jurisdiction for Peace (London School of Economics) By Gwen Burnyeat, Par Engstrom, Andrei Gómez Suárez, Jenny Pearce

April 3, 2020

Colombia’s Special Jurisdiction for Peace aims to generate pathways to justice that are acceptable both to victims and to a deeply polarised nation. If this novel and innovative institution can achieve a fair and effective form of transitional justice that encompasses truth, justice, reparations, and guarantees of non-recurrence, the country could make a significant shift into a new phase of peacebuilding and violence-reduction, write Gwen Burnyeat (UCL Anthropology), Par Engstrom (UCL Americas), Andrei Gómez Suárez (University of Bristol), and Jenny Pearce (LSE Latin America and Caribbean Centre) following their joint hosting of a series of events with Giovanni Álvarez (Chief Prosecutor of the Special Jurisdiction’s Investigation and Accusation Unit).

How to address massive human rights violations and war crimes following the negotiation of a peace agreement is one of humanity’s most painful tasks. On the one hand, the parties to the conflict are unlikely to seek to end it while faced with the prospect of long prison sentences. On the other, the victims, traumatised by loss and personal suffering, also require justice for the crimes committed against them and their loved ones.

Recognition of their experiences through concrete action is vital if they are to move forward and reconcile with the past and the perpetrators. This in turn impacts on the collective, societal prospects for taking steps towards a future with peacebuilding at its heart.

The South African Truth Commission was a turning point in acknowledging the vital importance of truth telling in peacemaking. Variants of this approach were replicated in Guatemala, El Salvador, and Peru, the latter becoming in 2003 the first truth commission to hold public hearings and recommend reforms, prosecutions, and reparations. However, the ideal balance between truth, justice, reparations, and guarantees of non-recurrence has yet to be found.

Colombia and the Special Jurisdiction for Peace

The International Criminal Court (ICC), created by the Rome Statute in 1998, brought in new obligations in terms of addressing grave violations of human rights and international humanitarian law. As a signatory to the ICC in 2002, Colombia was the first country to negotiate a peace agreement which had to respect these obligations. The Special Jurisdiction for Peace (JEP) was thus created in the shadow of the ICC, meaning that Colombia could not offer judicial pardons for gross human rights violations; Colombian society’s right to peace instead had to be synchronised with international standards of justice.

But this is not the only reason the Colombian transitional justice process matters to the world. Colombia’s Peace Agreement in 2016 sought to end the longest civil war in the western hemisphere, which dates back to the emergence of the first guerrilla insurgency, the ELN, in 1964, and the army operation of the same year that led to the formation of the peasant self-defence groups that later became the FARC. With the demobilisation of the FARC after the 2016 Peace Agreement, the still-active ELN became the longest-lasting insurgency in the western hemisphere.

However, on top of its experience of more than ten different guerrilla groups, Colombia also has a long tradition of private counterinsurgency, including three generations of paramilitary organisations. Beyond that, a plurality of large and small drug cartels have created or sponsored death squads and taken advantage of Colombia’s fertile terrain for criminal economies.

Civilians have been deeply affected, and the state now recognises almost 9 million victims, which equates to roughly 18 per cent of the population.

Given this long and complex history of violence, the task of implementing the Peace Agreement is extremely demanding, and the role of the JEP in providing justice is central to these efforts.

But the challenges faced by the JEP are exacerbated by the socio-political context of the 2016 Peace Referendum, in which the Peace Agreement itself was rejected by 50.2 per cent of the population. Although the Agreement was renegotiated and is now being implemented, polarisation continues to grow. The assassination of hundreds of social leaders and demobilised FARC members represents a particular threat to the agreement itself.

Building on the 2005 Justice and Peace Law

If Colombia is to move into a new historical stage of peacebuilding and violence reduction, the state and the JEP will need to show their ability to generate pathways for justice that are both acceptable to victims and capable of convincing a polarised nation of their fairness and efficacy in terms of the four pillars of transitional justice: truth, justice, reparations, and guarantees of non-recurrence.

To date there have been seven peace agreements with irregular armed groups, but five of these did not include truth, reparation to victims, or punishment of perpetrators. This pattern was broken in 2005 with the Justice and Peace Law (JPL), which resulted from negotiations that enabled demobilisation of the paramilitary United Self-Defence Forces of Colombia (AUC).

For the first time, those responsible for crimes against humanity, war crimes, and genocide had to spend a maximum of eight years in prison in exchange for disarming, making reparation to victims, revealing the whereabouts of the disappeared, handing over recruited minors, truth-telling, and committing to a cessation of criminal activities.

Over 470 AUC paramilitaries received sentences for serious crimes, which is more than the number handed down by the International Criminal Tribunal for the former Yugoslavia or its counterpart for Rwanda. Paramilitary information led to the sentencing of over 60 congressmen/women for supporting paramilitary groups, and the remains of 4,300 of the forcibly disappeared were identified. Nearly 11,000 victims of paramilitary groups received reparations.

That said, state actors and civilian third-party groups were not part of the process, and some paramilitary commanders continued with their criminal activities from prison. The 2005 JPL also failed to offer holistic reparations or to fully investigate gender-based and sexual violence as a weapon of war.

The Special Jurisdiction for Peace and the Investigation and Accusation Unit

The Havana peace negotiations took these lessons into account when the JEP was designed. The negotiations also drew substantively on transitional justice theory and on the experiences of other countries. The JEP forms part of the transitional justice component of the Peace Agreement, known as the Comprehensive System for Truth, Justice, Reparations and Guarantees of Non-Recurrence. This is the first such system to take on board the holistic approach advocated by transitional justice theory, which seeks to pave the way for national reconciliation through restorative justice.

Two pathways were established for parties appearing before the JEP.

The first, the dialogic process, resolves cases in the Chamber for Recognition of Responsibility. Access to this process depends on fulfilment of the JEP's four requirements: contribution to truth-telling, recognition of responsibility for crimes committed, compliance with provision of reparations to victims, and commitment to non-recurrence. This process gives victims the opportunity to participate in the process and engage directly with the perpetrator, thus paving the way for restorative rather than retributive justice. It ends with an alternative, non-prison-based sentence.

The second, the adversarial pathway, involves the Investigation and Accusation Unit (IAU). This body is responsible for investigating those who do not fulfil the four requirements, and it can refer cases to JEP magistrates for trial, where defendants can ultimately receive jail sentences of up to 20 years if they fail to acknowledge their responsibilities before a verdict is reached. In essence, the IAU is the JEP's dissuasive arm, aiming to encourage perpetrators to accept the dialogic process and build towards national reconciliation.

The JEP has a 15-year mandate. It is comprised of five bodies: three chambers, a Special Tribunal for Peace, and the IAU. Together, these different bodies perform various important functions:

- granting amnesties to FARC ex-combatants that have not been charged with grave crimes

- receiving state agents and third parties that voluntarily apply for their cases to be considered by the JEP
- reviewing the cases of those who already have cases open against them or are serving sentences handed down within the ordinary justice system
- enabling dialogic processes for parties to recognise their responsibilities for crimes committed directly or indirectly in the conflict
- issuing sentences

The JEP is autonomous and independent; the ordinary courts cannot appeal decisions made by the JEP. Its magistrates and the chief prosecutor were elected by an international selection committee created via the peace agreement.

The IAU is the only component of the JEP with a team of judicial police investigators as well as a team of forensic experts. It also has special teams for investigating cases of gender-based violence, for ensuring an ethnically sensitive approach, and for issuing protection orders for threatened victims, witnesses, and parties under investigation. The fact that the IAU has ten regional offices is particularly important, as the majority of victims live in rural, hard-to-reach areas.

The JEP and hope: navigating the complexities of post-war Colombia

The JEP, and in particular the option of non-prison-based sentences, has been at the heart of public controversy. Having been elected in 2018 on a promise to substantially modify the Peace Agreement, President Duque himself has objected to the statutory law that governs the JEP. This act, unprecedented for a head of state, undermined the legal security of those intending to appear before the JEP, even if his objections were ultimately overruled by Congress and the Constitutional Court.

The JEP is currently examining the cases of 12,481 people: 9734 former FARC members, 2640 members of the armed forces, and 95 other state officials. The JEP must also decide whether or not to accept more than 900 third parties that have so far applied to enter the jurisdiction.

The JEP has prioritised seven “macro-cases”, including the investigation of kidnappings committed by the FARC, extrajudicial executions committed by the armed forces, and the impact of the armed conflict on ethnic communities in the Pacific region. In 2020, the third year of the JEP’s existence, we should begin to see the results of these investigations.

Challenges for the Special Jurisdiction for Peace

There are, however, numerous challenges facing the JEP:

1. Protecting victims, witnesses, and defendants Assassinations of ex-combatants have happened in the wake of all previous peace negotiations in Colombia. The latest report of the UN Verification Mission in Colombia found that 173 FARC ex-combatants and 303 social leaders had been killed between the signing of the Peace Agreement and the end of 2019, some by members of the army. These assassinations reduce the probability of victims coming to know the truth and create fear amongst ex-combatants, providing a fertile climate for a possible return to arms. So far, the IAU has analysed over 90 risk situations and ordered that 46 protection schemes be assigned to victims and defendants.
2. Achieving greater legitimacy amongst the wider public If the JEP’s sentences – whether alternative or carceral – are to contribute to its holistic vision of transitional justice and pave the way for national reconciliation, it needs to promote a climate favourable to popular support for its decisions. The chief prosecutor understands that legitimacy must be won from a diversity of groups with divergent opinions. Strengthening coordination with other state institutions is also crucial, given the well-known propensity in Colombia for inter-institutional coordination failures in policy implementation. The JEP also needs to show convincing results quickly even though transitional justice processes are complex and tend to take time to achieve their aims. The process involves, after all, thousands of crimes and many hundreds of perpetrators.
3. Creating mechanisms to prioritise cases of gender-based violence The IAU has helped 598 victims of sexual violence to present evidence to the JEP, as well as designing software to process and analyse such cases (LAYNA). This platform has so far registered 1,400 allegations of criminal actions, and other state bodies are able to use this information to prevent victims from having to repeatedly narrate their harrowing experiences. In this way, the JEP can give real visibility to these crimes in Colombia while avoiding revictimisation, which is especially important given Colombia’s context of social normalisation or minimisation of sexual violence.

Overall, Colombia’s Peace Agreement remains fragile. Yet despite a ticking clock and a backdrop of public scepticism, threats, and real violence, institutions such as the JEP and the IAU continue to make significant efforts to achieve a lasting peace.

The Colombian case reveals the need for transitional justice processes to be situated analytically in their social and political

contexts. These processes do not happen in vacuums but rather in societies already divided both by years of violence and by social rifts with complex historical trajectories.

In the midst of the many complexities of post-war Colombia, the JEP is a process of global importance. Despite having to defend their independence from political interference, the JEP's staff continue to strive to take this unique opportunity to end half a century of war with justice yet without retribution. This kind of reconciliation – and the end of Colombia's longstanding cycle of war and violence – could serve as a model for the many countries around the world still struggling with their own situations of conflict and post-conflict.

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Venezuela

Maduro orders to reinforce security due to violent plans in Venezuela (Prensa Latina)

April 8, 2020

Venezuelan President Nicolas Maduro on Tuesday ordered the National Bolivarian Armed Force (FANB) and other security agencies to reinforce patrols, protection and intelligence in light of possible actions by violent groups.

In statements broadcast by Venezolana de Television, the president denounced the assassination of Bolivarian Army Lieutenant Colonel Leon Ernesto Solis and Sergeant Gustavo Manuel Flores in the town of Tumeremo, in eastern Bolivar state.

Maduro attributed the crime to 'mafia groups' that operate in conjunction with extreme right-wing sectors linked to aggressive plans against civil and military objectives in the country.

'I have ordered to increase police and military patrols, and by the National Bolivarian Militia throughout Venezuela; extreme protection measures, patrols, intelligence and security by all military units and chiefs in the country,' the head of State underlined.

Maduro noted that terrorist groups associated to radical sectors of the opposition are behind the recent sabotages on facilities of the National Electoral Council and the state-owned Compañía Anonima Nacional Telefonos de Venezuela (Cantv) in the states of Miranda and Carabobo.

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TOPICS

Truth and Reconciliation Commission

Bantu Holomisa claims vindication in Sol Kerzner saga (City Press News24) By Juniour Khumalo

March 29, 2020

United Democratic Movement (UDM) leader General Bantu Holomisa remains resolute that he will continue lifting the lid on corruption – an act that saw him dismissed as a deputy minister in 1996 and led to his exit from the ANC.

This week Holomisa recalled a saga of bribery allegations against Sun International founder Sol Kerzner following the death of the 84-year-old tycoon last week.

Holomisa's testimony before the Truth and Reconciliation Commission (TRC) in May 1996 resulted in his dismissal as deputy environment and tourism minister in South Africa's first democratic government after he revealed, among others, that the ANC had received a sum of R2 million from Kerzner leading up to the 1994 elections.

In the prior decade, on January 17, 1989, after two years of investigations, Kerzner admitted in an affidavit to the Harms Commission, which was to inquire into alleged murders and unlawful acts of the security forces, that he had "foolishly and stupidly" given R2 million to then Transkei prime minister George Matanzima in December 1986 in order to obtain the Wild Coast Casino licence. Kerzner eventually resigned as chairman of Sun International, but retained the CEO and chairman positions of the Kerzner International group.

Holomisa also gave testimony before the TRC that Matanzima paid Stella Sigcau, also a former Transkei prime minister and the country's then public enterprises minister, a R50 000 cut from the R2 million for protection against possible bribery charges.

He said looking back at his dismissal, he held no resentment against the ANC leadership as his dismissal gave him "the freedom" he now has and led to him forming his own political party.

After being "branded a liar" by the ANC for also claiming that Kerzner funded the party's inaugural elections campaign, he was "vindicated" by former president Nelson Mandela who, through the office of then deputy president Thabo Mbeki, confirmed that Kerzner, who at the time faced bribery charges, had in fact donated to the party's coffers.

"President Mandela has confirmed that Sol Kerzner made the contribution to the ANC while it was fund-raising before the elections," said Mbeki's then spokesperson Thami Ntente in August 1996.

Holomisa also at the time claimed that then deputy president Mbeki's 50th birth day celebrations were paid for by Kerzner, while also fingering the late sports minister, Steve Tshwete, for "accepting favours from the hotel magnate in return for protection against possible bribery charges".

The UDM leader told City Press that his work was and still is "to continue the good fight and exposing any form of corruption or state capture".

"Just recently, I went before the commission investigating the Public Investment Corporation (PIC). Again I made revelations of corruption. This is my calling, I will expose those trying to benefit at the expense of our people," said Holomisa.

Last year the UDM leader again lifted the lid on a "cartel" of politicians, civil servants, investment advisers, asset fund managers and businessmen for allegedly turning the PIC into their cash cow.

In his bombshell testimony before the commission of inquiry into alleged improprieties at the PIC, Holomisa named former deputy finance minister and PIC chairperson Jabu Moleketi, PIC director Sibusisiwe Zulu and businessmen Lawrence Mulaudzi as the key players at the centre of the multibillion-rand self-enrichment scheme.

He went on to implore the Mpati Commission to probe the alleged role of investment advisers and asset managers, especially those outside South Africa.

Belgian investigators drag feet on Martina Johnson; Liberia's War Criminal (Global News Network) By Cholo Brooks
April 3, 2020

The pace of Belgian investigations into the role of alleged rebel commander Martina Johnson during the Liberian civil war is trying the patience of the defence and civil parties. Six years after the case was opened, investigations have not yet been concluded and Belgian investigators have not yet been to Liberia, whilst other European judicial authorities have.

Is it a lack of will or a lack of means? Belgian investigations into the case of Martina Johnson, a Liberian suspected of having been commander in a major armed faction during the Liberian civil war, is worryingly slow, and many fear the consequences

for the trial that is expected to take place.

Alain Werner, director of Swiss NGO Civitas Maxima which investigated Martina Johnson's alleged crimes in 2011, regrets the death of a witness he considers key, and fears that others will die. The suspect's lawyer, Jean Flamme, also says certain witnesses he wanted to interview for the defence are now dead. Meanwhile, he says Martina Johnson, 50, has been subject to strict rules of house arrest for the last six years and is suffering from a serious liver disease.

Johnson is suspected of having herself killed, tortured and maimed several people at a military checkpoint at the Dry Rice Market on the edge of the city.

Martina Johnson is suspected of having served as a commander in the National Patriotic Front of Liberia, a rebel group led by Charles Taylor that sparked Liberia's first civil war between 1989 and 1996. The rebels launched an assault on the capital city of Monrovia on October 15, 1992, known as Operation Octopus, which claimed the lives of hundreds of civilians and members of foreign humanitarian organizations. Johnson is suspected of having herself killed, tortured and maimed several people at a military checkpoint at the Dry Rice Market on the edge of the city.

After the fall of Charles Taylor in 2003 (he became president in 1997, before being forced by a new armed rebellion to flee the country), Martina Johnson went to Belgium. She settled in Ghent with her husband, a Belgian of Liberian origin, and their son. It was there that the police came to arrest her on 17 September 2014. Two years earlier, three Liberian victims had filed charges against Johnson for acts she allegedly committed during the assault on Monrovia.

Why has the investigation not yet been concluded? "The rogatory commission has not yet been able to go to Liberia. We are waiting for a positive message from the competent Liberian authorities," replies the Belgian Federal Prosecutor's Office, which says three requests to investigate at the scene of the crimes have been sent to the Liberian authorities and have remained unanswered.

It is therefore incomprehensible that the Belgian judicial authorities are unable to obtain authorization [to investigate in Liberia].

But Alain Werner, whose NGO has helped victims bring this and other cases linked to crimes committed during Liberia's two civil wars (1989 to 2003), finds this argument hard to understand. "Indeed, things were blocked until last year. Liberia had not acceded to requests from foreign authorities to come and investigate in the country. But the situation has changed since 2019," he says. "The French, the Finns and a third European country have received authorization to go to Liberia, and have already gone there. It is therefore incomprehensible that the Belgian judicial authorities are unable to obtain authorization, when the indictment of Martina Johnson dates from 2014, before investigations started in those other three countries.

"The impression we have from our investigative work in Liberia is that Johnson's crimes are known in Monrovia," continues Werner, who has acted as prosecutor and counsel for victims in several international war crimes trials. "So if the Belgian investigators go there, they will find much more than we did at the time under more difficult conditions."

Defence demands

Johnson's lawyer also thinks for different reasons that the investigators should travel to Liberia. "My client denies that she was in the military, but it's true that she was one of the security officers who were responsible for the close protection of Charles Taylor," says Flamme. "We are faced with written testimonies [brought via Civitas Maxima and its Liberian partner, the Global Justice and Research Project] from people who were children at the time of the events. They say they recognized Commander Martina Johnson. I highly doubt that. How do they know it was Martina Johnson? These witnesses need to be heard directly, in person.

"There is also a photographer who took a picture of a woman sitting on a cannon, claiming that it was her [Martina Johnson] and that she was an artillery general in Taylor's army," continues the lawyer, who has already asked several times for his client's case to be dropped. "We obtained authorization four or five years ago to hear defence witnesses, but that required a trip to Liberia. First we were told it was impossible to go there because of the Ebola virus. Then one of the federal prosecutors told a hearing [in the Ghent indictment chamber] that there was no money to go there. Now, four or five of the witnesses who were asked to testify have died. The damage is irreparable. And we're getting to the point where it is no longer a reasonable time before trial."

Investigating nonetheless

Lawyer Luc Walley, who represents the civil parties, is nevertheless optimistic. "The contacts between the Belgian and Liberian authorities seem to be changing since these other European countries last year obtained authorization to carry out rogatory commissions on Liberian territory," he explains. "And other important investigative duties have nevertheless been carried out. The investigation is continuing, at its own pace." He nevertheless hopes the investigation will be completed by the

end of 2020, at the latest. Walleyn notes that Liberian exiles and refugees have been heard in other countries. The federal prosecutor's office also says Belgian investigators have travelled to the United States to consult records from the Liberia Truth and Reconciliation Commission. Between 2006 and 2009, the Commission gathered some 20,000 testimonies of abuses committed during the armed conflict that ravaged the West African state. According to the NGO TRIAL International, Martina Johnson's name appears on the Truth and Reconciliation Commission's list of the main alleged perpetrators of these crimes.

Yet given the initiatives taken by other European courts handling Liberian cases, it seems Belgian judicial authorities can hardly avoid travelling to Monrovia to gather direct testimony, almost 30 years after the events. The current health crisis due to the coronavirus is likely to complicate such a visit a little more.

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Terrorism

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Piracy

Containership Escapes Pirate Attack Off Bonny Island, Nigeria (gCaptain) By Mike Schuler
March 31, 2020

A containership was able to fend off a pirate attack off the coast of Bonny Island, Nigeria.

The IMB Piracy Reporting Centre confirms that a skiff with about ten pirates armed with AK-47s chased and fired upon a containership underway last Friday around 97 nautical miles south of Bonny.

The Master raised the alarm, activated distress alert, increased speed and took evasive maneuvers, resulting in the pirates aborting the attempted attack and moving away, the IMB report said.

The crew and ship are reported safe.

Maritime intelligence firm Dryad Global reports that the containership involved was the MV Lana, a Liberian-flagged containership built in 2010.

AIS ship tracking data shows the vessel is underway Douala, Cameroon to Tangier, Morocco.

Dryad notes that the incident is the first occur in the area in 2020.

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Gender-Based Violence

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WORTH READING

Reproductive Crimes in International Criminal Law

Rosemary Grey

In: I. Rosenthal, V. Oosterveld and S. SáCouto (Eds.), "Gender & International Criminal Law", OUP, UK
(Forthcoming)

March 30, 2020

This chapter seeks to incentivize greater attention to reproductive violence in international criminal law. The author recognizes that reproductive autonomy is a controversial issue, and has seldom been high on the international community's agenda. As a result, there is no prospect of an international instrument that expressly criminalizes further reproductive crimes in the foreseeable future. The more practical route is to make creative use of existing legal frameworks, which as this chapter shows, have untapped potential when it comes to reproductive crimes. To illustrate this argument, the chapter examines the crimes of genocide, forced pregnancy, enslavement, sexual violence, persecution, outrages on personal dignity, torture, and inhumane acts.

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Grotian Moment: The International War Crimes Trial Blog:
<http://law.case.edu/grotian-moment-blog/>

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