



SCHOOL OF LAW  
CASE WESTERN RESERVE  
UNIVERSITY

War Crimes Prosecution  
Watch

**FREDERICK K. COX**  
INTERNATIONAL LAW CENTER

**Founder/Advisor**  
**Michael P. Scharf**

**Faculty Advisor**  
**Jim Johnson**

Volume 15 - Issue 6  
May 9, 2020

**PILPG**  
*A Global Pro Bono Law Firm*

**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 [warcrimewatch@pilpg.org](mailto:warcrimewatch@pilpg.org) and type "subscribe" in the subject line.

Opinions expressed in the articles herein represent the views of their authors and are not necessarily those of the War Crimes Prosecution Watch staff, the Case Western Reserve University School of Law or Public International Law & Policy Group.

## Contents

### AFRICA

#### NORTH AFRICA

##### Libya

- **Eastern Libyan forces say Turkish drone killed 5 civilians (Associated Press)**
- **Libya: Haftar assigns war criminal to recruit soldiers (Anadolu Agency)**
- **Prosecutor says ICC is working on new Libya arrest warrants (Associated Press)**

#### CENTRAL AFRICA

##### Central African Republic

- **Dozens killed in northeast Central African Republic clashes (Al Jazeera)**

##### Sudan & South Sudan

##### Democratic Republic of the Congo

- **Democratic Republic of Congo rangers killed in horrific attack (The South African)**
- **12 killed in attack on DR Congo army base (Andoula Agency)**

## **WEST AFRICA**

**Côte d'Ivoire (Ivory Coast)**

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

**Mali**

**Liberia**

## **EAST AFRICA**

**Uganda**

**Kenya**

**Rwanda**

**Somalia**

- **US admits killing civilians during air attacks in Somalia (Aljazeera)**
- **Coronavirus: Somalia probes Kenyan aid plane crash (BBC News)**

## **EUROPE**

**Court of Bosnia & Herzegovina, War Crimes Chamber**

- **Male Rape Victims Confront the Bosnian War's Last Taboo (Balkan Insight)**
- **Srebrenica Genocide Denial Law Remains a Non-Starter in Bosnia (Balkan Transitional Justice)**

**International Criminal Tribunal for the Former Yugoslavia**

- **Evidence Reveals Serbian Officers' Role in Kosovo Massacre was Ignored (Balkan Transitional Justice)**
- **Mladic Appeal At The Hague Pushed Back To June (Urdu Point)**

**Domestic Prosecutions In The Former Yugoslavia**

- **Forgotten Victims: Bosnian Croat Fighters Never Tried for Elderly Civilians' Murders (Balkan Transitional Justice)**

**Turkey**

- **Eastern Libyan forces say Turkish drone killed 5 civilians (Minnesota Star Tribune)**
- **Coronavirus: Turkey accused of neglecting Kurds in outbreak response (The National)**

## **MIDDLE-EAST**

**Iraq**

- **Iraqi on genocide charges in Germany for IS killing of child (Associated Press)**

## **Syria**

- **Alleged Syrian war criminals face landmark trial in Germany (Al Jazeera)**
- **Human rights lawyers call for arrest of Assad's cousin following reports he fled to UAE (Al Araby)**

## **Yemen**

- **Saudi, al-Qaeda 'unholy union' committing war crimes in Yemen (IUMV Press)**
- **Women who dare dissent targeted for abuse by Yemen's rebels (The Associated Press)**

## **Special Tribunal for Lebanon**

## **Israel & Palestine**

- **Chief prosecutor insists ICC has jurisdiction to probe war crimes in 'Palestine' (The Times of Israel)**

## **Gulf Region**

- **Libya: UAE Strike Kills 8 Civilians (Human Rights Watch)**

# **ASIA**

## **Afghanistan**

- **Afghan war killing civilians despite US-Taliban peace deal: UN (Al Jazeera)**
- **Afghanistan Investigating Claims Migrants Were Killed by Iranian Guards (New York Times)**
- **Ben Roberts-Smith may face war crimes charges after AFP probe (The age)**

## **Extraordinary Chambers in the Courts of Cambodia**

- **Ravenswood mural memorializes Cambodia's Killing Fields (Chicago Sun Times)**

## **Bangladesh International Crimes Tribunal**

## **War Crimes Investigations in Myanmar**

- **Eight Civilians Die in Myanmar Military Battle With Arakan Army in Chin, Rakhine (Radio Free Asia)**
- **U.N. Envoy Calls for War Crimes Investigation in Myanmar (Radio Free Asia)**

# **AMERICAS**

## **North & Central America**

## **South America**

- **28 jailed for life for crimes against humanity during Argentina's Dirty War (Morning Star)**

## **Venezuela**

## TOPICS

### Truth and Reconciliation Commission

- **SSupreme Court thwarts attempt to retain amnesty provisions in transitional justice law (Kathmandu Post)**
- **Muddled Talk of Amnesties Won't Heal Kosovo's Wounds (Balkan Transitional Justice)**

### Terrorism

### Piracy

- **Piracy on the Rise Offshore from Mexico (The Maritime Executive)**
- **Rising Piracy in Gulf of Guinea (Kashmir Times)**
- **Pirates are expanding in West Africa, threatening offshore oil storage (CNBC)**

### Gender-Based Violence

### Commentary and Perspectives

- **Limited Progress Achieved in Deterring War Crimes (In Depth News)**

## WORTH READING

- **Eric Ngumbi: Reconstructing the Elusive Fight against Corruption in Africa: The Quest for Re-characterization of Political Corruption As an International Crime**

## AFRICA

### NORTH AFRICA

### Libya

**Eastern Libyan forces say Turkish drone killed 5 civilians (Associated Press)** By Samy Magdy  
April 28, 2020

**Eastern Libyan forces laying siege to the country's capital of Tripoli accused their rivals Tuesday of staging an attack in which a Turkish drone hit a food truck convoy in the country's west, killing at least five civilians.**

The militia groups loosely allied with a U.N.-supported but weak government in Tripoli denied attacking civilians, saying they targeted trucks carrying equipment and ammunition for eastern forces trying to take the capital.

Khalifa Hifter, who declared the start of an operation to root out the militias and unify the country in 2014, is commander of the east-based forces attempting to take control of Tripoli. They control most of eastern and southern Libya. The embattled administration in Tripoli rules just a corner of the country's west. Both sides are supported by a network of fractious militias and foreign powers.

The Tripoli-based health ministry reported Tuesday that at least six artillery shells launched by Hifter's forces struck a local field hospital, causing severe damage to the clinic and to several of its ambulances. Patients being treated were evacuated and there were no immediate reports of casualties. It was the third assault on a medical facility in the besieged city in a week. Hifter launched his Tripoli offensive last April. In recent weeks, violence has escalated, with both sides accusing each other of shelling civilian neighborhoods. The U.N. has said the violence and worsening humanitarian crisis in Libya could amount to war crimes.

Turkey has sent armored drones, air defenses and more recently, Syrian militants with links to extremist groups to prop up the embattled Tripoli government. Meanwhile, Russia has deployed hundreds of mercenaries to boost Hifter's assault. The United Arab Emirates and Egypt also back Hifter.

There was no immediate comment from Turkish officials on the alleged drone attack.

Ahmed al-Mosmari, a spokesman for Hifter forces, said the drone strike took place late Monday near the district of Mizda, 184 kilometers (114 miles) south of Tripoli.

The attack came after Hifter, in an attempted show of strength, declared Monday that a 2015 U.N.-brokered political deal to unite the oil-rich country was "a thing of the past."

The Tripoli-based government said it wasn't surprised by Hifter's announcement and urged Libyans to join "a comprehensive dialogue and continue on the democratic path to reach a comprehensive and permanent solution based on ballot boxes."

While the 2015 agreement has failed to bring unity or stability to the divided country, Hifter's announcement threatens to further complicate U.N. efforts to broker a political settlement to the civil war.

Stephanie Williams, acting U.N. envoy in Libya, said Tuesday the 2015 agreement and the political bodies it created remain the sole governing framework recognized internationally in Libya.

She said any political change should be carried out through democratic means and called for a humanitarian truce during the Muslim holy month of Ramadan that could pave the way for a permanent cease-fire.

In Brussels, European Commission spokesman Peter Stano on Tuesday said "any attempt to push forward unilateral solutions, even more so by force, will never provide a sustainable solution for the country."

Stano said the December 2015 agreement remains the most viable framework for a political solution in Libya. He called on international stakeholders in Libya to "increase their pressure" on the warring parties to end the fighting and bring about a political settlement.

Russian Foreign Minister Sergey Lavrov said Tuesday that Moscow did not approve of either Hifter's statement or a refusal by the Tripoli-based prime minister, Fayed Sarraj, to hold talks with Hifter, according to state-run media.

Jalel Harchaoui, a Libya expert at The Netherlands Institute of International Relations, said Hifter's move was "pretty much a coup" that revealed "aspirations that aren't new."

The move could also give the military commander an opportunity to take economic measures to address serious economic and financial crises in areas under his control.

Libya has been in turmoil since 2011, when a civil war toppled long-time dictator Moammar Gadhafi, who was later killed. The chaos has worsened in the recent round of fighting as foreign backers increasingly intervene, despite their pledges to the contrary at a high-profile peace summit in Berlin earlier this year.

**Libya: Haftar assigns war criminal to recruit soldiers (Anadolu Agency)** By Enes Canli  
April 29, 2020

**East Libya-based military commander Khalifa Haftar has assigned an officer wanted by the International Criminal Court (ICC) to recruit new soldiers.**

Mahmoud Al-Werfalli went to Bani Walid province, south of Tripoli, with a large amount of money to recruit more soldiers for the renegade commander, said pro-Haftar accounts on social media.

Al-Werfalli was accused of murder as a war crime in Libya in 2016 and 2017, according to the ICC.

The ICC issued an arrest warrant for Al-Werfalli in August 2017 for eight Daesh/ISIS-style executions recorded on camera in Benghazi and Derne provinces.

Videos doing the rounds on social media showed the victims clad in uniform, blindfolded and tied. They were shot in the head point-blank after being found guilty in a mock trial.

When these videos emerged in 2017, France, Italy, the UK and the US called on Libyan National Army (LNA) to "ensure that the investigation is carried out fully and fairly; and those responsible for the unlawful killings are held to account."

Haftar unilaterally declared himself the ruler of Libya on Monday, claiming that he "accepted the mandate of the Libyan people" and terming the 2015 UN-brokered Skhirat agreement for a unified government in the country "a thing of the past."

Since the ouster of late ruler Muammar Gaddafi in 2011, two seats of power have emerged in Libya: Haftar in eastern Libya, supported mainly by Egypt and the United Arab Emirates, and the Government of National Accord in Tripoli, which enjoys the UN and international recognition.

Haftar's self-proclaimed LNA launched a failed offensive to take Tripoli last April, which caused bloodshed and suffering but stalled on the outskirts of the city.

**Prosecutor says ICC is working on new Libya arrest warrants (Associated Press)** By Edith M. Lederer  
May 5, 2020

**The International Criminal Court's prosecutor said Tuesday her office is working on new arrest warrants in Libya, pointing to the high number of civilian casualties from airstrikes and artillery fire while stressing that military commanders may be held responsible for crimes committed by their forces.**

Fatou Bensouda told the U.N. Security Council that Libya remains a priority for her office. She noted the offensive launched over a year ago by eastern-based forces under military commander Khalifa Hifter trying to take the capital, Tripoli, has not abated.

She said her office is monitoring events, particularly civilian casualties from airstrikes and shelling and incidents that may constitute crimes under the Rome Statute that established the International Criminal Court.

Bensouda did not identify any individuals as possibly facing arrest warrants. But she said intentionally targeting the civilian population "is a war crime under the Rome Statute," which also prohibits the targeting of hospitals and other health, education and religious buildings.

Libya has been in turmoil since 2011, when a civil war toppled long-time dictator Moammar Gadhafi, who was later killed. The country has since split between rival administrations in the east and the west, each backed by armed groups.

Hifter's offensive is also backed by France, Russia, Jordan, the United Arab Emirates and other key Arab countries, the U.N.-supported government in Tripoli is backed by Turkey, Italy and Qatar.

Libya's U.N. Ambassador Taher El-Sonni accused Hifter of committing the "war crimes" that Bensouda cited and told the council the government's military prosecutor has issued arrest warrants for Hifter and other leaders under his command.

"What is the ICC waiting for to hold accountable all those responsible for these violations that was indicated today that have been committed by the so-called National Army" led by Hifter? he asked.

He also said there must also be accountability for countries and officials outside Libya who support and finance the violations and mercenaries from several nations who carry them out.

Speaking via a video connection, Bensouda said her office also is pursuing investigations involving the "grave and persistent problem" of arbitrary detentions as well as serious mistreatment of migrants and refugees attempting to transit through Libya.

She said information indicates that people detained without proper protection have been tortured and murdered and that men, women and children have been subjected to rape and other forms of sexual violence.

"Former detainees report brutal methods of torture," she said. "Detainees have died from injuries sustained through torture, and from the failure to provide proper and timely medical care."

Bensouda said reports received by her office also indicate "increasing numbers of cases of enforced disappearance, committed with close to total impunity," which can be a crime against humanity.

She cited the case of Siham Sergewa, a member of the Libyan House of Representatives, as "emblematic of this disturbing trend." Sergewa has been missing since July 17, when armed men reportedly kidnapped her from her home in the eastern city of Benghazi, the prosecutor said.

Last November, Bensouda said her office had reliable information on the locations of three people subject to arrest warrants by the International Criminal Court.

She said then that Seif al-Islam Gadhafi, the late dictator's son, was believed to be in the Libyan town of Zintan; Mahmoud al-Werfalli, a commander in Hifter's forces, was in the Benghazi area; and Al-Tuhamy Mohamed Khaled, former head of the Libyan Internal Security Agency, was in Cairo. She said Tuesday that all three remain fugitives.

Bensouda told the council Tuesday that "Gadhafi is a willful fugitive, actively evading justice both in Libya and before the International Criminal Court," and that al-Werfalli and Khaled have not been arrested.

[\[back to contents\]](#)

## CENTRAL AFRICA

### Central African Republic

**Official Website of the International Criminal Court  
ICC Public Documents - Cases: Central African Republic**

#### **Dozens killed in northeast Central African Republic clashes (Al Jazeera)**

April 30, 2020

**At least 25 people have been killed and 51 others wounded in clashes in the northeast of the Central African Republic, according to the country's communications minister.**

Fighting between armed groups in Ndele led to the deaths of 21 civilians, Ange-Maxime Kazigui said on Thursday, adding that "the situation remains confused."

Humanitarian workers, however, said that members of the Popular Front for the Rebirth of the Central African Republic (FPRC) had clashed in Ndele the previous day.

"The Gula wing of the FPRC attacked the Runga faction" in Ndele on Wednesday, an official from the country's United Nations mission, known by its French acronym MINUSCA, told AFP news agency on condition of anonymity.

"There were about 100 Gulas who entered the town wearing civilian clothes," the official said.

There have been clashes between Runga and Gula in Ndele, which is under FPRC control, since the start of March.

The FPRC last year split into two factions: the Runga ethnic group on one side, including FPRC's military chief Abdoulaye Hissene, and rival fighters from the Gula and Kara ethnic communities on the other side.

They are fighting for control of the region's resources, including its vast diamond deposits.

The Central African Republic has struggled with violence despite a peace deal signed between the government and 14 armed

groups last year.

The country has suffered several crises since 2003, when former President Francois Bozize seized power in a coup.

The country spiralled into bloodshed after Bozize was overthrown in 2013 after a coalition of rebel groups from the largely Muslim north of the country fought their way into the capital, Bangui. In response, mostly-Christian militias known as the anti-balaka struck back, exacting revenge on Muslim civilians.

Since then, fighting has forced nearly a quarter of the country's 4.5 million people to flee their homes and spawned a hotchpotge of armed groups as the rebel coalition disintegrated, with rival militias battling over resources controlling most of the country.

[\[back to contents\]](#)

## **Sudan & South Sudan**

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

[\[back to contents\]](#)

## **Democratic Republic of the Congo**

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

**Democratic Republic of Congo rangers killed in horrific attack (The South African)** By Angus Begg  
April 29, 2020

**A statement released early last Friday afternoon by the Congo Institute for Nature Conservation (ICCN) confirmed that an attack had taken place, with a "substantial loss of life".**

ICCN director Cosma Wilungula said, "Around 60 fighters from the Democratic Forces for the Liberation of Rwanda (FDLR) ambushed a convoy of civilians that was being protected by 15 rangers."

**THE TARGET OF THE ATTACK** The FDLR, which operates in the volatile eastern DRC, has waged a periodic war with the Congolese government and rival militias since it was founded in 2000 by Hutu officials who fled Rwanda at the end of the genocide, which the United Nations estimates left over 800,000 dead.

"The guards were not the target and died while assisting the civilian vehicle that had been caught under fire from the attackers," the Virunga National Park said in a statement.

According to the Enough Project, a policy organisation aimed at countering genocide and crimes against humanity, several of Congo's national parks — including Africa's oldest, Virunga — are under siege.

"For years, the FDLR has helped sustain its activities by exploiting the remote area's valuable natural resources, including minerals, ivory, fish, and marijuana. But one of the FDLR's most successful revenue-generating businesses is the illicit charcoal trade in the DRC's cherished Virunga National Park. Headquartered deep in the remote southwestern sector of Virunga, the illegal charcoal trade is lucrative. Some have estimated it has an annual value of up to \$35 million."

**THE FDLR** The FDLR has recently been a source of friction between Rwanda and Uganda, with Rwanda accusing Uganda of



supporting the FDLR and another DRC-based rebel group opposed to the Rwandan government. Uganda has consistently denied the allegations.

The CEO of the Game Rangers Association of Africa (GRAA), Andrew Campbell, said it was worst incident he had heard of in Africa:

“The odds these rangers are up against is hard to fathom as they are tasked with attempting to bring stability to one of the most volatile regions on the continent and frequently engage with heavily armed militia groups numbering from 50 to 500.”

Campbell says these rangers struggle on every level.

“I’d be surprised if they earn more than \$150 per month, after their US\$50 salary is topped up by NGOs. We extend our condolences to their ICCN ranger colleagues, friends and call on the international community to drive support to their families via the Virunga Fallen Rangers Fund.”

Campbell says the DRC has “lost 71 rangers from July 2012 to July 2019. This amounts to over 20% of all ranger deaths recorded in Africa during that period, not including those lost between July 2019 and now.”

Virunga National Park is home to over half the global population of mountain gorillas. It is Africa’s largest tropical rainforest reserve, covering 7,800 sq km in the world’s second largest tropical forest, the Congo Basin.

**12 killed in attack on DR Congo army base (Andoula Agency)** By James Tasamba  
May 5, 2020

**At least 12 people were killed including four government soldiers in a weekend attack by militia fighters on an army base in the Democratic Republic of Congo, the army said Monday.**

Members of the Armed Forces of the Democratic Republic of Congo (FARDC) were attacked by a group called Kyini ya kilima on Saturday in the town of Marabho, located more than 40 kilometers (25 miles) south of Bunia, the capital of Ituri province, according to the army.

“The militia men attacked a FARDC camp and opened fire around 5 a.m. In the ensuing clashes, four of our troops were killed and two wounded,” the army spokesman in Ituri, Lt. Jules Ngongo, told reporters.

“On the enemy side, eight assailants were neutralized, six were wounded and two were captured. Some ammunition was also seized, including four AK-47 branded weapons.”

Ngongo noted that security in the area was under the control of government forces and appealed to the population to remain calm.

“We are monitoring the situation in Marabho without any worries. That is why we call on the population to calm down but also to report any suspicious cases. These militiamen come from families we know very well,” he added.

The army launched an offensive in January against the militias operating in the gold-rich northeastern province of Ituri as part of a wider operation launched last October.

[\[back to contents\]](#)

## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

**Official Website of the International Criminal Court  
ICC Public Documents - Situation in the Republic of Côte d'Ivoire**

[\[back to contents\]](#)

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

[\[back to contents\]](#)

### **Mali**

[\[back to contents\]](#)

### **Liberia**

[\[back to contents\]](#)

## **EAST AFRICA**

### **Uganda**

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

[\[back to contents\]](#)

### **Kenya**

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

[\[back to contents\]](#)

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

## **Somalia**

### **US admits killing civilians during air attacks in Somalia (Aljazeera)**

April 27, 2020

**Two civilians were killed and three injured in a United States air strike in Somalia early last year, the US said in a rare acknowledgement of civilian casualties from United States Africa Command (AFRICOM) military operations in the Horn of Africa country.s**

The deaths were mentioned on Monday in a debut quarterly assessment report by AFRICOM on allegations of civilian casualties raised in connection with its operations against armed fighters in Somalia, Libya and other African countries.

"Regrettably two civilians were killed and three others injured in a February 2019 air strike. We are deeply sorry this occurred," AFRICOM's commander, US Army General Stephen Townsend, said in the report.

The air strike was carried out in the vicinity of Kunyo Barrow in Somalia's Lower Shabelle region and the report said the intended target - two members of the Al-Qaeda-linked al-Shabab group - were killed.

The civilian deaths, it said, occurred as a result of US or al-Shabab munitions that exploded during the air strike.

It was the second known incident in which AFRICOM has acknowledged killing civilians in Somalia, where rights activists have accused it of long shrouding its operations in secrecy.

The first was an air strike in April 2018 in El Buur, in the Galgaduud region of central Somalia, in which AFRICOM reported it had unintentionally killed two civilians.

The US has been conducting air attack in Somalia for years to help defeat al-Shabab, which seeks to topple Somalia's western-backed central government and set up its own rule based on strict interpretation of the Islamic sharia law.

For nearly two decades, al-Shabab has been attacking military and civilian targets, including hotels and traffic junctions in Somalia and neighbouring countries, including Kenya.

A regional peacekeeping force, the African Union Mission in Somalia, also helps defend the Somali government.

Amnesty International said AFRICOM's move to publish quarterly assessment reports on civilian casualty allegations is a welcome step towards transparency.

Amnesty International's Deputy Regional Director for Eastern Africa, Seif Magango, added that the US must follow up with "accountability and reparation for victims and their families".

### **Coronavirus: Somalia probes Kenyan aid plane crash (BBC News)**

May 5, 2020

**Somalia is investigating how a private Kenyan plane with coronavirus medical supplies crashed near the city of Baidoa, killing all six on board.**

Police say the African Express aircraft crashed in flames just before it was due to land in Bardale on Monday.

Officials say the crash's cause is not clear but there has been speculation it might have been shot down.

Kenya's foreign affairs ministry says its investigators have been invited to join the Somali inquiry.

The crew was made up of two Kenyan and four Somali nationals.

The Islamist militant group al-Shabab has a presence in the area of Bardale, but the town and its airfield are held by Somali government soldiers and Ethiopian troops who are part of the African Union force in the country.

Ethiopia's defence spokesperson has denied its forces had any involvement in the incident in Bardale, which is about 300km (180 miles) north-west of the capital, Mogadishu.

Abdirashid Abdullahi Mohamed, a former Somali defence minister, is quoted by the Reuters news agency as saying that he had spoken to a witness at the airfield who said the plane appeared to have been shot down.

[\[back to contents\]](#)

## EUROPE

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

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

**Male Rape Victims Confront the Bosnian War's Last Taboo (Balkan Insight)** By Zinaida Djelilovic  
April 24, 2020

**Men who were raped or sexually assaulted during the 1992-95 Bosnian war have long been reluctant to speak out for fear of stigmatisation, but now attempts are being made to ensure they get the same welfare benefits as other war victims.**

“Even today, so many years after the war, I have nightmares. I have flashbacks, and the memories come. I still hear threatening voices.”

These are the words of a former prisoner who was captured during the war in 1995 and detained for 27 days. For some of that period, he was held at a detention centre in the Sarajevo suburb of Hadzici where, like other prisoners, he was sexually abused.

“Those things are always on your mind. It crushes you like a pair of pliers. There is no way to relax,” the ex-prisoner, who asked to remain anonymous, told BIRN.

Rape, he said, was “a strategy of warfare at that time”. The men who abused him have never been prosecuted.

“The third day I left the concentration camp, I confided to my wife what I had been through,” he recalled. “She helped me the most. Unfortunately, she got diabetes from a lot of stress and she passed away few months ago.”

He said he was also helped by the Medica Zenica team led by director Sabiha Husic. Medica Zenica was founded in 1993 and was the first NGO to help female survivors of sexual violence. Seven years ago, the NGO realised that it needed to start supporting men too.

“I met director Husic at a conference in Sarajevo where women's rights were being talked about,” said the former prisoner. “There is usually talk about women who have been raped or sexually abused. And then I told them there were men who survived it.”

He said that he thinks it is much harder for men who have been raped or sexually abused to talk about it.

“There are so many questions about how can it happen... Unfortunately, it can,” he said.

“There are more men who have not spoken out, and they never will. I wouldn't have either if things didn't turn out the way

they did. It's hard. It has to be dealt with. I survived it and nothing can compensate for it. You carry it inside you, like a bomb," he continued.

Medica Zenica helped him to get the officially-registered status of 'civilian victim of war'. According to the law, registered civilian victims of war are entitled to benefits, which for survivors of sexual abuse and rape amount to 594 Bosnian marks (304 euros) a month.

Securing the status took two years and the case had to be taken to court, he recalled.

"The process was very difficult. A lot of statements have to be made, some of which are inappropriate and which again lead to severe psychological episodes in survivors who have gone through all these traumas. Undereducated and unprofessional people are working on these cases," he argued.

He added that the financial benefits did not solve the victims' problems and that he would prefer the state to provide "therapeutic communities for survivors of sexual abuse during the war".

Medica Zenica's director, Sabiha Husic, said that Bosnia and Herzegovina has no official statistics on the number of men and women who were sexually assaulted and have been officially registered as civilian victims of the war.

While working on her doctoral thesis about support for survivors of wartime sexual violence, she estimated on the basis on information she gathered from international organisations and reports that about 3,000 men were raped during the war.

"I wanted to analyse and learn from the statistics to see how many applied for the status of civilian victim of war, how many were rejected and what were the reasons for the rejection. However, this information is not available," Husic said.

So far, seven men have achieved the status of civilian victim of war through Medica Zenica. But a large number of victims do not want to apply, as they fear intrusive or humiliating questions, or being asked why they are applying now, so many years after the war.

Husic said that such questions are unacceptable: "We have no right to question why someone decided to speak today or will decide in five days or five months. We need to create a safe situation in which survivors of wartime sexual violence will feel safe and supported whenever they choose to speak or claim their rights."

Male rape was a taboo topic for many years, she explained.

"From the Medica experience, I can say that at first we did not think that men could also be victims of this kind of violence," she said.

"I think the process of speaking out was more difficult for men because they lacked support," she added.

### Stigma and fear

The Hague-based International Tribunal Tribunal for the Former Yugoslavia classified the sexual abuse and rape of women, men and children as a war crime for the first time in cases arising from the Bosnian war. The UN-backed tribunal has delivered several judgments that have included allegations of sexual assault and rape of men and boys.

The first war criminal who was convicted of crimes including sexual violence by the tribunal was Bosnian Serb politician and paramilitary fighter Dusko Tadic, who was jailed for 20 years in 1997.

In 1998, the tribunal convicted prison camp commander Zdravko Mucic, his deputy Hazim Delic and camp guard Esad Landzo of charges including sexual violence against Bosnian Serb civilians held at a detention camp in Celebici.

The tribunal also sentenced former Bosnian Serb policeman Ranko Cesic in 2004 for wartime crimes including forcing two Muslim brothers who were imprisoned at the Luka detention camp in Brcko to perform fellatio on one another.

Testimonies of sexual violence against men were also recorded in the tribunal's case against Mico Stanistic, the wartime interior minister of Bosnia's Serb-dominated entity Republika Srpska, and Stojan Zupljanin, the chief of the regional police headquarters in the entity's main city, Banja Luka.

Part of the first-instance trial verdict from 2013 states that "in the Chelopek Cultural Centre [detention facility in Zvornik], the Yellow Wasps and other paramilitary formations, with police knowledge, severely beat and wounded Muslim prisoners. They were humiliated, sexually abused and mutilated."

Paramilitary leader Dusan Vuckovic Repic "forced two pairs of fathers and sons to perform sexual acts on each other,

including sexual intercourse and penetration with a broom handle”, according to the verdict. Vuckovic Repic died in a Belgrade jail in 2005, eight days before his trial for the Zvornik crimes was due to begin.

The sexual abuse and rape of men during the war has been reported in 23 locations across the country so far, said Bakira Hasecic, president of the Women – Victims of War association.

Hasecic recalled the statement of a man who survived sexual abuse in a Zvornik detention camp: “They were forced to rape a female pig, and before that they were given some pills. And when you think you have survived everything and have seen everything, when you hear other people’s statements, you wonder if a normal human mind could do that.”

The Bosnian state court in Sarajevo has convicted several defendants of sexual violence against men.

In 2015, the state court sentenced former Bosnian Serb soldier Gligor Begovic to 13 years in prison for crimes against civilians who were being held at the Batkovic detention centre near Bijeljina in 1992, including the sexual abuse of several prisoners.

Former Bosnian Army soldier Zijad Kurtovic was found guilty in 2009 of war crimes including forcing two brothers who were Croatian Defence Council fighters to have oral sex with each other.

Also in 2009, former Bosnian Serb military policeman Rade Veselinovic admitted that, among other offences, he allowed members of paramilitary groups to force non-Serb prisoners held at the Sports Centre in Hadzici to have sex with each other.

The rape and sexual abuse of prisoners has also been cited in several other cases at the state court.

Bozidarka Dodik, a judge at the Supreme Court in the country’s Federation entity, argued that over the past decade, the Bosnian judiciary has made great progress in the prosecution of war crimes, including wartime sexual violence.

“Although most of these criminal cases relate to rape and sexual violence committed against women, cases in which men are victims of such violence are also being prosecuted. However, men who are victims of these criminal offences report it even less often than women, mainly because of the stigma and fear that they will be labelled as gay or unmasculine,” Dodik told BIRN by email.

“In some cases, there is the situation that the perpetrator directly rapes or otherwise commits sexual violence against a man. More frequent are situations in which perpetrators forced men (mostly in detention facilities) to rape each other (anal or oral),” she said.

She also noted that “in addition to sexual penetration, there are many other forms of sexual violence that can be committed against men”.

#### Shaming the victim

The issue of the stereotyping of victims of wartime sexual violence in criminal proceedings has been part of the training programme for judicial officials at Judicial and Prosecutorial Training Centres in the Federation and Republika Srpska entities for the past two years. Judge Dodik is one of the trainers.

“The most common prejudice that victims of sexual violence are generally faced with, regardless if they are men or women, is that rape is a disgrace for the victim, not the perpetrator, and that as a result of such an act, the victim is tainted, filthy and unworthy of respect,” said Dodik.

Dodik believes that most judges, prosecutors and other judicial staff are sensitive to victims, although unpleasant incidents still occur. These are mainly due to deep-rooted gender stereotypes or the result of negligence or paying insufficient attention while communicating with victims, she suggested.

“Rape, whether in peacetime or war, is still a topic that is not much talked about. Progress in understanding rape and other forms of sexual violence can be achieved only through continuous education and awareness-raising, not only for judicial officials but also for the general public,” she said.

In 2017, the TRIAL International NGO published a report entitled ‘Rape Myths in Wartime Sexual Violence Trials’.

Berina Zutic Razic, legal adviser at TRIAL International’s office in Sarajevo, said that the report highlighted that rape is still rarely reported to the police.

“Although some progress has been made in addressing war crimes cases, myths and stereotypes that shift the shame and guilt of sexual violence from the perpetrator to the victim still exist in the Bosnian judiciary,” said Zutic Razic.

“Of course the biggest problem in these cases is the fact that in many cases of sexual violence against men, judicial officials decline to classify these crimes as rape,” she added.

TRIAL International works with the Judicial and Prosecutorial Training Centres to provide training for judges, prosecutors and their legal associates, and even for witness support staff, in an attempt to make them more sensitive to wartime sexual violence victims.

The NGO started working with the Ministry of Justice this year to do the same for lawyers. It has also agreed to provide feedback to the Bosnian state court on how survivors appearing as witnesses in war-related sexual violence cases feel about how they are treated during the proceedings.

However, Zutic Razic noted that the stigmatisation of victims comes from prejudices that are deeply rooted in society in general, so change needs to happen on a wider level than the judiciary.

For the survivors, the traumas remain, 25 years after the war ended. Neuropsychiatrist Omer Cemalovic carried out several expert evaluations of men forced by detention camp guards have intercourse with each other.

“This is the worst example of human bestiality: torturing prisoners – civilians – in such a way,” Cemalovic said.

“These are traumas that remain forever and it is impossible to get rid of them completely.”

**Srebrenica Genocide Denial Law Remains a Non-Starter in Bosnia (Balkan Transitional Justice)** By  
Nejra Dzaferovic  
April 29, 2020

**“I shall advocate the adoption of a genocide denial law by the parliament of Bosnia and Herzegovina. We shall surely have such a law next year on the 25th anniversary of the genocide.”**

This is what High Representative Valentin Inzko, the international overseer of the implementation of the peace deal that ended the Bosnian war, told media when the 24th anniversary of the Srebrenica genocide was marked in July last year.

Despite this, over the past ten months, the proposed Law on the Prohibition of Genocide and War Crimes Denial has not been adopted by the state parliament.

Ljiljana Radetic, senior adviser on media and external relations at the Office of the High Representative, told BIRN Bosnia and Herzegovina that the issue should be resolved “for the benefit of survivors and victims”.

“The focus is on parliament, which still has enough time to invest additional effort. As we often stress, good domestic solutions are best for this country,” she said.

The High Representative has the right to impose the adoption of the Law on the Prohibition of Genocide and War Crimes Denial under the so-called ‘Bonn powers’ that allow him to push through or veto legislation and to sack officials.

But when asked if Inzko will insist that the law be adopted before the 25th anniversary is commemorated, Radetic declined to answer, saying that she did not want to “speculate on eventual future moves by the High Representative”.

Two previous legislative initiatives to prohibit the denial of genocide, the Holocaust and other war crimes have been proposed at the state level over the past decade.

But in both cases, the proposals did not receive the required consent from both Bosnia’s political entities, the Bosniak- and Croat-dominated Federation and the Serb-majority Republika Srpska. Both times, opposition from Serb politicians scuppered the initiative.

Meanwhile, revisions and amendments to Bosnia and Herzegovina’s criminal code to enable the prosecution of genocide and war crimes denial have been proposed at the state level three times, but have not been adopted either.

In the Federation entity, there is a legal provision prohibiting genocide denial if it incites hatred, division or intolerance, but BIRN was told by prosecutors and experts that the legislation is badly written and not used in practice.

More than 7,000 Bosniak men and boys were killed by Bosnian Serb forces and more than 40,000 women, children and elderly people were expelled from Srebrenica in July 1995. Verdicts handed down by Bosnian and international courts have classified the massacres as genocide.

Despite this, denial of genocide and other war crimes is widespread in Bosnia and Herzegovina, and this took on an institutional dimension last year when the Republika Srpska authorities appointed a commission to investigate “the suffering of all peoples in the Srebrenica area” and another one to probe the suffering of Serbs in Sarajevo during wartime.

Some observers have expressed fears that both commissions have been set up by the Bosnian Serbs to deny the facts about Srebrenica and other crimes committed by Serb forces.

But Milorad Kojic of Republika Srpska’s government-supported Centre for Research on War, War Crimes and Missing Persons insisted that the commissions are “needed for reconciliation” and objected to the adoption of any law that would ban the denial of genocide or war crimes.

“In fact, in a nutshell it would mean that all of us, without exception, would have to accept the qualifications determined in verdicts from the Hague Tribunal and the domestic judiciary without being able to point to omissions and illogicalities in those verdicts, not only in the case of Srebrenica, but also in many other cases,” Kojic argued.

Denial of the Srebrenica genocide, the glorification of convicted war criminals and other revisionist narratives were among the key problems identified last year in a European Commission report on Bosnia and Herzegovina.

“Established facts about wartime events, including war crimes and genocide, are frequently contested by high-level political leaders, who cast doubts on the independence or impartiality of international tribunals,” the European Commission report said.

“All actors in Bosnia and Herzegovina need to demonstrate full cooperation with the international tribunals by acknowledging and respecting their decisions. Revisionism and denial contradict the most fundamental European values,” it added.

Several state-level parliamentarians told BIRN that even before the coronavirus pandemic, there was no chance of the legislation prohibiting genocide denial being adopted.

Semsudin Mehmedovic, a member of the Bosniak-led Party of Democratic Action and an MP in the House of Representatives, the lower chamber of parliament, said that the only way to do it would be for High Representative Inzko “to impose such a legal solution”.

Zlatko Miletic, a Croat MP from the Democratic Front party in parliament’s upper chamber, the House of Peoples, urged Inzko in January to use his special powers to bring in the ban on genocide denial because Bosnian politicians had failed to do so.

Miletic said sentences should range from six months to five years in prison for ordinary citizens, and up to 10 years for officials.

“I was hoping that we would be able to adopt such law or that it would be imposed by the High Representative prior to the marking of the [25th] anniversary of Srebrenica,” he told BIRN. “In any case, it remains to be seen, but we must find the strength in the coming period to have such a law entered into force, because all [war] victims, irrespective of their ethnicity, are being upset,” Miletic said.

Social Democratic Party MP Denis Becirovic, who proposed similar legislation in 2017, said the issue was “above and beyond party interests”.

“The text of this law should contribute to the creation of an atmosphere of security, trust, fairness and solidarity with victims,” Becirovic said.

But Nikola Spiric, an MP from the Serb-led Alliance of Independent Social Democrats party in the House of Peoples, objected to Inzko becoming involved in law-making, arguing that “any external interference further complicates the situation”.

When asked if he thought that a law on genocide and war crimes denial would be adopted in the near future, Spiric said it was difficult to give a prognosis on anything in Bosnia and Herzegovina.

“There is hardly anyone who can say this or that will happen,” Spiric said.

Journalist Dragan Bursac said he mainly blamed Serb politicians for blocking the law, arguing that they used genocide denial and the glorification of war criminals as tools to win votes. “The adoption of such a law will prevent politicians who celebrate the architects and perpetrators of genocide and other crimes from winning local elections,” Bursac said.

“This is the most important reason why primarily Serb political power-holders do not want such a law to be adopted, which is shameful.”



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

### **Official Website of the ICTY**

#### **Evidence Reveals Serbian Officers' Role in Kosovo Massacre was Ignored (Balkan Transitional Justice)** By Serbeze Haxhiaj and Milica Stojanovic

April 27, 2020

**In April 27, 1999, Lush Krasniqi and his family spent almost all day in the yard of their house in the western Kosovo village of Ramoc, while the sounds of shooting from the neighbouring villages, Meja and Korenica, became louder and louder.**

From their home on a hill, they saw buildings burning. At sunset, a battalion of Serbian police surrounded people's houses.

Krasniqi's eyes filled with tears as he recalled the moment when troops seized his brothers Pashk and Mark and his uncle Pjeter.

"They ordered us to leave, telling us to stop at the checkpoint between Meja and Korenica," Krasniqi told BIRN at his house in the village of Ramoc.

As dusk fell and Krasniqi headed for the checkpoint along with the rest of his family and his neighbours, they saw dead bodies and houses burning.

"By the light of the flames, we saw soldiers and police by the road and around ten people lying in the meadow close to the crossroads," he said.

At the checkpoint, they were ordered to give the police any money and jewellery they had, and to leave for Albania.

Serbian forces' attack on Meja and Korenica came a month after the start of the NATO bombing of Yugoslavia, which was aimed at ending President Slobodan Milosevic's military campaign in Kosovo.

As NATO's air strikes intensified, so did Serbian army and police operations, and the killings and expulsions of Kosovo Albanians.

According to verdicts handed down by the International Criminal Tribunal for Former Yugoslavia (ICTY) in cases against Serbian military and police officials, the attacks on the two villages were part of a military operation called Reka, in which the Yugoslav Army, Serbian police and paramilitary units killed at least 377 civilians, of whom 36 were under 18 years old. Thousands were expelled to neighbouring Albania, and 13 people are still listed as missing.

"Later we realised that we were the last to be deported and my family members the last to be killed," Krasniqi said.

A protected witness – a Serbian police officer – told the ICTY that Krasniqi's relatives were killed shortly after they were handed over to the police.

The officer was one of many soldiers and policemen who testified at the Hague court, either openly or with their identities concealed, about the scale of the crimes committed during the Reka operation.

Military documents, army logs and maps also show which units were in Meja and Korenica and identify the commanders who gave the orders.

Analysis of the Hague Tribunal evidence by BIRN has revealed that more than 30 people were involved in or knew about the killings – one of the biggest massacres of the Kosovo war – and did not do anything to stop it or act to punish those who committed crimes.

Despite the evidence that exists, none of them have ever been prosecuted for the massacre in Meja and Korenica. All of them are still free and live in Serbia, Montenegro or Slovenia.

The remains of the massacre victims were found 15 years later in mass graves at a police training centre in the Belgrade suburb of Batajnica.

On April 21, 1999, almost a week before the massacre, local police officers Milutin Prasevic, Ljubodrag Lazarevic, Boban Lazovic, and Naser Arifaj were killed by the Kosovo Liberation Army on a road close to Meja.

Four days after the policemen's killings, Yugoslav army units, police special units, local police and units led by paramilitary chief Zeljko 'Arkan' Raznatovic surrounded Meja and Korenica.

This was confirmed by Hague Tribunal evidence – military plans, maps and army diaries, plus the testimonies of insider witnesses and survivors who recognised local commanders.

Martin Pnishi, a farmer from Meja, testified about the massacre at a trial at the ICTY in 2006. From the window of his house, he said he could see large number of Kosovo Albanians coming towards Meja after fleeing their homes, as the village was on the way to the Albanian border, where they were headed to seek safety. "In this convoy, there were people from 17 villages," he told the Hague court.

Pnishi said that the people in the convoy were ordered by Serbian forces to drop their identity cards, while the police separated the women and children from the men, who were made to leave their tractors or cars and lie face-down on the ground.

According to Pnishi, the commander separating the men from others was a local police officer called Dragutin Stojanovic, who was known as Guta. The role of Stojanovic, commander of the police station in nearby Ponoshec/Ponosevac, was also described in two separate reports by the Humanitarian Law Centre and Human Rights Watch.

Some of the key witnesses who revealed details of the operation to Hague prosecutors were insiders from the police and army. One of them, Nike Peraj, arrived in Meja on the afternoon of April 27, 1999. At the time, he was a soldier with the Yugoslav Army's 52nd Artillery Rocket Brigade, commanded by Milos Djosan.

Peraj explained in an interview with BIRN that when he and three other officers reached Meja, they saw the bodies of more than 20 young men scattered around a meadow.

"I turned one of them over. He was shot from close range and I saw that his eye had come out and was hanging there," he recalled.

Peraj said he noticed powder burns on the heads of some of the victims, which he said indicated that "they were shot at point-blank range".

In his witness statement for prosecutors in The Hague, Peraj identified Dimitrije Rasovic, then an inspector with the Gjakova/Djakovica police, as one of the policeman he met at a checkpoint in Meja. Peraj also said he saw Milan Scepanovic, another inspector with the Gjakova/Djakovica police, at the checkpoint, where Scepanovic had "12 men lined up against a wall".

Peraj further identified Zdravko Vintar, chief of the 52nd Artillery Rocket Brigade's Public Information and Morale Section, as the man who typed a report for the Yugoslav Army stating that "74 terrorists have been killed in Korenica and 68 in Meja" on the evening of April 27.

Peraj accused three people of bearing most responsibility for the killings.

"Nikola Micunovic (aka Dragan), Milan Kotur and [Milovan] Kovacevic are the main people responsible for the massacre in Meja and Korenica. They planned and led the entire operation," Peraj told the Hague prosecutors.

Nikola Micunovic was commander of the Yugoslav Army's 113th Military Territorial Detachment, while Milovan Kovacevic was chief of the Gjakova/Djakovica police at the time. Milan Kotur was Chief of Infantry at the Pristina Corps Command of the Yugoslav Army.

Peraj claimed that a couple of days prior to the massacre, he spoke to Micunovic, who "told me that the valley of Caragojs [where Meja and Korenica are located] was going to pay a very high price" because of the killings of the five Serb policemen, one of whom was Micunovic's godfather.

Peraj further claimed that after the killings of the policemen, there was an informal meeting at a private house in

Gjakova/Djakovica, near the Yugoslav Army's barracks. According to Peraj, Nikola Micunovic, Milovan Kovacevic, Sergej Perovic and Sreto Camovic attended the meeting, along with other people from different units who he did not name.

Sreto Camovic was head of the State Security department of the Interior Ministry in Gjakova/Djakovica.

Also present was Momir Stojanovic, commander of Military Security of the Pristina Corps. At the meeting, Peraj said he heard Stojanovic, who was a relative of one of the five policemen who were killed by the KLA, order a retaliatory operation to be staged in which at least "100 heads" would be eliminated and "everything burned".

"The operation was approved by Nebojsa Pavkovic, then commander of the Third Army," Peraj added.

He claimed that the operation was carefully planned in Belgrade and had a clear goal: "The main purpose was to ethnically cleanse this part [of Kosovo] through expulsions to Albania," he said.

Five senior Serbian officials were convicted by the ICTY in 2014 of crimes in Kosovo including the Meja and Korenica killings – Nebojsa Pavkovic, commander of the Third Army, Vladimir Lazarevic, commander of the Pristina Corps, Dragoljub Ojdanic, chief of the general staff of the Yugoslav Army, and Sreten Lukic, chief of staff of the Serbian Interior Ministry in charge of Kosovo, and Assistant Interior Minister Vlastimir Djordevic.

A year later, Interpol issued a 'red notice' calling for the arrest of 17 people over crimes committed in Meja and Korenica. On the list were suspects already mentioned in testimony at the ICTY – Dimitrije Rasovic, Predrag Stojanovic, Momir Stojanovic, Nikola Micunovic, Sreten Camovic and Zivko Vuksanovic.

However, the other 11 names were revealed by Interpol for the first time – Muharem Ibraj, Miras Gegovic, Momcilo Stijovic, Dragan and Aleksandar Pekovic, Miso Popovic, Lazar Draskovic, Zoran Mirkovic and Momcilo, Milutin and Miladin Novakovic.

Muharem Ibraj has claimed that he was a civilian security officer in his village, while Lazar Draskovic and Predrag Stojanovic were on a list of special police unit members at the police station in Gjakova/Djakovica in the first two weeks of May 1999 that was shown as evidence in an ICTY trial. Further details about the others on the Interpol list remain unknown.

'It was like an atom bomb hit'

Other Yugoslav Army witnesses have corroborated that the events in Meja and Korenica were part of a broader ethnic cleansing campaign aimed at the expulsion of Kosovo Albanians.

A witness codenamed K-73, an officer with the 52nd Battalion Military Police, said in a statement to Hague prosecutors that in April 1999, "[52nd Battalion] commander [Stevo] Kopanja gathered the officers together and gave the instruction that from now on we have to clear the [Gjakova/Djakovica] area of Albanians. Commander Kopanja clearly said that we had to send all Albanian civilians towards Korenica because the Interior Ministry is waiting for them there with a list of names of terrorists [KLA members]".

"It was clear to me at the time that this was just a cover story and that the only purpose for this operation was to cleanse the villages. I could not imagine any KLA member willingly going to Korenica and not fleeing the advance of our forces," the army witness added.

He said that the Yugoslav Army's 63rd Parachute Brigade, part of the 52nd Battalion Military Police and the Special Police Unit participated in the operations.

Another witness, codenamed K-90, was a military policeman with the 549th Motorised Brigade's Second Battalion.

"After we had ordered a village to leave within an hour it was like an atom bomb had hit the village. Individual soldiers were coming through the village and looting anything that was not nailed down. They were taking things that they could not imagine they were going to be able to take home to Serbia. It was not all the troops that were doing that, it was just individuals," K-90 testified at the ICTY.

K-90 confirmed that killing of five Serbian police officers was the reason for the attacks on Meja and Korenica.

"This incident was the catalyst for a mass deployment of police in the area. Within days after this incident, about 400 additional police arrived in the Djakovica area in about 10 buses and a number of civilian vehicles. They included Special Police Unit units and two Frenkijevci [Special Operations Unit members] in a car. I recognised the Frenkijevci by their uniform and I even swapped a cigar for some water and cigarettes. They wore familiar Frenkijevci hats," K-90 said.

The Frenkijevci got their name from Franko Simatovic, alias Frenki, who at the time was deputy chief of Serbian State Security

and commander of the Special Operations Unit.

K-90 was also in Meja and Korenica, where he was sent by his commander, Vlatko Vukovic, to whom he reported killings and the expulsion of civilians.

Peraj said that around 4,000 personnel from Serbia participated in the entire operation, including members of Zeljko 'Arkan' Raznatovic's paramilitary unit.

"[Pristina Corps commander Vladimir] Lazarevic and lieutenant-colonel Goran Jevtovic coordinated this from Djakovica," Peraj said.

'Anti-terrorist' operation – but no 'terrorists' Of more than 30 people who have been alleged to have been involved in killings and expulsions during the Reka military operation, eight of them appeared at the ICTY to testify for the defence at the trials of Slobodan Milosevic and his generals.

They denied that war crimes were committed in Meja and Korenica, and said that the Reka operation was staged by army and police forces against what they called 'Shiptar Terrorist Forces' – a derogatory name for the KLA. They also denied that Kosovo Albanian civilians were forced out of their homes and villages.

Most claimed that neither they nor their units were in the area at the time. The majority also said that they did not see or kill any 'terrorist', although some said they heard KLA members shooting at Serbian forces.

The commander of the Yugoslav Army's 52nd Artillery Rocket Brigade, Milos Djosan, testified that all his combat units were outside Gjakova/Djakovica at the time of the incident and that only a logistical unit, commanded by his subordinate Zlatko Odak, was there.

"My soldiers and officers didn't even see a single terrorist," Djosan said.

Zlatko Odak gave a statement to the Yugoslav Army's Commission for Cooperation with the ICTY and said that his unit "did not engage in any fighting with the Shiptar Terrorist Forces and no civilians were encountered".

Vlatko Vukovic, commander of the Second Motorised Battalion of the 549th Brigade, said he was ordered the day before the massacre by Veroljub Zinkovic, the chief of staff of the Pristina Corps, to block off the Korenica area "with the purpose of preventing the withdrawal of the Shiptar Terrorist Forces towards Djakovica, over the river Erenik towards Albania".

Vukovic claimed in court that 'terrorist' groups shot at Serbian forces on a couple occasions from the morning of April 27 and that there were columns of civilians leaving the area but that they were going willingly, and that no soldiers were forcing them or separating men from the others.

Sasa Antic, commander of a special purpose military police company with the 52nd Military Police Battalion, said his unit was deployed to "prevent the flow of terrorists towards the border" in mid-April 1999, but did not engage in any operations on April 27 or 28.

Milan Kotur, Chief of Infantry in the Pristina Corps Command, testified that the Reka operation was carried out by police from Gjakova/Djakovica with Yugoslav Army help "to eliminate terrorist forces".

However, he insisted: "I did not have a role in this." He also said that Peraj's statement that he, Nikola Micunovic and Milovan Kovacevic "were responsible for Meja and Korenica and planned the whole operation" was incorrect.

Momir Stojanovic, who Nike Peraj claimed gave the order for "100 heads" to be taken in revenge for the Serbian policemen's killings, said that this was a "completely incorrect allegation".

He also told the ICTY that he never attended the alleged meeting at which the idea of attacking Meja and Krenica was discussed.

Sergej Perovic, chief of the security section at the 52nd Artillery Rocket Brigade, who Peraj said was with him in Meja on April 27 when he saw some victims' corpses, insisted that he did not actually enter the village.

Perovic also denied that the meeting at which Stojanovic allegedly called for "100 heads" ever happened.

Goran Jevtovic, head of the operations department at the Pristina Corps' forward command post, told the ICTY meanwhile that he was "not in the [Caragojs] valley [where the operation was staged], nor was I directly engaged in terms of command or in any other sense".

No one mentioned in the ICTY witness statements has ever been charged with involvement in the massacre in Meja and Korenica.

The Serbian War Crimes Prosecutor's Office launched an investigation into incidents in Meja, Korenica and five other villages in the Djakovica/Gjakove area. Of the four people probed, one died in the meantime and the investigation into the others was halted in 2019 "because not enough evidence exists for indictments".

The prosecution declined to tell BIRN who was under investigation, but Serbian media reported that the three surviving suspects were Momir Stojanovic, Sreten Camovic and Nikola Micunovic.

Regarding the removal of the victims' bodies and their reburial in Belgrade, the Serbian prosecution has an open case against unknown perpetrators.

In 2015, Kosovo's Special Prosecution Office indicted Sahit Halitaj, a Roma man from Kosovo, for assisting in the Reka operation and robbing the houses and corpses of those killed at the Meja checkpoint. But a year later, the indictment was withdrawn.

Kosovo's Special Prosecution Office declined to answer BIRN's questions about whether it is investigating the massacre.

Amer Alija from the Pristina-based Humanitarian Law Centre, which monitors war crime trials, said that from the evidence available, it would be a simple task to investigate the alleged perpetrators based on military hierarchy of responsibility.

"At least 20 individuals from ten units have been identified whose role in this operation should be investigated," Alija said.

### **Mladic Appeal At The Hague Pushed Back To June (Urdu Point)** By Faizan Hashmi

May 4, 2020

**The delayed appeals hearing of former Bosnian Serb military chief Ratko Mladic, sentenced to life imprisonment, will take place in June, the UN announced on Monday.**

The hearing, initially scheduled for March, had to be postponed after Mladic, 77, underwent an operation doctors had said was to remove a benign polyp from his colon.

Mladic, once dubbed the Butcher of Bosnia was sentenced to life behind bars in 2017 for his role in the country's bloody 1990 civil war.

This included for genocide committed by his Bosnian Serb forces in the small eastern Bosnian town of Srebrenica in mid-1995, Europe's worst bloodshed since World War II.

About 100,000 people were killed and 2.2 million others displaced in the 1992-95 war, which erupted as communal rivalries tore Yugoslavia apart after the fall of communism.

The International Residual Mechanism for Criminal Tribunal (IRMCT) said that Mladic was "recovering well from the surgery" that he underwent on March 28 and stressed the need to hold the appeal "without delay when it is safe and practicable to do so".

[\[back to contents\]](#)

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

### **Forgotten Victims: Bosnian Croat Fighters Never Tried for Elderly Civilians' Murders (Balkan Transitional Justice)** By Predrag Blagovcanin

May 4, 2020

**In the summer of 1993, a 66-year-old Bosniak man called Zaim Konjhodzic was babysitting his grandchildren in the southern city of Ljubuski when three fighters came to arrest him.**

His son Alija Konjhodzic remembers that one of the three men had a Croatian Defence Council, HVO emblem on his uniform and was “incredibly rude”.

“Then he began pushing my father about and telling him: ‘You must come with us,’” he said.

“I asked them: ‘Do you have a court warrant or anything to take him away?’ The man who was unknown to me told the guy nicknamed Struja: ‘If they resist, kill them all.’”

He recalled how the unknown soldier then told his father: “Turn around and look at your house one last time.”

Alija Konjhodzic never saw his father again.

After the arrest, he went to the military police station to try to find out why his father had been taken.

“They said they had found weapons at his place. My father did have weapons, but it was hunting weapons and he had all the permits,” he said.

Later that day he went to see the police again, but his father was not on the list of people who had been detained.

Ten days after his arrest, the body of Zaim Konjhodzic was brought to Ljubuski. According to Alija Konjhodzic, his father’s former colleague at the Mostar police informed him that he had been killed, and organised the transportation of his remains.

“We could not bury him according to the religious rites as his body had already started decomposing. I got some sort of unverified information that they killed him at Heliodrom [HVO-run detention facility in Mostar] and left his body on Brkanovo Hill, and that somebody allegedly reported that to the civilian police,” he said.

Detainees beaten, abused and killed

The International Criminal Tribunal for the Former Yugoslavia in The Hague convicted six military and political officials of a self-proclaimed, Bosnian Croat-led wartime statelet called the Croatian Republic of Herzeg-Bosnia, which had its headquarters in Mostar.

They were found guilty of a series of wartime crimes against Bosniaks, including offences against detainees at the Heliodrom facility. Among the six Herzeg-Bosnia officials who were convicted was Slobodan Praljak, the chief of the HVO’s main headquarters, who took poison as the judge delivered his verdict and died soon afterwards.

Between May 9, 1993 and April 18 or 19, 1994, the HVO held captured Bosnian Army soldiers and civilians at the Heliodrom facility, where conditions were “very harsh” and detainees were mistreated, the Hague Tribunal’s verdict said. The HVO also took Heliodrom detainees to do forced labour on the front line in Mostar, where several dozen were killed or wounded.

There are also numerous cases of people being taken from their homes in the Herzeg-Bosnia territory and killed, and the direct perpetrators have never been convicted, as in the case of Zaim Konjhodzic.

Huso Obradovic, a dentist from Mostar, was held at Heliodrom for 253 days. He was present when Zaim Konjhodzic was brought into a room with 20 other detainees at the detention centre at the beginning of July 1993.

“The man in his late sixties came to our room. He was tall and bony. He was beaten by HVO military prisoners who were in the adjacent room. They beat him hard, five or six of them. He screamed for help,” Obradovic recalled.

“At some point they knocked him down and one of them hit him in his face with a stick. His facial artery burst and a big stream of blood began gushing up towards the ceiling. I guess they got scared and left. I ran over to him and tried to stop the blood. I managed to do it using a compress and I told him: ‘Man, be careful how you act, this is a detention camp.’”

Obradovic said he saw Konjhodzic one last time shortly after the beating.

“He was shouting, I think he was not aware of the situation and where he was,” Obradovic said.

“It was afternoon or early evening when he stood up and broke some glass because he wanted to cut his veins. A policeman from Capljina, who was next to him, grabbed him and knocked the glass out of his hand. About ten minutes later Ante Buhovac, who was a chief of guards in Heliodrom, came and took him away. We never saw that man again. We found out later that his family buried him in Ljubuski.”

In 2007, the Cantonal Court in Mostar sentenced former Heliodrom detention camp guards Miroslav Marijanovic and Ante Buhovac to a total of seven years in prison for war crimes.

They were convicted of mistreating prisoners, beating them and making death threats. But following an appeal, Marijanovic's sentence was reduced to two-and-a-half years and Buhovac's sentence to two years.

Obradovic said that he wanted to give a statement to the Herzegovina Neretva Cantonal Prosecution about Zaim Konjhodzic, but was discouraged from doing so.

"I wanted to tell them what I had seen. However, at the time I was told it meant nothing in court. Buhovac took him away. I don't know if he killed him. Who were the soldiers who beat him? I don't know their names. I only know one of them was nicknamed Slavonac," Obradovic said.

The Herzegovina Neretva Cantonal Prosecution told BIRN that it is not working on any case related to Zaim Konjhodzic.

Emir Konjhodzic, Zaim Konjhodzic's older son, spent the war years in Mostar and reported what happened to his father to Interior Ministry officials in the city.

The Agency for Investigation and Documentation of Bosnia and Herzegovina then took over the documentation related to Heliodrom and subsequently forwarded it to the Hague Tribunal, Emir Konjhodzic believes.

"However, as regards my father, nobody has filed a criminal report. Nobody has contacted us," he said.

One usual fact is that two different dates of death were recorded for Zaim Konjhodzic, his son said.

"When we began doing paperwork for the inheritance proceedings, we noticed that two dates of death were registered in our father's case. One of them was [recorded] in 1999, indicating that he died at Heliodrom," Emir Konjhodzic said.

"My wife went to Djacki Dom [a Mostar municipal office] to finish the paperwork, when she got a document from some archive that my father died at a hospital at 5pm on July 11, 1993. That is nonsense, because according to my brother who buried him, his body had already started decomposing. I have a feeling that they are doing everything to ensure that crimes are forgotten and criminals are let off," he added.

Stefica Galic, who is now editor of the Tacno.net website, spent the war in Ljubuski working as a photographer. She knew Zaim Konjhodzic personally and she attended and photographed his funeral.

"When they buried Zaim's body on July 12, 1993, the body had surely already started decomposing, as strong odours of decomposition could be sensed. So the allegations that he died at a hospital were just a continuation of covering up the truth," Galic explained.

She said that just like Zaim Konjhodzic's murderers, those responsible for the murders of other Ljubuski residents from 1992 to 1995 have not been prosecuted either.

"Besides Zaim Konjhodzic, whose murderer is unknown, it is not known who killed Ramiza Delalic, Ibro Osmic, Huso Karailo, Mijo and Vida Grbavac," she said.

"I approached the Western Herzegovina Cantonal Prosecution. I was told that they were conducting an investigation into the murder of Huso Karailo, whose case was a war crime case, while investigations related to Mijo Grbavac and Ibrahim Osmic were considered to be regular murder cases. As for Ramiza Delalic and Zaim Konjhodzic, cases have never been launched," she added.

According to witness testimonies at the Hague Tribunal and the Bosnian state court, some of the Bosniak detainees from Ljubuski were transferred from Heliodrom to the Military-Investigative Prison in Ljubuski.

At the beginning of this year, the retrial of prison officers Ivan Kraljevic, Mato Jelcic, Stojan Odak, Vice Bebek and Vinko Radisic for crimes committed at the Military-Investigation Prison began at the state court's appeals chamber.

In 2014, the prosecution also indicted two Bosnian Croats, Ivan Ancic and Vid Palameta, for wartime crimes in so-called Herzeg-Bosnia, but neither appeared in court. Both men live in Croatia and have not been handed over for trial.

Criminal impunity at the 'bone hospital' Amer Djulic spent a total of 233 days in captivity at HVO facilities – at the notorious Kostana 'bone hospital' in the town of Stolac and in the Dretelj, Gabela and Heliodrom detention centres.

He still lives in Stolac and says that every day, he sees some of the people who arrested, interrogated and physically mistreated him at the Kostana hospital in 1993, while he was still not yet 18 years old.

He told BIRN that the hospital was a place where any HVO fighter could abuse detainees if they wanted. People were called for

questioning and tortured.

“The Kostana hospital was the seat of the HVO’s military police, but it was open to all HVO members who wanted to prove their strength and abuse people who had their hands tied up,” Djulic said.

He was forced to bury the bodies of two of his cousins who had been killed, and was physically mistreated by some of his neighbours from Stolac for over an hour until a Croatian soldier stopped them. He said that he still does not know the name of the man who saved his life.

Djulic has gathered what he says are new pieces of evidence against the people he considers responsible for the crimes against him, who have still not been prosecuted, and sent a report to the Herzegovina Neretva Cantonal Prosecution two years ago.

“I have been told by the Herzegovina Neretva Cantonal Prosecution for a year and a half that they are waiting for an approval of the [state] prosecution of Bosnia and Herzegovina. I still have not received a response, as if they are ignoring me,” said Djulic, who now heads the Association of Detainees from Stolac.

Nijaz Piragic has been waiting since 1994 for the prosecution of those responsible for killing his parents Zejna and Jusuf Piragic in their apartment in Mostar.

“A few years ago I was contacted by the State Investigation and Protection Agency to give a statement to them. I told them all I knew. After that, they called me once more to sign that statement. So, in 26 years of investigation they have taken my statement twice,” Piragic said.

The investigation into the murder of his parents has still not been completed, and Piragic now believes that his parents’ murderers will never stand trial. A witness to the murder of his parents died last year.

“More than 25 years have passed, witnesses are dying, people no longer remember. The relevant institutions – from the prosecution to police – are not doing their job and it is not in their interest to solve such cases,” Piragic said.

“I told them not to call me again unless they obtained some new pieces of information. I have post-traumatic stress disorder, I was injured during the war.”

Piragic got his information about what happened to his parents from witnesses in Centar 2 neighbourhood in Mostar, where they were killed.

He said that what he found out was that around midnight on the night of the murders, four fighters arrived in a Mercedes that was used by a unit led by Vinko Martinovic, the commander of so-called Convicts’ Battalion of the HVO police, who was later convicted by the Hague Tribunal of expelling Bosniaks from their homes in Mostar.

Piragic said that the soldiers entered the apartment, they tried to strangle his sleeping father and then shot him in the chest and head.

“My mother tried to flee through the window, but two of them caught her and dragged her across the street. Later on they killed her,” he continued.

“I was told that Ivan Zelenika was there. I said that to the police. I don’t know if Ivan Zelenika killed my parents, but I know that the State Investigation and Protection Agency has the authority to investigate that. They also have a hundred statements about what Zelenika did in the Centar 2 neighbourhood,” Piragic said.

Mostar’s Cantonal Court sentenced HVO fighter Zelenika to two-and-a-half years in prison in 2015 for the beating and abusing Bosniak civilian detainees during the war.

In a separate case at the state court, Zelenika was sentenced in 2016 to six years in prison alongside three HVO fighters for crimes against Serb civilian detainees in Mostar and at the Dretelj detention camp, where they were beaten, sexually abused and made to do forced labour.

Neither indictment included the murders of Zejna and Jusuf Piragic.

**[back to contents]**

**Turkey**



**Eastern Libyan forces say Turkish drone killed 5 civilians (Minnesota Star Tribune)** By Samy Magdy  
April 28, 2020

**Eastern Libyan forces laying siege to the country's capital of Tripoli accused their rivals Tuesday of staging an attack in which a Turkish drone hit a food truck convoy in the country's west, killing at least five civilians.**

The militia groups loosely allied with a U.N.-supported but weak government in Tripoli denied attacking civilians, saying they targeted trucks carrying equipment and ammunition for eastern forces trying to take the capital.

Khalifa Hifter, who declared the start of an operation to root out the militias and unify the country in 2014, is commander of the east-based forces attempting to take control of Tripoli. They control most of eastern and southern Libya. The embattled administration in Tripoli rules just a corner of the country's west. Both sides are supported by a network of fractious militias and foreign powers.

The Tripoli-based health ministry reported Tuesday that at least six artillery shells launched by Hifter's forces struck a local field hospital, causing severe damage to the clinic and to several of its ambulances. Patients being treated were evacuated and there were no immediate reports of casualties. It was the third assault on a medical facility in the besieged city in a week. Hifter launched his Tripoli offensive last April. In recent weeks, violence has escalated, with both sides accusing each other of shelling civilian neighborhoods. The U.N. has said the violence and worsening humanitarian crisis in Libya could amount to war crimes.

Turkey has sent armored drones, air defenses and more recently, Syrian militants with links to extremist groups to prop up the embattled Tripoli government. Meanwhile, Russia has deployed hundreds of mercenaries to boost Hifter's assault. The United Arab Emirates and Egypt also back Hifter.

There was no immediate comment from Turkish officials on the alleged drone attack.

Ahmed al-Mosmari, a spokesman for Hifter forces, said the drone strike took place late Monday near the district of Mizda, 184 kilometers (114 miles) south of Tripoli.

The attack came after Hifter, in an attempted show of strength, declared Monday that a 2015 U.N.-brokered political deal to unite the oil-rich country was "a thing of the past."

The Tripoli-based government said it wasn't surprised by Hifter's announcement and urged Libyans to join "a comprehensive dialogue and continue on the democratic path to reach a comprehensive and permanent solution based on ballot boxes."

While the 2015 agreement has failed to bring unity or stability to the divided country, Hifter's announcement threatens to further complicate U.N. efforts to broker a political settlement to the civil war.

Stephanie Williams, acting U.N. envoy in Libya, said Tuesday the 2015 agreement and the political bodies it created remain the sole governing framework recognized internationally in Libya.

She said any political change should be carried out through democratic means and called for a humanitarian truce during the Muslim holy month of Ramadan that could pave the way for a permanent cease-fire.

In Brussels, European Commission spokesman Peter Stano on Tuesday said "any attempt to push forward unilateral solutions, even more so by force, will never provide a sustainable solution for the country."

Stano said the December 2015 agreement remains the most viable framework for a political solution in Libya. He called on international stakeholders in Libya to "increase their pressure" on the warring parties to end the fighting and bring about a political settlement.

Russian Foreign Minister Sergey Lavrov said Tuesday that Moscow did not approve of either Hifter's statement or a refusal by the Tripoli-based prime minister, Fayez Sarraj, to hold talks with Hifter, according to state-run media.

Jalel Harchaoui, a Libya expert at The Netherlands Institute of International Relations, said Hifter's move was "pretty much a coup" that revealed "aspirations that aren't new."

The move could also give the military commander an opportunity to take economic measures to address serious economic and financial crises in areas under his control.

Libya has been in turmoil since 2011, when a civil war toppled long-time dictator Moammar Gadhafi, who was later killed. The

chaos has worsened in the recent round of fighting as foreign backers increasingly intervene, despite their pledges to the contrary at a high-profile peace summit in Berlin earlier this year.

## **Coronavirus: Turkey accused of neglecting Kurds in outbreak response (The National)** By Liz

Cookman

May 5, 2020

### **Turkey's majority Kurdish south-east is at greater risk from the global coronavirus pandemic because of government neglect, according to the country's Kurdish opposition party.**

As well as a larger concentration of testing kits, ventilators and imported drugs in the cities to the west of the country, the Peoples' Democratic Party (HDP) claim that the medical facilities in the south east are insufficient for combatting the pandemic.

The key challenges facing the region in fighting Covid-19 include high rates of poverty, poor infrastructure, distrust in the government due to widespread government crackdowns on Kurdish mayors and a language barrier.

"For Kurdish cities, the situation is much worse [than the rest of the country]," the HDP's vice co-chair responsible for local administrations, Mr Salim Kaplan, told The National.

"The number of public hospitals in Kurdish cities, intensive care units and the number of doctors per person are quite insufficient for combatting the pandemic. Even now, all intensive care units are full in [the south-eastern city of] Batman."

Turkey has the eighth highest number of cases in the world, with over 125,000 confirmed and more than 3,300 deaths. No up-to-date regional data is available, but the majority Kurdish south-east borders with Iran, the worst affected country in the Middle East, which has been criticised for not taking tough enough measures to stop the spread of the virus.

Many say the rate of testing in the south-east has been insufficient compared to the risk. Mr Kaplan said that the distribution of sanitiser and masks, which have been given out for free elsewhere, is as low as 1 per cent in Kurdish regions of the country, despite the average person earning among the lowest wages.

According to the latest regional wage data from the Turkish Statistical Institute in 2018, cities in the Kurdish south east have the lowest disposable income in Turkey at under half of the national average.

Many people do not have the option of working from home and cannot afford to stop work. "Even though Kurdish cities have the highest levels of poverty in the country, the government did not take economic measures to keep people at home," said Mr Kaplan.

Widespread mistrust in the government has also hampered efforts to stop the spread of the pandemic, fuelled in part by the removal of elected HDP mayors from their posts by President Recep Tayyip Erdogan's ruling Justice and Development Party (AKP).

They are detained on what are often described by rights groups as arbitrary charges under the country's vague terrorism laws and replaced with unelected AKP trustees.

A representative of the ruling AKP declined to comment and the president's office did not respond to correspondence.

Mehmet Demir, who was elected as co-mayor of Batman in 2019 with 66 per cent of the vote, was one of eight HDP mayors detained for several days and removed from their posts at the end of March. He was held for what the government said was suspicion of links to terrorists, in reference to the Kurdistan Workers' Party (PKK), a group that has fought an insurgency against the Turkish state for more than four decades. He disputes the accusations and says they were without justification.

Two thirds of the 59 municipalities who voted for the HDP at local elections last year have since been dismissed.

"Claims that they are giving out masks do not reflect the truth, and the fight against coronavirus seems to have turned political," Mr Demir said in Turkish via email.

"There is no state support and people have to work. Since there are large family structures in our region there is a serious threat of the spread of the virus.

"Generally, the state's investment in the Kurdish region is security-led and disregards human life."

Mr Kaplan said that the lack of services in Kurdish also contribute to distrust.

“Since the government has not provided services in our mother tongue, people can not properly benefit from health services. All the posters and pamphlets on coronavirus precautions are prepared in Turkish and most people do not understand. This has hampered the desired result of ensuring lockdown measures and maintaining social distancing,” he said.

Nurcan Baysal, a Kurdish journalist based in Diyarbakir, one of the largest cities in the south-east, said the government's coronavirus response in the region has been the same as in other parts of the country, aside from the prioritised key cities, such as Ankara, the capital, and Istanbul, Turkey's largest. However, the problem is that there is a greater need for support, she said. She also said that for many Kurdish people in the area, the pandemic is just one in a long line of threats to their way of life.

“After 2015, everything became ‘one language, one nation’ again. The state changed the Kurdish names of our parks and streets. Even wedding singers who sang in Kurdish were put in prison. Not only the language, but Kurdishness was forbidden,” she said.

That year, a ceasefire between the state and the outlawed Kurdistan Workers' Party (PKK) – which is classed as a terrorist organisation by Turkey and the EU – collapsed, leading to a string of deadly attacks and intense government operations.

“Hundreds of doctors were dismissed from their jobs in Kurdish cities with the accusation of having links with ‘terrorist groups’. During the military curfews of 2015 and 2016, people witnessed terrible human rights violations and war crimes,” said Ms Baysal.

“So there is this mood now in Kurdish people: ‘we have seen terrible things, coronavirus is not so important in comparison.’”

[\[back to contents\]](#)

## MIDDLE-EAST

### Iraq

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

**Iraqi on genocide charges in Germany for IS killing of child (Associated Press)** By David Rising  
April 24, 2020

**An Iraqi man went on trial in Frankfurt on Friday for genocide, war crimes and crimes against humanity, on allegations that as an Islamic State member he was part of an effort to exterminate the Yazidi religious minority, and killed a five-year-old girl he purchased as a slave by chaining her in the hot sun to die of thirst.**

Taha Al-J., 27, whose full last name wasn't given in line with German privacy laws, faces a possible life in prison if convicted of the charges, and others including murder for the death of the Yazidi girl and membership in a terrorist organization.

No pleas are entered in the German system and Al-J. declined to give any opening comment to the panel of judges hearing the case other than to confirm his identity as the trial opened, according to the court.

Al-J.'s wife, a German convert to Islam identified only as 28-year-old Jennifer W., has been on trial separately in Munich since last April on charges of murder, war crimes and membership in a terrorist organization.

Al-J. was still at large when his wife went on trial, but was arrested a month later in Greece and extradited to Germany in October.

According to the indictment, he was an active member of the Islamic State group from 2013 to 2019 in Syria, Iraq and Turkey.

In 2015, Al-J. bought a Yazidi woman and her 5-year-old daughter as slaves at an IS base in Syria, prosecutors allege. The two had been taken as prisoners by the militants in northern Iraq at the beginning of August, 2014, and had been “sold and resold several times as slaves” by the group already.

“Taha Al-J. intended, according to the charges, to exterminate the religious minority of the Yazidis by his acquisition of the two Yazidi females, and to have personal benefits from their services in his household,” the Frankfurt state court said as the trial opened.

The United Nations has called the IS assault on the Yazidis’ ancestral homeland in northern Iraq in 2014 a genocide, saying the Yazidis’ 400,000-strong community “had all been displaced, captured or killed.” Of the thousands captured by IS, boys were forced to fight for the extremists, men were executed if they didn’t convert to Islam - and often executed in any case - and women and girls were sold into slavery.

After purchasing the woman and her daughter, Al-J. took the two to his household in the Iraqi city of Fallujah and forced them to “keep house and to live according to strict Islamic rules,” while giving them insufficient food and beating them regularly to punish them, according to the indictment.

Near the end of 2015, Al-J. chained the girl to the bars of a window in the open sun on a day where it reached 50 degrees Celsius (122 Fahrenheit) and she died from the punishment, according to the indictment. Prosecutors in the case against Al-J.’s wife said the punishment was carried out because the 5-year-old had wet the bed.

The charges against Jennifer W. are based partially on the allegation that she did nothing to help the girl.

The Yazidi girl’s mother, who survived captivity, testified at W.’s trial and is also expected to appear as a witness at the trial of Al-J., according to the court.

W. , who quit school after completing eighth grade, grew up in Lower Saxony as a Protestant but converted to Islam in 2013.

She’s alleged to have made her way to Iraq through Turkey and Syria in 2014 to join the IS. In 2015, as a member of the extremist group’s “morality police,” she patrolled parks in Fallujah and Mosul, armed with an assault rifle and a pistol as well as an explosive vest and looking for women who did not conform with its strict codes of behavior and dress, prosecutors said.

She taken into custody when trying to renew her identity papers at the German embassy in Ankara in 2016, and deported back to Germany.

The trial against her husband is scheduled to resume April 27.

[\[back to contents\]](#)

## **Syria**

**Alleged Syrian war criminals face landmark trial in Germany (Al Jazeera)** By Cathrin Schaer  
April 23, 2020

**Anwar Raslan, a former Syrian colonel, has been in a German jail ever since he was arrested in Berlin in mid-February last year.**

He is accused of committing crimes against humanity and on Thursday is going on trial at the Higher Regional Court in the southwestern German city of Koblenz, despite the coronavirus pandemic.

The process is expected to take up to two years.

Eyad al-Gharib, who supposedly worked under the colonel, will also be on trial.

But it is Raslan's case that is considered most significant - the senior military official is seen as a representative of the government of Syrian leader, Bashar al-Assad, and German prosecutors will try to prove his involvement in what has often been described as state-sanctioned, systematic torture and murder.

"Germany, with this case, offers the hope that, while there is seemingly large-scale impunity for crimes in Syria, that impunity will only be temporary," Catherine Marchi-Uhel, head of the International, Impartial and Independent Mechanism for Syria, or IIIM, told Al Jazeera.

IIIM was created by the UN to collect and preserve evidence of crimes for later use in court.

The Raslan trial is also important as a new test of the evolving legal principle known as universal jurisdiction.

Using this principle, Germany is prosecuting a case similar to those that might previously have ended up at the International Criminal Court in The Hague.

In a statement published on the Koblenz court's website, German prosecutors describe what they believe happened at the place Raslan worked, Branch 251 of the Syrian military intelligence service, in Damascus: Between April 2011 and September 2012, at least 4,000 prisoners were tortured there, including with beatings, electrocution and sexual assault. Detainees were denied medical treatment and often food. Cells were so over-crowded that sometimes it was impossible to sit or lie down. At least 58 people died as a result of that treatment at Branch 251 during that time.

"As head of the investigations unit, the accused ... supervised and determined the use of systematic and brutal torture," the prosecutors wrote. "During the period in which these crimes were committed, he knew about the extent of the torture ... and that prisoners died, thanks to the extreme violence." Raslan ended up in Germany after defecting from the Syrian military in 2012.

Since 2014, he and members of his family had been living in Berlin as refugees.

In fact, other Syrians living in the German capital knew that the former military intelligence man was among them. Before defecting, Raslan apparently even helped some opposition activists, something that may come up during his defence.

It was not until later, as Syrian exiles in Europe began to organise, that pressure to arrest Raslan increased.

Who will provide evidence?

Evidence against Raslan will come from the work of various Syrian exile groups in Europe, including the Syrian Center for Legal Research and Studies in Berlin, their local partners, the European Center for Constitutional and Human Rights, or ECCHR, and the Commission for International Justice and Accountability, an NGO that has collected 800,000 pieces of documentary evidence from the Syrian conflict.

It is thought that elements of the Caesar Files - over 53,000 photographs of 6,000 corpses of tortured detainees in Syrian regime jails, taken by a police photographer, known only as Caesar, between 2011 and 2013 - are also likely to be used as evidence against him.

At least 11 of the dead prisoners in the gruesome pictures came from Branch 251 during that period.

Up until now, witnesses in the case, aged from their late 20s to mid-60s and arrested for taking part in anti-government demonstrations early on in the Syrian revolution, have mostly remained anonymous.

One witness contacted by Al Jazeera said they had been advised not to talk to media until after giving their testimony.

Wolfgang Kaleck, German lawyer and founder of the ECCHR, which will represent 16 witnesses during the trial, believes that the allegations against the former colonel will be proven.

"Of course, it's too early to say for sure if he will go to jail," Kaleck told Al Jazeera. "But there are a lot of factors that suggest he will.

"This case differs from a normal murder trial.

"We are dealing with an apparatus of the [Syrian] state, and that apparatus has produced a lot of dead people. It was systematic, like a machine. So we know where he [Raslan] worked, and we know the place he worked massively tortured and murdered people. If we can place him there at that time, then that's already quite a lot of evidence against him. Of course, we don't know how he will defend himself. But if he is convicted, he would be looking at a lengthy sentence." Steve Kostas, lead project officer with the Open Society Justice Initiative's Syrian accountability project, said: "This case is important because we are seeing evidence, compiled by so many Syrian groups, tested in a court of law."

His NGO has hired a German lawyer who will represent a further six victims in Koblenz.

"It shows them there is a path to justice, thanks to their diligent efforts, and I hope it gives them the confidence to bring more cases."

Hadi al-Khatib is the founder and director of the Berlin-based Syria Archive. Since 2011, his project has archived more than 3.7 million digital records that show how civilian infrastructure, including hospitals, was deliberately targeted and how civilians were arrested and tortured.

"It is high time for lawyers and prosecutors to use this documentation to investigate these crimes and issue arrest warrants," al-Khatib told Al Jazeera.

Then there is the other reason the Raslan trial is so noteworthy: its use of the principle of universal jurisdiction.

The German Code of Crimes against International Law, or CCIL, allows federal prosecutors to pursue anyone who commits crimes against humanity, anywhere, whether they are German or not.

The CCIL has been around since June 2002 but, until very recently, it had not been used much, or with particular success.

That has changed, thanks to a sort of perfect storm of previously unconnected elements: the arrival of around a million Syrian refugees after 2015, who brought evidence war crimes with them; the political will inside the German government and the German federal prosecutor's office to pursue this kind of case; and the increasing use of what are known as "Strukturverfahren", or "background investigations" by the country's war crimes unit.

Suspecting crimes against humanity, German investigators have been looking into the Syrian conflict since 2011.

As Florian Jessberger, a law professor at Humboldt University in Berlin, explained, these background investigations involve forward planning and international cooperation - Germany and France worked together on this case, for example - and, thanks to universal jurisdiction, they could eventually be used to prosecute war crimes in a third country, setting up the potential for a new form of international justice.

That amounts to "a creative moment in law that is, in some ways, like the Nuremberg Trials," Jessberger told Al Jazeera.

Using universal jurisdiction, German authorities have also issued an arrest warrant for Jamil Hassan, the head of Syrian Air Force Intelligence until mid-2019. It is possible that, in the future, universal jurisdiction could even eventually be used to trial cases inside Syria, Kaleck noted.

"We understand this Koblenz trial as a beginning," he said, adding that the knowledge gained and evidence examined during the Raslan trial could eventually be used in other cases in Europe and further afield.

"This is a landmark trial which sends a strong message to Syrian victims and survivors that not only is there a willingness to prosecute crimes through the principle of universal jurisdiction," the IIIM's Marchi-Uhel, a former judge, added, "but that it is possible to bring suspected perpetrators to court for crimes committed outside a state's borders."

Of course, for Syrians in Germany, this is also incredibly personal.

"Justice was the main claim we asked for in our revolution," Abeer Farhoud, a Syrian activist and torture survivor now living in Germany, said during an online press briefing hosted by the ECCHR earlier this week, before the trial began.

"Although this is a very teeny-tiny step on the road [toward] justice, it gives us back some hope that we are going in the right direction," Farhoud concluded.

"And that we didn't lose our revolution - not entirely - and that we can give the people that have been killed ... the peace and justice that they deserve."

**Human rights lawyers call for arrest of Assad's cousin following reports he fled to UAE (Al Araby)**  
May 5, 2020

**A group of human rights lawyers has called for the arrest of Syrian businessman Rami Makhlouf, a cousin of President Bashar al-Assad, for crimes against civilians after reports emerged that he is present in the UAE.**

The Guernica 37 International Justice Chambers, which was founded by British solicitor Toby Cadman, said in a statement on Monday that Makhlouf had "financially supported the Syrian regime and is alleged to be complicit in the crimes of the Syrian State Intelligence and Security Forces".

He added that he had "bankrolled the brutal destruction of the pro-democracy revolution since 2011".

The Syrian conflict began in 2011, when the Assad regime used military force, arrests and torture to suppress pro-democracy protests. Since then more than 500,000 people have been killed, over a million wounded and over 12 million have been displaced, either internally or externally, mostly as a result of attacks on civilian areas by the regime and its allies.

Makhlouf was until recently a close confidant and advisor of Assad, owning Syria's most prominent mobile communications provider, SyriaTel, as well as large sectors of the war-torn country's banking, tourism, oil, and aviation sectors. His personal fortune was estimated at \$5 billion and he was seen as a symbol of the regime's corruption and nepotism.

However, the tycoon has fallen from grace recently. In August he was placed under house arrest by the Assad regime after reportedly refusing to contribute to servicing the regime's war debts. Last week, he posted two videos on Facebook saying he had been mistreated by elements in the regime.

The Guernica 37 group used Makhlouf's own words in the video as evidence against him. "Would someone have expected that the security apparatus would target the companies of Rami Makhlouf, who was their biggest supporter, their major servant, and their largest sponsor during the war?" it quoted him as saying.

This, the human rights group said, was "a clear admission of support to the Regime's State Intelligence and Security Sector, a sector which is responsible for a catalogue of war crimes, crimes against humanity, including systematic torture and mass execution of civilians".

It added that Makhlouf could be held responsible for the financing of strikes against schools and hospitals as well as chemical attacks.

Guernica 37 said that it would "be considering the most appropriate legal action" against Makhlouf calling on UAE authorities to arrest him.

"We call on the United Arab Emirates (UAE), with whom Makhlouf has long standing links, to honour its international treaty obligations and not to allow its territory to be used a (sic.) safe haven for those persons accused of supporting the most egregious crimes known to man."

The UAE re-established diplomatic relations with the Assad regime last year and its strongman, Mohammed bin Zayed, recently held a telephone conference with Bashar al-Assad to discuss the coronavirus pandemic. Assad's sister, Bushra, moved to the UAE in 2012 and the country has been a haven for regime figures and their financial activities.

The Syrian pound, which has lost most of its value during the country's conflict, declined sharply after Makhlouf made his two videos, with some observers predicting conflict between the tycoon's supporters and Assad's.

[\[back to contents\]](#)

## Yemen

### **Saudi, al-Qaeda 'unholy union' committing war crimes in Yemen (IUMV Press)**

April 25, 2020

#### **Saudi Arabia and the al-Qaeda terrorist group have formed an "unholy alliance" as they both commit war crimes in Yemen, a new report suggests.**

Saudi Arabia's forces and its mercenaries have been competing with members of the al-Qaeda's branch in Saudi Arabia and Yemen, called al-Qaeda in the Arabian Peninsula, in terms of committing atrocities, according to the MintPress News website on Friday.

"In al-Jawf, the relationship between Saudi Arabia and AQAP was well underway by 2016 when the Kingdom launched a military campaign to take the province. Saudi and AQAP forces fought side by side, sharing the same weapons, trenches, operations command centers, resting places, and extremist ideals," it added.

Saudi mercenaries on the AQAP even joined ranks in the beginning of the war on Yemen and occupied the al-Jawf province

using US-supplied weapons. The Houthi Ansarullah movement recently freed the city.

“Since 2015, when Saudi Arabia announced from Washington D.C. that it had launched a military campaign against the poorest country in the Middle East, it has been an open secret that both Saudi Arabia and the United Arab Emirates had formed an unholy union with al-Qaeda’s branch in Saudi Arabia and Yemen, known colloquially as AQAP, al-Qaeda in the Arabian Peninsula,” the

The report also noted that al-Qaeda was recruiting Yemenis with Saudi backing.

“AQAP has hobbled by in Yemen for years, feeding off the relentless cycle of poverty and hunger and only occasionally emerging from the shadows to claim credit for an attack or seek new recruits. It was not until 2015 when the group began to receive support from Saudi Arabia that it become brazen enough to emerge from its hiding places into the streets of al-Jawf’s towns. Generous Saudi backing meant that AQAP could boost recruitment, build new training camps and promote the organization’s ideology, an offshoot of the official Saudi state religion of Wahhabism,” it said.

Wahhabism is the radical ideology dominating Saudi Arabia, freely preached by regime-backed clerics there, and inspiring militant outfits such as al-Qaeda.

The al-Qaeda terrorists used abandoned homes in Jawf to stock weapons, make bombs and train militants, according to the report.

“By early 2020, AQAP had a sizable real estate portfolio in al-Jawf and Marib and ran most of the provinces’ large businesses. Sprawling villages in al-Jawf, the second largest governorate in Yemen, turned into strongholds of the organization after residents were forced to flee to other areas. AQAP turned some of the abandoned homes into factories used to manufacture explosive belts, IEDs and car bombs. Others were used to stock weapons, train militants,” it said.

**Women who dare dissent targeted for abuse by Yemen’s rebels (The Associated Press)** By Isabel Debre  
April 29, 2020

**Samera al-Huri’s fellow activists were disappearing, one by one. When she asked their families, each gave the same cryptic reply: “She’s traveling.” A few of the women re-emerged. But they seemed broken and refused to say where they had been for months.**

Al-Huri soon found out.

A dozen officers from the Houthi rebels who control northern Yemen snatched her from her home in the capital, Sanaa, at dawn.

They took her to the basement of a converted school, its filthy cells filled with female detainees. Interrogators beat her bloody, gave her electrical shocks and, as psychological torture, scheduled her execution only to call it off last-minute.

Women who dare dissent, or even enter the public sphere, have become targets in an escalating crackdown by the Houthis.

Activists and former detainees described to The Associated Press a network of secret detention facilities where they are tortured and sometimes raped. Taiz Street, a main avenue in Sanaa, is dotted with several of them, hidden inside private villas and the school where al-Huri was held.

“Many had it worse than me,” said al-Huri, 33, who survived three months in detention until she confessed on camera to fabricated prostitution charges, a grave insult in conservative Yemen.

Long-held traditions and tribal protections once guarded women from detention and abuse, but those taboos are succumbing to the pressures of war.

As men die in battle or languish in jail in a conflict now dragging into its sixth year, Yemeni women have increasingly taken political roles. In many cases, women are organizing protests, leading movements, working for international organizations or advocating peace initiatives — all acts the Houthis increasingly view as a threat.

“This is the darkest age for Yemeni women,” said Rasha Jarhum, founder of the Peace Track Initiative, which lobbies for women’s inclusion in peace talks between the Houthis and Yemen’s internationally recognized government.

“It used to be shameful for even traffic police to stop a woman.”



## “I’D FALLEN OFF THE EARTH”

Systematic arrests and prisons rife with torture have been central to war efforts by both sides, the Iranian-backed Houthis and the Saudi-led coalition trying to oust them, the AP has found.

Yet the intimidation campaign against women, observers say, is unique to rebel-held areas.

Estimates of women currently detained range from 200 to 350 in the governorate of Sanaa alone, according to multiple rights groups. The Yemeni Organization for Combating Human Trafficking says that’s likely an undercount.

Other provinces are more difficult to pin down. Noura al-Jarwi, head of the Women for Peace in Yemen Coalition, estimates that over 100 women are detained in Dhamar province south of the capital, a major crossing point from government-controlled areas into Houthi-run territory.

Al-Jarwi, who runs an informal support group in Cairo for women released from Houthi detention, has documented 33 cases of rape and eight instances of women debilitated by torture.

The AP met with six former detainees who managed to flee to Cairo before the coronavirus pandemic grounded flights and closed borders. Their accounts are supported by a recent report from a U.N. panel of experts, which said sexual violations may amount to war crimes.

One woman, a former history teacher who asked not to be identified to protect family in Yemen, was swept up in a crackdown on protests in December 2017.

She was taken to a villa somewhere on Sanaa’s outskirts, though she didn’t know where. At night, all she could hear was barking dogs, not even the call to prayer.

“I was so far away, like I’d fallen off the earth,” she said.

Around 40 women were captives in the villa, she said. Interrogators tortured her, one time tearing her toenails out. In more than one case, three masked officers told her to pray and said they would purify her from sin. They took turns raping her. Female guards held her down.

The Houthis’ human rights minister denied the torture allegations and the existence of clandestine women’s prisons.

“If this is found, we will tackle this problem,” Radia Abdullah, one of two female Houthi ministers, said in an interview.

She acknowledged many women had been arrested in a recent anti-prostitution sweep of cafes, apartments and women’s gatherings. They were accused of “aiming to corrupt society and serving the enemy,” she said, referring to the Saudi-led coalition.

A parliamentary committee created last fall to probe reports of illegal detention discovered and released dozens of male detainees in its first weeks of work.

It planned to pursue the issue of women as well. But a Feb. 16 internal memo obtained by the AP complains that the Interior Ministry pressured the committee to end its investigation.

## A WIDENING CRACKDOWN

The first major round-up of women came in late 2017, after the Houthis killed their one-time ally in the war, former ruler Ali Abdullah Saleh. The rebels detained scores of women who thronged public squares, chanting for the return of Saleh’s body.

The scope has expanded since, said al-Jarwi. “First they came for opposition leaders, then protesters, now it’s any woman who speaks against them.”

One woman told the AP she was dragged from her taxi at a protest spot, beaten and detained. A peace advocate for a London-based humanitarian group was locked in a Sanaa police station for weeks.

A computer teacher, 48, recalled how 18 armed men broke into her home and beat everyone inside, stomping on her face and screaming sexual insults at her. She had no connection to politics but had posted a video on Facebook complaining that government salaries had not been paid for months. She and her children fled to Egypt soon after.

Al-Huri said when she rejected a Houthi official’s request to snitch on other activists, she was abducted in July 2019 by a dozen masked officers with Kalashnikovs, “as though I was Osama bin Laden.”

She was imprisoned in Dar al-Hilal, an abandoned school on Taiz Street. A fellow detainee, Bardis Assayaghi, a prominent poet who circulated verses about Houthi repression, counted around 120 women held there, “schoolteachers, human rights activists, teenagers.” She said officers banged her head against a table so hard that she needed eye surgery to see properly when released months later.

The head of the Sanaa criminal investigation division, Sultan Zabin, conducted interrogations in the school, al-Huri and Assayaghi said. Some nights, they said, Zabin took the “young, pretty girls” out of the school to rape them.

The U.N. panel of experts identified Zabin as running an undisclosed detention site where women have been raped and tortured.

At least two villas on Taiz Street have been used to detain women, along with other sites around the capital, including apartments confiscated from exiled politicians, two hospitals and five schools, al-Jarwi and the ex-detainees said.

“GET US OUT”

When the history teacher was released in March 2018, her limp body was dumped under an overpass. Her family refused to see her because of the shame.

In their eyes, “I had gone out to protest, so I deserved what happened,” she said.

Female ex-detainees say the Houthis aim to humiliate them with rapes and allegations of prostitution.

“It’s intimidation to the core,” said Fatima Abo Alasrar, a non-resident scholar at the Washington-based Middle East Institute. In Yemen’s patriarchal society, survivors of sexual assault are often ostracized, sometimes even killed by relatives to preserve family “honor.”

Women are set free only after pledging to stop protesting or posting on social media, and after they videotape confessions to prostitution and espionage.

“They told me: If you leave Sanaa, we will kill you, if you spread information, we will kill you, if you speak against us, we will kill you,” said Assayaghi.

In Cairo, the women help each other cope and move forward.

Over home-cooked dinners, they gather with their children and recall their city before the war, when they performed poetry and smoked water pipes in bustling cafes, many of which the Houthis have shut down to keep men and women from mingling.

Many still receive threats from the Houthis. None can see their families in Sanaa again.

Al-Huri struggles with insomnia. She knows the Houthis will release her confession soon. But she’s convinced that telling her story is worth the risk.

“There are girls still in prison,” she said. “When I try to sleep, I hear their voices. I hear them pleading, ‘Samera, get us out.’”

[\[back to contents\]](#)

## **Special Tribunal for Lebanon**

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

[\[back to contents\]](#)

# Israel and Palestine

**Chief prosecutor insists ICC has jurisdiction to probe war crimes in 'Palestine' (The Times of Israel)** By Raphael Ahren

April 30, 2020

**The chief prosecutor of the International Criminal Court on Thursday reiterated her position that Palestine is a state for the purposes of transferring criminal jurisdiction over its territory to The Hague.**

Dismissing the legal opinions of several states and dozens of international law scholars, Fatou Bensouda's view, laid out in great detail in a 60-page document, could pave the way for an investigation of alleged war crimes committed in the West Bank, the Gaza Strip and East Jerusalem.

"The Prosecution has carefully considered the observations of the participants and remains of the view that the Court has jurisdiction over the Occupied Palestinian Territory," she wrote.

It is now up to a pre-trial chamber to rule on the matter. The three judges of that chamber — Péter Kovács of Hungary, Marc Perrin de Brichambaut of France and Reine Adélaïde Sophie Alapini-Gansou of Benin — have no set deadline to hand down their decision but are expected to do so within 120 days.

Israel denounced Bensouda's decision. "I am forced to conclude that the prosecutor's latest position continues to espouse her typical anti-Israel stance, as influenced by the Organisation of Islamic Cooperation and the global BDS [Boycott, Divestment and Sanctions] movement," said Energy Minister Yuval Steinitz, who leads the cabinet's handling of the ICC file.

"The prosecutor's disregard for the opinions of many of the world's leading experts on international law points to her determination to harm the State of Israel and tarnish its name," he went on. "In the name of this objective she has reformulated the rules of international law, inventing a Palestinian state while the Israeli-Palestinian peace process has yet to be concluded."

The Palestine Liberation Organization, on the other hand, welcomed Bensouda's reaffirmation of her position. "We trust that the facts of this issue will prevail and that the long-awaited investigation into war crimes committed in the territory of the State of Palestine will soon be launched," its executive committee said in a statement.

On December 20, concluding a five-year preliminary examination of the "situation in Palestine," Bensouda said she has "reasonable basis to believe that war crimes were committed" in those regions by both the Israel Defense Forces and Hamas and other "Palestinian armed groups."

At the time, she said that she herself believes the court indeed has jurisdiction to investigate possible war crimes in the regions, but, due to the controversial nature of the case, asked for a definitive ruling on the matter from a pre-trial chamber. Member states and independent experts were invited to weigh on the matter as well.

Israel has long argued that the ICC has no jurisdiction over the case not least because there is no sovereign Palestinian state that could delegate to the court criminal jurisdiction over its territory and nationals.

In February, the "State of Palestine" and seven other countries, as well as 33 international organizations and independent scholars of international law, submitted so-called amicus curiae (friend of the court) documents, offering their views on whether Palestine is a state that can transfer criminal jurisdiction over its territory to The Hague.

"Such a wide variety of perspectives will afford considerable legitimacy to the Court's ultimate decision," Bensouda wrote.

Germany, Australia, Austria, Brazil, the Czech Republic, Hungary and Uganda all posited that Palestine cannot transfer criminal jurisdiction over its territory to The Hague.

Even those countries that have formally recognized the "State of Palestine" along the pre-1967 lines argued that Palestine cannot necessarily be considered to have validly granted the ICC jurisdiction to probe war crimes allegedly committed in its territory.

On the other hand, the Arab League and the Organization of Islamic Cooperation — but not a single individual state (except Palestine itself) posited that Palestine was indeed a state that could confer jurisdiction to the Hague.

In the document she published Thursday, Bensouda reiterated that her position is not about the question of Palestinian statehood per se, but rather about whether the “State of Palestine,” which is a member of the ICC, can convey criminal jurisdiction to the court. In her view, Palestine indeed fulfills all required criteria to do that.

Originally, Bensouda was given a 30-day deadline to respond to amicus curiae submissions. But in March she requested that the pretrial chamber to grant her an additional month, “due to the effect of external circumstances on the operations of the Prosecution – specifically the global pandemic of the novel coronavirus known as COVID-19.”

[\[back to contents\]](#)

## Gulf Region

### **Libya: UAE Strike Kills 8 Civilians (Human Rights Watch)**

April 29, 2020

**An apparently unlawful drone attack by the United Arab Emirates that hit the Al-Sunbulah biscuit factory in Wadi al-Rabie, Libya, south of Tripoli, on November 18, 2019, killed 8 civilians and wounded 27, Human Rights Watch said today, after investigating the incident. The UAE appeared to take little or no action to minimize harm to civilians in its attack and should conduct a transparent investigation of this incident, make the results public, and compensate victims or their families.**

Since the current armed conflict in Tripoli erupted in April 2019, the UAE has been conducting air and drone strikes to support the Libyan Arab Armed Forces (LAAF), previously known as the Libyan National Army, one of two major Libyan parties to the conflict, some of which have resulted in civilian casualties. All casualties in the November incident were civilian factory workers, including 7 Libyans and 28 foreign nationals, all of them men.

“The UAE attacked a factory that makes food products, with no indication there were any military targets,” said Eric Goldstein, acting Middle East and North Africa director at Human Rights Watch. “The failure to verify that the workers there were civilians and that there was no legitimate military target would show recklessness and bad intelligence.”

A Human Rights Watch researcher visited the scene of the attack in December 2019 and documented material damage to the factory from drone-launched guided missiles and found remnants of the weapons. Human Rights Watch did not observe any military targets in the area. The strikes damaged the building and destroyed a truck and a car. The factory stopped operating after the attack.

At the strike site, Human Rights Watch found remnants of at least four Blue Arrow-7 (BA-7) laser-guided missiles that were launched by a Wing Loong-II drone. In Libya only the UAE uses this type of drone and missile.

Human Rights Watch interviewed five people who had been at the site, who said there were five missiles, all launched within a few minutes. The researcher met with two employees of Al-Sunbulah company who were present on the day of the strike and with three other employees who had been injured during the attack and were recovering at a nearby facility belonging to the company.

The attack site is a factory compound with several industrial hangars mostly used as warehouses to store raw materials and equipment. The company produces over 20 types of food items. The surrounding area was mostly farmland, although Human Rights Watch saw some individual houses and other factories – including a paper napkin factory and a wheat mill – that were not near each other.

Satellite imagery taken since early April 2019 shows construction of a possible checkpoint on the main road running alongside the factory compound, about 75 meters east of the Omar Ibn al-Khatib mosque. Imagery since February 2020 shows barriers on the road in the vicinity of the possible checkpoint. When Human Rights Watch visited the site in December 2019 researchers saw no sign that armed groups had been at the facility. The employees interviewed said the closest military presence at the time of the attack was a field hospital at a different mosque at least 1.5 kilometers away. At the time of the visit, the researcher heard artillery shelling in the distance and employees said that the front line was 5 to 6 kilometers away.

Four of the employees said that seven of their co-workers died on the spot and that the eighth – from Bangladesh – died from his wounds about 10 days later in a Tripoli hospital. The UAE has not publicly commented on its role in the attack or offered compensation for the civilian losses.

According to media, UN, and other reports, the UAE has carried out at least five other strikes that resulted in civilian casualties since April 2019. These include a July attack against a migrant detention center in Tajoura, near Tripoli, that killed at least 50 migrants and asylum seekers of various nationalities. In addition to drones, the UAE has supplied the LAAF with weapons, ammunition, and other combat materials such as armored vehicles, in violation of a 2011 UN Security Council arms embargo that prohibits such transfers, according to reports from the UN Panel of Experts on Libya.

The UAE's sustained military support for the LAAF, an eastern armed group with a well-established record of serious laws of war and human rights abuses, risks making the UAE complicit in these abuses and could expose it to scrutiny by international investigations, Human Rights Watch said. Human Rights Watch wrote to UAE authorities on April 17, 2020 requesting information about any investigation they may have conducted into the drone strikes of November 18 and any steps taken to minimize civilian harm; as of the time of publication we received no response.

Governance in Libya remains divided between two entities engaged in an armed conflict since April 2019: the internationally recognized and Tripoli-based Government of National Accord and the rival Interim Government based in eastern Libya that is affiliated with the (LAAF). Calls by United Nations Secretary-General Antonio Guterres and others for a "humanitarian pause" in the armed conflict to allow authorities to respond to the Covid-19 pandemic that has started to spread in the country have so far gone unheeded.

To help end the cycle of impunity in Libya, the UN Human Rights Council in Geneva should, during its upcoming session in June, establish an International Commission of Inquiry to document violations, identify those responsible, including external actors, preserve evidence where possible for future criminal proceedings, and publicly report on the human rights situation in Libya, Human Rights Watch said.

All parties to the conflict in Libya are obliged to abide by the laws of war. Civilians and civilian objects may never be the object of attacks. Warring parties are required to take all feasible precautions to minimize harm to civilians and civilian objects and to refrain from attacks that would disproportionately harm civilians or fail to discriminate between combatants and civilians.

Those who commit, order, assist, or have command responsibility for war crimes in Libya are subject to prosecution by domestic courts or the International Criminal Court, which has a mandate over war crimes, crimes against humanity, and genocide committed there since February 15, 2011.

"UAE drones and planes have been pounding Tripoli for a year now with apparent scant respect for civilian life," Goldstein said. "There is a pressing need for the United Nations Human Rights Council to scrutinize the UAE's bloody record in Libya."

#### Parties to the Conflict

One of the two major opposing Libyan parties to the conflict, the eastern-based Libyan Arab Armed Forces (LAAF), under the command of Khalifa Hiftar, is supported by multiple armed groups, including from along the western Libyan coastal towns of Sebratha and Sorman, and from Tarhouna. On April 13, the internationally recognized Government of National Accord pushed Hiftar's forces out of the western coastal towns and regained control. Militias with a strict Salafi Islamist agenda also support the LAAF.

The group has received military support from the United Arab Emirates (UAE), Jordan, and Egypt despite the Libya arms embargo. The UAE operates a military airbase in eastern Libya, supplies weapons and ammunition to the LAAF, and its warplanes and armed drones have operated in support of the LAAF. Foreign fighters from Sudan and Chad and Russian fighters from a private security company reportedly support the armed group. Syrian fighters backed by Russia also reportedly support the group in Libya.

On the opposing side are the Tripoli-based Government of National Accord and affiliated armed groups from western Libya. Turkey, now also a party to the conflict, is the government's main foreign backer, having signed two memorandums of understanding in late 2019 that outline maritime and security cooperation. Turkey provides weapons, armored vehicles, and Bayraktar TB2 armed drones, and reportedly deployed thousands of Turkey-backed Syrian fighters to support the GNA. The GNA has also reportedly contracted foreign fighters from Chad and Sudan to fight on its behalf.

The UN estimates that the year-long armed conflict in Tripoli has killed 356 civilians and wounded 329 as of March 31. The fighting has displaced more than 150,000 people, some of whom live in crowded and unsanitary shelters, unable to return home. The International Organization for Migration estimated that as of end of February, 373,709 people remained internally displaced in Libya.

## The Al-Sunbulah Attack

An administrative employee who was at the factory on the day of the strike said that five missiles struck the factory compound a few minutes apart during working hours.

He said the first struck next to a warehouse hangar. Although the building was damaged, no one was killed or wounded. But, he said, a group of workers in the hangar were frightened and ran toward the open fields. The second missile appeared to target them and killed three. The third missile hit another group of fleeing workers, killing one. A fourth missile targeted a cement truck in the compound, killing one person. He said the fifth hit a nearby car whose driver was preparing to drive one of the wounded Bangladeshi workers to a hospital, killing them both.

Accounts by the three injured employees were consistent with the administrative employee's account and corroborated the sequence of events. All three had been wounded by missile shrapnel.

One of the workers, 31, a Chadian national, whose left knee and ankle had been hit with missile fragments from the second missile, said that he fled the factory with a group of workers when the first missile struck:

A group of us ran out of the factory toward the open fields out of fear, after we heard the first missile strike. We were a group of seven or eight people. As we were running the second missile struck and three Libyans were killed by that missile. I was among the five others injured. There was a lot of blood. I crouched next to a wall until someone reached me and I was taken to a hospital. I needed surgery and spent a total of 12 days in a private clinic in Al-Zawiyah Street, in Tripoli.

He and another worker, a 25-year-old Chadian, said that there was no military presence at the factory compound and that the closest point where members of armed groups were present was a mosque some 1.5 km away that had been converted into a field hospital for wounded fighters. A third worker, 29, from Bangladesh, said that on November 27, 10 Bangladeshi workers from the factory were repatriated.

## The Weapons Used

Human Rights Watch documented remnants of at least four Blue Arrow-7 (BA-7) laser-guided missiles fired from Wing Loong-II drone, both Chinese manufactured. Remnants seen by Human Rights Watch included distinctive wing brackets, servos – error sensing mechanisms – and gas cylinders specific to the Blue Arrow-7 missile. These remnants were identical to separate remnants of Blue Arrow-7 missiles documented in an earlier attack on a field hospital near Tripoli in July. According to the December 2019 report of the UN Panel of Experts of the Libya Sanctions Committee, “[T]he BA-7 air-to-surface missile is ballistically paired to be delivered by the Wing Loong II UCAV, and by no other aviation asset identified in Libya to date.” The Panel of Experts report cites Jane’s Defense Weekly as saying that the Blue Arrow-7 “is only in operational use in three countries: China, Kazakhstan and United Arab Emirates.”

These weapons were transferred from China and first spotted on satellite imagery by defense analysts while being operated in the region in late 2017.

UAE personnel operate these drones in support of the LAAF, according to the report of the Panel of Experts. Panel investigations confirmed that these drones and missiles were not directly supplied from the manufacturer or by the country of manufacture and found that the UAE is not complying with the Libya arms embargo imposed by the UN “for the post-delivery transfer of Wing Loong II UCAV and Blue Arrow (BA-7) systems to Libya.”

The same type of drone and missiles were reportedly used in a January 5 attack on a military college in al-Hadba, Tripoli, killing at least 30 military cadets and injuring 33 more. The Government of National Accord blamed the LAAF for the attack, but the LAAF denied responsibility. Human Rights Watch could not independently verify if armed groups were using the college compound for military purposes.

[\[back to contents\]](#)

# Afghanistan

## **Afghan war killing civilians despite US-Taliban peace deal: UN (Al Jazeera)**

April 27, 2020

**More than 500 civilians have been killed in Afghanistan in the first three months of the year, the United Nations has said, even after an agreement between the United States and the Taliban on withdrawing foreign forces was signed to bring peace to the war-torn country.**

Fighting in the first three months of the year caused 1,293 civilian casualties, of which 760 were injuries and the rest deaths, including 152 children and 60 women, the UN Assistance Mission in Afghanistan (UNAMA) said in its quarterly report on Monday.

Much of the violence that led to the casualties took place in March after a US-Taliban deal on the withdrawal of US-led foreign forces in exchange for Taliban security guarantees was signed on February 29.

The pact includes a commitment by the Taliban and the Afghan government to work towards ending the 18-year war in the country.

Efforts towards formal peace talks have been fraying as the Taliban continues to attack government forces despite warnings from the US for it to reduce violence, as well as disagreements over the release of prisoners.

A political feud within the Afghan government - between the president and his main rival after a disputed election - has also distracted attention from the peace effort.

"To safeguard the lives of countless civilians in Afghanistan and to give the nation hope of a better future, it is imperative that violence is stopped with the establishment of a ceasefire and for peace negotiations to commence," said Deborah Lyons, the UN secretary-general's special representative for Afghanistan and head of UNAMA.

Lyons reiterated calls for a ceasefire, which the Taliban has rejected in recent days.

### Taliban rejects UN report

According to the UN report, the Taliban and other anti-government armed groups, such as the ISIL (or ISIS) group's affiliate in Afghanistan, were responsible for the majority - 55 percent - of the civilian casualties during the first three months.

The Taliban was behind 39 percent of those casualties, the report said, an increase of 22 percent compared with the same period last year, while the Afghan forces and their allies were responsible for 32 percent of all civilian casualties during the first quarter of 2020.

The report added that pro-government forces were responsible for more child casualties than the Taliban and other armed groups and over twice as many child deaths. Children and women continue to be disproportionately impacted by the violence, it said.

However, the number of civilian casualties in that period was the lowest since 2012, the report said.

Taliban spokesman Zabihullah Mujahid rejected the UN report as an attempt "to cover up daily crimes against civilians committed by US and Afghan forces".

"Afghans are witnessing that most of the civilian casualties are due to indiscriminate bombings, rocket attacks on villages and towns as well as raids on civilian homes," Mujahid said.

## **Afghanistan Investigating Claims Migrants Were Killed by Iranian Guards (New York Times)** By Mujib Mashal and Asadullah Timory

May 2, 2020

**The foreign ministry of Afghanistan on Saturday said it was investigating claims that dozens of Afghan migrants detained in Iran were tortured by that country's border guards and thrown into a river, where many of them drowned.**

Afghan news media reported that about 50 migrants being illegally smuggled into Iran — a frequent destination for Afghans escaping the war to seek work — were caught by Iranian border guards, beaten and thrown into a river that flows between the two countries.

Those reports included grainy cellphone footage showing a half-dozen corpses. Details were conflicting, but several reports suggested that as many as half the men had drowned or were unaccounted for.

“They kept hitting us with pipes and saying, ‘Don’t come back to our country,’ and kept pushing us into the river,” one of the survivors, Abdul Wahed, 20, said in a phone interview.

Mohammed Hanif Atmar, Afghanistan’s acting foreign minister, has assigned a delegation to look into the reports, the foreign ministry’s statement said.

Iranian diplomats in Afghanistan rejected the claims based on the initial information, but promised to investigate further, Iran’s Fars news agency reported.

Afghanistan shares more than 500 miles of border with Iran. About three million Afghans — a mix of refugees and illegal migrants — live in Iran, a large number of them having arrived after their country plunged into conflict in the 1980s.

Young Afghans constantly flow across the border to seek work, many of them smuggled through dangerous deserts, often traveling for a week at a time packed into the back of pick-up trucks.

In recent months, as the coronavirus gutted Iran’s economy, the flow was reversed. Between January and April, about 240,000 Afghans had returned from Iran.

But Iran has started slowly reopening its economy, and Afghanistan remains in deep poverty. An estimated 80 percent of the Afghan population lives on \$1.25 a day, a flimsy margin above the poverty line of \$1. So migration to Iran has started anew.

Mr. Wahed, the survivor, said a group of 50 young men — including eight from his home district of Rabat e Sangi in the western Afghan province of Herat — were set upon by Iranian guards after entering Iran late last week. They were detained and beaten repeatedly by the guards, some of whom said, “We have no sleep because of you.”

“They put us face down and stomped on us and kicked us and kept asking, ‘Why are you coming to our country?’” Mr. Wahed said. “And we kept saying, ‘We are only coming to your country because of our own misery.’”

The men were packed into a bus and brought to the banks of the Harirod river late on Friday afternoon, Mr. Wahed said, when they were forced into the water. He said he saw only 12 men come out alive, and he helped retrieve the bodies of seven others, including those of five people who had traveled with him from his district.

“The water brought me downstream, where I clung to a tree and then Baluch swimmers came to my rescue,” Mr. Wahed said, referring to a local ethnic group. “I think 30 are still missing — I don’t know where they are, probably they died.”

**Ben Roberts-Smith may face war crimes charges after AFP probe (The age)** By Nick McKenzie and Chris Masters  
May 6, 2020

**Australia’s most decorated Afghan veteran, Ben Roberts-Smith, has been referred by the federal police to the Commonwealth Director of Public Prosecutions to face possible charges for alleged war crimes.**

Three official sources have confirmed that a brief of evidence has been submitted by federal agents to prosecutors outlining allegations that Mr Roberts-Smith kicked a defenceless prisoner off a cliff and covered up his subsequent murder during a special forces mission in Afghanistan in September 2012.

Multiple special forces sources have also confirmed that more of Mr Roberts-Smith’s fellow SAS soldiers have come forward to allege he was involved in other serious war crimes during his various tours of Afghanistan.

The sources have confirmed that Mr Roberts-Smith is now facing allegations from special forces soldiers or support staff he served with and who say they witnessed him murder defenceless Afghans or directed others to do so.

The alleged murders have been reported to a military inspector general inquiry or the federal police, according to special forces personnel who are aware of the allegations but who are not authorised to speak publicly.

These allegations are in addition to the cliff kicking allegations referred to the CDPP.



The referral to prosecutors by police of a brief of evidence in a complex and exhaustive investigation – as is typically the case with war crimes or murder probes – is usually a milestone event in the criminal investigation process. But while it may signal police believe there is a case for an accused to answer, it does not guarantee prosecution.

The CDPP may advise there is insufficient evidence to prosecute or ask police to find more witnesses to strengthen a case. In the case of war crimes, federal Attorney-General Christian Porter will also need to approve any possible prosecution.

In September, The Age and The Sydney Morning Herald revealed that an AFP taskforce was investigating Mr Roberts-Smith over allegations he kicked a handcuffed and innocent detainee, Ali Jan, off a cliff in the village of Darwan in September 2012.

Ali Jan's death was first uncovered and reported by The Age and The Herald in March 2018, with the police probe starting shortly afterwards. Last September, Ali Jan's family gave an interview to Sixty Minutes alleging he had been murdered after being taken prisoner and called for a full investigation by Australia Over at least 18 months, the Darwan police taskforce has interviewed SAS witnesses and support staff about Mr Roberts-Smith. Detectives also travelled to Afghanistan to interview witnesses, defence sources have previously confirmed.

It is not the only police taskforce investigating Mr Roberts-Smith.

A second investigation is looking into allegations Mr Roberts-Smith is implicated in the summary execution of a man at a compound in southern Afghanistan in April 2009. That matter is still being probed and has not been referred to the CDPP.

The Age and Herald are not suggesting Mr Roberts-Smith has been found guilty of any war crime, only that he is the target of police probes – and the subject of a brief of evidence handed to prosecutors – as a result of allegations made by his SAS colleagues.

Mr Roberts-Smith is one of the most decorated veterans to have served with coalition forces in Afghanistan, has stridently denied all wrongdoing and has launched a defamation case against The Age and Herald for first uncovering and reporting the allegations made about him by his fellow soldiers and by a woman who has alleged he assaulted her.

In Canberra, politicians are now bracing for the release of the war crimes inquiry by the inspector general's investigation chief, Supreme Court of Appeal Justice Paul Brereton.

Federal police are also bracing to be referred further war crimes allegations to investigate as a result of the Brereton inquiry. In addition to the two taskforces already investigating Mr Roberts-Smith, the federal police were recently directed by Defence Minister Linda Reynolds to begin investigating another SAS soldier. The soldier was recorded on video – broadcast by the ABC – allegedly executing an Afghan in a field in 2012.

At the Special Air Service Regiment in Perth, soldiers were recently briefed on the impending Brereton inquiry and warned not to speak to the media.

But regiment insiders said it was whistleblowers who had served in Afghanistan and spoken up about misconduct who were restoring the honour of the elite unit.

What has most angered special forces insiders is the alleged "bleeding" of junior soldiers, a process in which the soldiers were pressured to murder detainees.

"It's disgusting," said one Afghan veteran of the allegations, which are disputed by Mr Roberts-Smith.

Experienced serving and ex-members of the SAS are now trying to understand how such grave misconduct could have occurred and not been discovered by commissioned officers.

[\[back to contents\]](#)

## **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**

## **Ravenswood mural memorializes Cambodia's Killing Fields (Chicago Sun Times) By Emily Rosca**

April 30, 2020

**Under Pol Pot's rule during the Khmer Rouge regime in Cambodia from 1975 to 1979, more than 25 percent of the southeast Asian country's population died from starvation and executions.**

Sites where people died and were buried in mass graves became known as the Killing Fields.

One of the only permanent memorials outside of Cambodia to the Killing Fields can be found in Ravenswood. It's a vast mural along West Lawrence Avenue that's part of the National Cambodian Heritage Museum and Killing Fields Memorial, which is tied to the Cambodian Association of Illinois.

The mural depicts a statue — surrounded by palm trees and tropical flowers — that's a replica of one of the 216 faces at the Bayon, a Cambodian Buddhist pyramid temple that's one of that country's most popular tourist destinations. Built in the 12th century, the Bayon epitomizes Jayavarman VII, one of the country's first devout Buddhist kings.

The statue, like those on the Bayon, represents Avalokitesvara, an "ascetically adept Buddhist figure that possesses great powers of insight, compassion, wisdom and patience," says Justin McDaniel, who chairs the University of Pennsylvania's religious studies department.

The mural, titled "Cambodian Color," was painted in 2018 by Brandin Hurley and Shayne Renee Taylor. It highlights a time in the now-democratic nation when it was under Pol Pot's brutal rule.

"We wanted to have this place to say to the world that we have to really look at this issue," Paul Chhorm, the museum's executive director, says of the genocide. "Things can't go the way it is. Something has to change."

The National Cambodian Heritage Museum and Killing Fields Memorial, opened in 2004, is a reminder of one of the most important periods in Cambodia's history.

The artists who created the mural say it led them to learn more about a community close to their homes that they hadn't known about. And the mural introduces others to the community as well, which is "what we want to do," Taylor says.

April marked the 45th year since the genocide began. The association, at 2831 W. Lawrence Ave., usually hosts a "day of remembrance" to mark that but canceled it this year because of the coronavirus pandemic.

Chhorm, a survivor of the genocide, says of the memorial: "It's a place to heal and reflect."

The focal point is called the "Wall of Remembrance," made of 250 glass panels and honoring the more than 2 million men, women and children who died in the Killing Fields.

Kaoru Watanabe, associate director of the association and museum, says it conveys a "hope for the future."

The association, established in 1976, serves as a refuge for the estimated 3,000 Cambodians in the Chicago area, which is concentrated most heavily in Albany Park and Uptown.

"It's really a family over there," Taylor says.

The mural, coupled with the building's standout facade, is almost like a greeting to the community, Watanabe says.

"Even though we have a very specific cultural identity," Watanabe says, it's "interesting to have that kind of impact in many different ways."

The Ravenswood mural is one of the examples of public art dedicated to Chicago's Asian culture.

Another mural, titled "East Meets West," was unveiled in 2014 in Uptown's Asia on Argyle district. It symbolizes harmony and peace in the neighborhood's diversity.

Another is the Chinatown Centennial Mural on South Archer Avenue that commemorates Chinatown's 100th anniversary.

To Chhorm, the Cambodian association's mural evokes warmth and implores people to "calm down" and reflect.

“That’s the power of art,” Chhorm says. “It makes people want to investigate.”

[\[back to contents\]](#)

## **Bangladesh International Crimes Tribunal**

[\[back to contents\]](#)

## **War Crimes Investigation in Myanmar**

**Eight Civilians Die in Myanmar Military Battle With Arakan Army in Chin, Rakhine (Radio Free Asia)** By Roseanne Gerin  
April 23, 2020

**At least eight people were killed in volatile western Myanmar on Wednesday, the latest in near daily civilian casualties amid a conflict between government soldiers and the rebel Arakan Army that has intensified even as the nation shuts down to fight the coronavirus.**

Among those killed in shell blasts and shootings were four civilians in Chin state, including two children, and four in Rakhine state, local residents said Thursday. The battle zone in the 16-month-old conflict straddles the border of the two states, both home to ethnic minorities.

An artillery shell hit the grounds of a branch of government-owned Myanma Economic Bank in Chin state’s Paletwa township, killing a 25-year-old bank clerk, her four-year-old daughter, and the 10-year-old son of another bank employee, locals said. Two other bank employees were injured in the blast.

In a separate incident in Paletwa, a 48-year-old woman who was working in a vegetable garden in Meelatwa village also was killed by an artillery blast, residents said.

Myanmar and Arakan forces had been fighting all day in the mountains near the eastern bank of the Kaladan River, which runs through Paletwa, before the artillery shell exploded, the online journal The Irrawaddy reported.

The Myanmar military’s Commander-in-Chief’s Office said the AA was behind the incident, while AA spokesman Khine Thukha blamed the military’s No. 289 Light Infantry Division.

Soldiers from the division have been targeting civilians in Paletwa township as well as in adjacent northern Rakhine state, he said.

Khine Thukha also said that the AA would cooperate with international organizations to expose the “war crimes” committed by government soldiers.

In Rakhine’s Minbya township, eyewitnesses reported seeing Myanmar soldiers deliberately shoot and kill two men on motorbikes at around 8 p.m. Wednesday.

Kyaw Myat Tun, a carpenter, and Than Tun, a motorbike mechanic, both about 31 years old, were residents of Minbya town, they said.

A witness who was nearby where the shooting occurred and who wished to remain anonymous for safety reasons said the military fired on the pair after ordering them to stop.

The two men and others residents were still outside because the local dusk-to-dawn curfew did not begin until 9 p.m., he said.

“And nobody noticed that this military brigade had entered the town,” he said. “No one could possibly know. They entered from the north side of town and moved to the south side. These men were riding their motorbikes from the opposite direction. They started firing on them when they encountered them face to face.”

The witness surmised that the two men may have been too scared to stop immediately and continued to ride on.

“Then they fired their guns and these men were killed on the spot,” he added.

Explosives, detonator 'found'

A statement issued by the Myanmar military said Kyaw Myat Tun and Than Tun were AA operatives dressed in civilian clothes who ignored orders to stop their motorbikes as they headed towards Ramaung Bridge.

When they sped up, soldiers fired warning shots at them, but later found them dead with a nearby plastic bag containing three rod fuses used in explosive devices and detonator, the statement said.

Thein Maung, the father of Kyaw Myat Tun, said his son did not have any ties to the AA.

Local villagers told RFA's Myanmar Service that the military brigade had been firing artillery daily into areas east of the bridge, where a World Health Organization worker was shot Monday and later died of his wounds.

Residents also said that the soldiers who shot Kyaw Myat Tun and Than Tun had been attacked by AA mines near Khaung Laung and Sanbalay villages as they moved along the main highway earlier on Wednesday.

Following the blasts, the soldiers conducted clearance operations in nearby villages, they said.

Eisu Ali, a 16-year-old Rohinyga from Minbya's Sanbalay village was killed and two other teenagers were injured by Myanmar Army artillery fire following the second mine attack, according to village elder Kyaw Naing.

The two who were wounded — Nu Khadu, 18, and Rawfee, 14 — were taken to Myaung Bwe Hospital early Thursday, he said.

“The girl was hit by a stray bullet while she was at home,” Kyaw Naing said. “Two young boys were injured by the artillery blast. One of them later died, and the other one was seriously injured. They were taking cows to the pastures.”

“The injuries were caused by heavy artillery blasts fired by the government military,” he added. “They encountered a mine attack as they were mobilizing. Afterwards, they moved on and fired into the village.”

Concurrently, San Kyaw, 61, from Nayan village was wounded in the legs during the shooting incident in Minbya, but later died at a hospital, according to a community elder who said that Myanmar soldiers fired into the village after one of the mine explosions.

RFA tried to reach Myanmar military spokesman Brigadier General Zaw Min Tun for comment about the attacks in Paletwa and Minbya, but he was not available.

Scores of civilians have died and tens of thousands of others have been displaced by fighting between Myanmar and Arakan forces in Rakhine and Chin states since early 2019.

**U.N. Envoy Calls for War Crimes Investigation in Myanmar (Radio Free Asia)** By Eugene Whong  
April 29, 2020

**The U.N.'s outgoing envoy monitoring human rights in Myanmar Wednesday called for an investigation into claims of war crimes and crimes against humanity committed by the government army as it carries on a brutal war against ethnic rebels in Rakhine and Chin States.**

“While the world is occupied with the COVID-19 pandemic, the Myanmar military continues to escalate its assault in Rakhine State, targeting the civilian population,” said Yanghee Lee in a report published by the Office of the High Commissioner for Human Rights (OHCHR).

“Calls for a ceasefire, including by the Arakan Army, have gone unheeded. Instead, the Tatmadaw [Myanmar’s military] is inflicting immense suffering on the ethnic communities in Rakhine and Chin,” said Lee, who will conclude her tenure as UN Special Rapporteur on the situation of human rights in Myanmar.

“The Tatmadaw is systematically violating the most fundamental principles of international humanitarian law and human rights. Its conduct against the civilian population of Rakhine and Chin States may amount to war crimes and crimes against humanity,” she said.

“All parties to the conflict, including the Arakan Army, must also protect civilians,” added Lee in a reference to the AA, a rebel group fighting for greater autonomy for ethnic Rakhines in Myanmar’s westernmost state.

Lee called for more accountability for the Tatmadaw, saying it “continues to operate with impunity.”

“For decades, its tactics have intentionally maximized civilian suffering,” she said.

The report cited examples of Tatmadaw attacks that killed and injured civilians including an April 13 artillery barrage that killed eight civilians, at least two of whom were children in Kyauk Seik village, Ponnagyun township.

Lee has not been allowed to visit Myanmar since late 2017, blocked by the government following an earlier round of mass army atrocities against the Rohingyas, a Muslim ethnic minority in Rakhine state.

Some 740,000 Rohingya are still living in Bangladesh more than two years after they driven out of Myanmar in what U.N. officials called an “ethnic cleansing” campaign.

Myanmar government and military personnel rejected Lee’s statement, with one official repeating the country’s stock response that claims of army brutality are one-sided.

“The military is going about its duties, complying with the constitution, existing laws and international standards,” Thien Tun Oo, the spokesperson of the pro-military Union Solidarity and Development Party (USDP) told RFA Wednesday.

“Such groundless accusations are undermining our national sovereignty,” Thien Tun Oo added.

An official from the ruling National League for Democracy also protested Lee’s remarks.

“First of all, the AA has been designated as a terrorist group,” Monywa Aung Shin, secretary of the NLD’s central information committee told RFA.

“This was stated in an official announcement signed by President U Win Myint. There was also a statement signed by Daw Aung San Suu Kyi honoring the servicemen fighting in Rakhine state. These statements have shown that the government has a very positive attitude to the military,” said the secretary.

“With regard to the armed conflicts in Rakhine State, there will be casualties on both sides. So I want to say these cannot be called human rights violations,” the secretary added.

The military also downplayed the accusations.

“I don’t have anything to say. There are always statements and accusations like that,” Brigadier General Zaw Min Tun of the military information committee told RFA.

“The only thing I would like to point out is that the local civilians in Palatwa township, Chin State are now facing the food shortage and starvation, as they are surrounded by AA troops. How would the military and the government be able to ignore such a situation?” he said. RFA could not verify the spokesman’s claim.

Zaw Min Tun also denied accusations that the military is intentionally targeting civilians, saying the only target is “the AA and its insurgent activities.”

“There is no reason to target civilians. But, as we have repeatedly stated, AA has been using the civilians and towns and villages as human shields,” he said, repeating a frequent army assertion that has not been verified on past occasions.

AA spokesman Khine Thukha, who denied army allegations of abductions in the war zone, said the group has announced a one-month ceasefire until April 30 in response to the COVID-19 outbreak.

“We have stopped our offensives. But armed conflicts continue every day because Myanmar’s military won’t stop their offensives against us,” he said.

“The fighting has continued only because Myanmar’s military is inhumane and doesn’t have a humanitarian spirit.”

#### Investigation into WHO death

Meanwhile, Myanmar’s President U Win Myint formed an inquiry commission to investigate an attack last week on a WHO vehicle in Rakhine state’s Minbya township, killing the driver.

The vehicle was attacked April 20, after it drove over a suspension bridge in Minbya, though it is unclear whether Myanmar soldiers or AA troops were behind the shooting. Both sides blamed the other for the ambush that killed local WHO employee Pyae Sone Win Maung and injured health department worker Aung Myo Oo.

U Saw, the chair of the People’s Parliament for the Citizens’ Basic Rights, will serve as the commission’s chairman, and Colonel Htein Lin, the co-chair of the president’s office will serve as its secretary. Myanmar’s government and military maintain that the AA is responsible for the attack.

“It would be better if MPs of the concerning townships also take part in this investigation as a wider task force. It would also be terrible if this investigation is only to avoid international pressure,” U Pe Thn, the member of parliament from nearby Myaybon township, told RFA’s Myanmar Service.

“It would be best if we were to have a committee with no fear of any pressures, focused on the truth,” he added.

But an ethnic Rakhine leader told RFA the investigation would likely be biased.

“This commission is different from what we demanded. We wanted an independent third party,” U Zaw Zaw Htun, Secretary of the Rakhine Ethnic Committee told RFA.

“But now, with army personnel and government staff taking part, can it be done with no bias? I wonder whether the investigation with real procedures is even possible,” he said.

Political analyst U Maung Maung Soe told RFA that the report would merely confirm what the army has already said on the matter.

“The more important thing is if the international community can accept the Army’s statement and the facts, or not. I think [the investigation] is just the army paying lip service to international pressure, as both the U.N. and U.S. have called for independent inquires,” he said.

It is not currently known if the government-formed commission plans to investigate the AA. RFA inquired with U Zaw Htay, the director general of the president’s office, but received no reply to the inquiry.

A statement from the AA said the investigation would not be credible because the committee was formed with ex-military personnel and like minded people, likening it to a card shark pretending to play a fair game.

But the army’s information secretary Brigadier General Zaw Min Tun told RFA that the military would fully cooperate with the committee and the government in every way necessary.

#### UK renews financial sanctions

The United Kingdom renewed financial sanctions on several of Myanmar’s military leaders through 2021.

The sanctions, put in place to prevent money laundering, were enacted by the E.U. in 2019 before Brexit. They were to cease to be relevant to the UK on December 31, 2020.

The official website of the British government says the sanctions are “aimed at encouraging the Myanmar security forces to comply with international human rights law and to respect human rights.”

The sanctions prohibit the selling arms, providing military training and conducting military-to-military cooperation.

They also include a travel ban and a freezing of assets for 14 military and police officers accused of committing the rights violations.

**[[back to contents](#)]**

# AMERICAS

## North & Central America

[\[back to contents\]](#)

## South America

**28 jailed for life for crimes against humanity during Argentina's Dirty War (Morning Star)** By Steve Sweeny  
April 29, 2020

**Justice has finally been served after 28 former officers were jailed for life today for crimes against humanity committed during Argentina's military dictatorship which ruled between 1976 and 1983.**

The sentences were passed unanimously, with the perpetrators found guilty of a range of crimes including involvement in forced disappearances, torture and rape during the period known as the "dirty war."

Prosecuting Judge Gloria Leon said it was "the first trial in which the situation had been completely analysed, that is the scale of the repression committed by the navy, the army, the Argentine Naval Prefecture and the Buenos Aires Police."

The trial lasted two years, with the public unable to attend court as Tuesday's judgement was handed down, due to the Covid-19 pandemic.

It was the final hearing in the case against 40 former military personnel.

Along with the 28 jailed for life, seven other former soldiers received sentences of between seven and 25 years. Five of the accused were acquitted.

The abuses were perpetrated against students, workers, artists and mothers who were illegally detained in "Subzone 15," an area of counterinsurgency operation notorious for torture.

Argentina's dirty war saw anti-communist death squads hunt down political dissidents, socialists and those associated with the Peronist movement as part of US-backed operations across Latin and South America.

As many as 60,000 people were killed, 30,000 disappeared and 400,000 jailed during Operation Condor, which was established in Chile by the dictatorship of General Augusto Pinochet in 1975.

It was backed by the US to prevent the emergence of democratic governments with social democratic or left-wing programmes that could threaten capitalist interests.

Methods were brutal as military dictatorships in Chile, Paraguay, Uruguay, Brazil, Bolivia and Argentina colluded in hunting down left-wing activists and political opponents, tens of thousands of whom disappeared or were assassinated.

Many victims had their stomachs sliced open and thousands were dropped from helicopters into the sea by Argentina's military junta in collusion with the country's notorious state intelligence services.

Recently declassified documents revealed that European spy agencies were considering their own Operation Condor to deal

with left-wing activists.

“Representatives of West German, French and British intelligence services had visited the Condor organisation secretariat in Buenos Aires during the month of September 1977 in order to discuss methods for establishment of an anti-subversion organisation similar to Condor,” a CIA document stated.

[\[back to contents\]](#)

## Venezuela

**How to Hold Venezuela’s Maduro Accountable for Human Rights Abuses (Just Security)** By Gissou Nia and Rodrigo Diamanti  
April 28, 2020

**Even in the middle of a pandemic, the Trump administration has shown it will keep up the pressure on Venezuela’s Nicolás Maduro to step down, as illustrated most recently with new sanctions and now a criminal indictment. While the primary focus has been on the Maduro regime’s corruption, manipulation of the election process, and narco-terrorism activities, the U.S. government would be remiss in pursuing accountability if it didn’t also address Maduro’s egregious human rights abuses.**

The recent indictments brought by the U.S. Department of Justice accuse Maduro and his inner circle of stealing billions from the Venezuelan people to fuel a narco-terrorism criminal enterprise aimed at flooding drugs into the United States. While ending the Maduro regime’s trafficking of illicit narcotics is an important goal, Maduro’s criminality also extends to crimes against humanity and other atrocities against his own people. The survivors of Maduro’s widespread abuses want him brought to account for his regime’s brutal repression of dissidents through arbitrary detention, torture, sexual violence, enforced disappearances, and extrajudicial killings.

There is no reason Maduro can’t be held responsible for the full breadth of his illicit activities. The evidence and the mechanisms exist. Their enforcement simply depends on the willingness of global and national systems to use them, and to expand authorities where necessary to aid in achieving justice.

Doing so would benefit the United States as well: it could demonstrate its commitment to promoting human rights around the world at a time when that is in serious doubt, while also encouraging bolder action from the international community in holding Maduro accountable. This will also hold true if the Democrats win back the White House in November, since supporting human rights in Venezuela is an issue that enjoys strong bipartisan support.

First, U.S. federal prosecutors could make use of existing U.S. laws, such as the federal extraterritorial torture statute, Section 2340A of Title 18 of the United States Code, to charge Maduro and his inner circle with mistreatment of the Venezuelan people. Since the torture statute requires that the perpetrator be a U.S. national or be “present in” the United States, it would be difficult to charge torture through a superseding indictment or separate indictment at this time. However, if extradition — from Venezuela following a leadership shift, or another state where the perpetrators might seek protection — is a possibility in the future, then counts of torture could be added if the extraditing state was willing to forgo the “principle of speciality.”

### Congressional Legislation

A second potential route to holding Maduro responsible for human rights abuses would require congressional passage of a long-debated crimes against humanity statute and a federal criminal statute on extrajudicial killings, with retroactive application. While the federal torture statute might be applicable to Maduro’s case should he eventually be hauled to the United States to stand trial, the proposed new laws would give U.S. prosecutors more tools to charge him and future perpetrators for a broader range of crimes.

The text for a U.S. federal law on crimes against humanity, introduced by Senator Richard Durbin (D-IL) in 2009, proposed making it a crime to commit a widespread and systematic attack against a civilian population that involves murder, enslavement, torture, rape, arbitrary detention, extermination, hostage taking, or ethnic cleansing. This text should be re-



introduced and passed, with the goal of providing a vehicle for liability for regime perpetrators from Venezuela, Syria, Iran, and elsewhere, when other sections of Title 18 may not suffice.

As for extrajudicial killings, there is an accepted U.S. civil law definition under the terrorism exception to the Foreign Sovereign Immunities Act and the Torture Victim Protection Act. But there is no corresponding criminal statute under U.S. federal law, with extraterritorial application. That civil law definition could be repurposed for a federal criminal statute on extrajudicial killing to patch up this gap in Title 18.

While the crimes against humanity bill was previously unsuccessful and the text of an extrajudicial killings statute bill has yet to be introduced, the Trump administration and members of Congress, regardless of party, have demonstrated a willingness to embrace extraterritorial legal measures when it comes to U.S. government adversaries like Venezuela and Iran. The potential that such criminal statutes could be used to hold to account members of the Maduro regime, the Iranian leadership, and other bad actors, might spur renewed bipartisan interest on Capitol Hill.

The creation of new authorities is important because there is a tendency to treat human rights matters, narcotics, and counterterrorism matters as separate portfolios. However, there is often significant overlap in the underlying conduct that gives rise to these crimes. The artificial separation is partly due to structural design — for example, the way U.S. government investigative and prosecutorial teams are constituted, which does not encourage a cross-sectional approach among departments.

This fragmentation has resulted in outcomes such as returning ISIS fighters and supporters being charged under U.S. federal terrorism laws but not being charged with war crimes or other human rights crimes, even where there is a strong evidentiary showing to support those charges. U.S. prosecutors and Congress should address that here and ensure that Maduro and his cronies are charged with human rights violations and atrocity crimes as well, wherever possible.

#### State Sponsors of Terrorism List

Third, the U.S. government can help the Venezuelan people in their quest for accountability for human rights abuses by adding the regime to the U.S. state sponsors of terrorism list. In the virtual press conference discussing the indictments against Maduro, U.S. Attorney General William Barr was asked directly about this possibility. His response was that the administration would be taking things “one step at a time.”

Adding Maduro’s regime to the list — currently comprised of Syria, Iran, Sudan, and North Korea — would allow U.S. citizen plaintiffs to bring civil lawsuits for damages against the State of Venezuela for criminal acts, including torture, hostage-taking and extrajudicial killings.

Prior to the issuance of the narco-terrorism indictments against Maduro and his inner circle, observers questioned if the state sponsor of terrorism label was even appropriate. There is also the matter of what happens if and when Juan Guaidó takes office and if Venezuela is then saddled by debts from outstanding court judgments. On the first concern, given that the U.S. federal indictments include allegations concerning the Maduro regime’s support of the FARC in Colombia, which the U.S. Department of State has designated as a foreign terrorist organization since 1997, it seems the U.S. government has made its determination already. On the second concern, countries have been added and then removed from the list with negotiated settlements when there has been a change in government or for diplomatic reasons, such as with Iraq in 2004 and Libya in 2006.

#### International Courts

Another route to accountability for Maduro would involve the international courts. The U.S. issued its narco-terrorism indictment at a time when the chief prosecutor of the International Criminal Court (ICC) is still considering whether to open an official investigation into crimes against humanity committed by Maduro’s regime. It is unclear why this decision has not been finalized 1 ½ years after six countries — Argentina, Canada, Chile, Colombia, Paraguay, and Peru — referred the case to the prosecutor, a first in the history of the court, and more than two years since the prosecutor first opened a preliminary examination.

The Maduro regime then self-referred the situation on its territory to the court in February 2020, alleging that the United States, with its sanctions, has caused suffering among the Venezuelan people that constitutes crimes against humanity. Of course, that narrative ignores the regime’s brutalization and starvation of its own people. In any case, whenever a state refers itself to the ICC, the prosecutor can consider all crimes and actors on state territory.

It is no secret that the Trump administration has taken a particularly acrimonious approach to the ICC. Nonetheless, the court remains a vital body in furthering globally accepted norms of justice. Perhaps the inquiry into Maduro’s human rights abuses could provide an area of cooperation between the United States and the ICC, similar to when President George W. Bush softened his longstanding hostility towards the ICC and allowed a Security Council referral to go forward, which resulted in

the Court issuing an arrest warrant for Sudanese President Omar al-Bashir for killings in Darfur.

Whether it is achieved through a U.S. court or the ICC, the Maduro regime must be held accountable for its grave human rights abuses. Adding human rights-focused charges to the U.S. indictments against Maduro, or expanding the authorities under which to do so, would create a path to bring thousands of survivors of state-sanctioned human rights abuses in Venezuela one step closer to justice—and perhaps even inspire the ICC chief prosecutor to act. Given the posture of the Trump administration towards the Maduro regime, it stands to reason that any extra tool to cast Maduro and his inner circle unfavorably would be politically welcomed at this time.

[\[back to contents\]](#)

## TOPICS

### **Truth and Reconciliation Commission**

#### **Supreme Court thwarts attempt to retain amnesty provisions in transitional justice law (Kathmandu Post)**

By Binod Ghimire

April 28, 2020

#### **The Supreme Court has rejected the government's petition to review its landmark 2015 ruling that barred authorities from granting amnesty to convicts in cases of serious human rights violations.**

Following the verdict on the review petition, the government has no option but to revise transitional justice laws to scrap amnesty-related provisions.

“The Supreme Court ruling clearly states that while revealing the truth, reparation and reconciliations are important aspects of transitional justice,” Gauri Pradhan, a former member of the National Human Rights Commission, told the Post. “Prosecution is necessary for serious cases of human rights violations.”

The government had moved the apex court after a five-member special bench led by then chief justice Kalyan Shrestha in February 2015, issued a landmark ruling order to the government to revise the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act-2014.

The court had ruled that the law failed to adhere to the principles of transitional justice and related international practices. The bench struck down almost a dozen of provisions in the law and directed the government to ensure amnesty isn't granted in cases of serious human rights violations committed during the decade-long insurgency.

In April the same year the government led by Sushil Koirala had filed a review petition, challenging the ruling.

The court, after postponing hearing on the review petition 25 times, on Sunday finally scrapped it. A special bench comprising Justices Deepak Kumar Karki, Meera Khadka, Biswombhar Prasad Shrestha, Ishwor Khatiwada and Anand Mohan Bhattarai concluded that the February 2015 orders were based on the principle of transitional justice.

The existing law gives the transitional justice commissions room for amnesty even in serious cases of human rights violations. The 2015 verdict says convicts in cases related to rape, extrajudicial killing, enforced disappearance and torture cannot be granted amnesty.

Human rights defenders say that since the 2015 verdict was issued after a rigorous study of international practices and the principle of transitional justice, it was unlikely that the court would revise its stance.

“There wasn't any ground for the Shrestha-led full bench's decision to be reviewed,” Govind Bandi, a human rights defender,

told the Post. “Sunday's decision is a clear message to the government that it has no option but to amend the amnesty provisions in the law.”

The verdict had also asked the government to amend the Act by revising the amnesty provision. However, five years since the ruling, successive governments are yet to follow the order.

Victims of the decade-long conflict welcomed Sunday's decision of the apex court and asked the government to amend the Act at the earliest. “Now the government doesn't have any excuse left to delay the amendment,” the Conflict Victims Common Platform said in a statement. “We demand an immediate amendment in the Act and the transitional justice process expedited accordingly.”

The government in 2018 had prepared an amendment draft for the Act, but it was withdrawn following a controversy. Along with the conflict victims and human rights activists, various international human rights organisations have also been asking the government to revise the Act based on the international principle of transitional justice and the apex court's verdict.

The Commission for Investigation on Enforced Disappeared Persons and the Truth and Reconciliation Commission formed based on Act have done nothing except collect complaints from victims. Commissioners have been blaming faulty provisions in the Act for the delay in the investigating around 66,000 complaints they received.

**Muddled Talk of Amnesties Won't Heal Kosovo's Wounds (Balkan Transitional Justice)** By Nora Weller  
May 4, 2020

**[The ending of the apartheid regime in South Africa was reached through a series of negotiations led by Nelson Mandela and President FW de Klerk, who released Mandela from prison in 1990. These negotiations reached a deal that allowed the first multiracial general election, after which Mandela became president in 1994 and the Truth and Reconciliation Commission was established in 1995.]**

The Truth and Reconciliation Commission was a court-like body that practised restorative justice. Witnesses identified as victims of gross human rights violations were invited to give statements about their experiences and these were often done as public hearings. Perpetrators of violence could also give testimony and request amnesty from both civil and criminal prosecution.

In June 2005, I was in Cape Town and experiencing the South African winter from the basement of the International Centre for Transitional Justice. Under the guidance of the late Professor Alex Boraine, who together with the Archbishop Desmond Tutu established the Truth and Reconciliation Commission, I was conducting a research project on transitional justice strategies following a period of conflict or repressive rule to bring about a more just, democratic, and peaceful society.

More precisely, I was listening for several hours a day to the painful stories of the victims of apartheid, mainly South African mothers who were in endless tears telling the stories of their murdered children, often dumped in unknown places and often never found.

On the bench opposite them would be the perpetrator who had committed the actual crime, and he would tell the story of how he and a certain colleague had stopped two boys on the side of the street, checked them, drove them somewhere in the dark and finished them off. He would reveal to the mother in detail how her son was actually murdered and where they buried his body.

The mother would be given the opportunity to at least find the remains and give the son a proper burial – a place where he could rest in peace and where the family could honour and commemorate the victim. Often, in a state of despair, the mother would forgive the perpetrator for the crime in the name of ubuntu, the South African notion of compassion and humanity.

It is said that the only way for certain perpetrators to sit on the Truth and Reconciliation Commission bench was if they were already guaranteed amnesty for the crimes they had committed. It is also said that the process was more about revealing the truth than about justice. In other words, it was more about the white regime acknowledging the crimes it had committed.

The South African Truth and Reconciliation Commission, therefore, had its gaps. But it was also hugely successful, mainly because it was initiated with a genuine intention to establish equality in the deeply fractured society, and due to the extraordinary reputation of Mandela, and the high profile of Archbishop Tutu as well.

In Kosovo, the current political troubles are thought to derive from a suspicion that a secret deal has been between the presidents of Kosovo and Serbia; the word ‘amnesty’ also reached the surface in the past year, suggesting that (again) the two presidents were brewing plans for an exchange of amnesties for war crimes between Kosovo and Serbia.

There are around 24 sites of crimes in Kosovo where innocent Kosovo Albanian villagers were killed systematically during the 1998-99 war, which are widely referred to as massacre sites. Most were revealed in the International Criminal Tribunal for the Former Yugoslavia's indictment of Slobodan Milosevic and others in 2005, including the Racak/Recak massacre, in which the mass killing of 45 Kosovo Albanians took place in the village of Racak/Recak; the Meja massacre, where the mass execution of 372 Kosovo Albanian civilians took place; the Velika Krusa/Krushe e Madhe massacre, where around 90 people were killed; the village of Izbica, where around 93 people were executed, and the town of Vucitrn/Vushitri, where 120 people were killed.

It is known that the president of Kosovo, Hashim Thaci, has been pursuing the idea of a Truth and Reconciliation Commission since 2017. "The aim of this commission will be the truth. The truth heals society from revenge and hatred," he asserted that year.

I took part as an observer in one of the planning meetings for the proposed Truth and Reconciliation Commission in Pristina and I was puzzled. I was trying to understand who the president of Kosovo was trying to reconcile – Kosovo with Serbia, from afar, by himself? Or Serbs and Albanians in Kosovo, by imposition?

How did he envisage the hearings? Would he gather local Serbs to listen to the painful stories of the local Albanians and vice versa? Who would the commissioners be and where would this Truth and Reconciliation Commission be set up? With whom and how would he negotiate the potential amnesty or judgement for the perpetrators?

Let us imagine a scenario similar to the one in South Africa. A Kosovo Albanian mother would present herself to the Truth and Reconciliation Commission hearing. She might tell her painful story of how her Serb neighbour, who happened to be a police officer, along with a group of Serbian soldiers, took away her three sons and husband in March 1999.

In 2003, two of her sons were found in a mass grave in Batajnica, while the third son and husband are still missing. Given that we have heard similar stories repeatedly in the past 20 years, how would this retold truth heal the society of Kosovo and why would it penetrate deeper this time in Serbia? It is not very likely that the perpetrator would be present in this hearing, knowing that the biggest mass grave in Serbia is inside the military base in Batajnica.

The Serbian human rights activist Natasa Kandic says that human remains in these mass graves around Serbia open up a chain of responsibility that reaches to the very highest levels of authority. Therefore, the silence around the mass graves is systematic and the authorities have kept it well under control for all these years, and will most likely continue to do so.

It unknown, therefore, if the Truth and Reconciliation Commission in Kosovo plans to give the Serbian perpetrators an amnesty 'in absentia' and impose a healing process to the victims by default. This scenario would not promise a better future, or healing, despite the fact that (hypothetically) we would by then know the truth.

Another scenario is that a Serb woman appears at the Truth and Reconciliation Commission to tell her truth, telling the Commission about her husband, a doctor, who was kidnapped and disappeared in June 1999 by a group of Albanian men. She asked for help from peacekeepers from the NATO force KFOR, from the UN Mission in Kosovo UNMIK and from the then interim Kosovo government. To this day, none of them have found her husband. After this hearing, Kosovo's president would have more resources to identify the perpetrators, and determine whether the perpetrator will be afforded amnesty or not, whilst acknowledging the truth and in this case assuring the healing process for the Serbian community in Kosovo.

The above scenarios are truths that we all know. They are truths that were actually investigated by the International Criminal Tribunal for the Former Yugoslavia and reported by Amnesty International, we know them and live close to these victims.

We also know that the truth alone does not necessarily heal a society from violent trauma; it is more likely that truth accompanied by justice would lead to a long-lasting peace in a divided society and that would pave the way for a healed future.

Truth, justice and amnesty are relevant for the survivors and the kin group, community or society that has been the target of mass violence. Let us not forget that the victims' truth, justice and amnesty may be relevant for the perpetrator group that has had this experience imprinted upon its collective consciousness. They also need a chance to make things right. Amnesty may be effective – but it is also the easy way out. Acknowledgment of past violence on behalf of perpetrators is and will remain a crucial step to building lasting peace.

Finally, if both sides recognise that there is common suffering, it may constitute a foundational element of group identity – an identity that remains as relevant in shaping the historical and cultural identity of the individuals of the society as the immediate experience of traumatic loss – an identity around which the group as a whole can build cohesion.

**[back to contents]**

# Terrorism

[[back to contents](#)]

## Piracy

### **Piracy on the Rise Offshore from Mexico (The Maritime Executive)**

April 25, 2020

**Marine insurer Gard has issued an alert after the high number of piracy attacks on offshore support vessels in the southern rim of the Gulf of Mexico this month.**

The US Maritime Administration (MARAD) issued an Alert on April 17 saying that a maritime threat has been reported in the vicinity of Ciudad Del Carmen and Dos Bocas, Mexico, in the Bay of Campeche area in the southern Gulf of Mexico. Four reported attacks took place between April 4 and 14, 2020, involving crew injuries and theft. A previous attack was reported in November of 2019.

The International Maritime Bureau's Piracy Reporting Center (IMB PRC) reports another incident that took place on April 15, approximately 12 nautical miles north of Ciudad del Carmen, Mexico. Six men armed with automatic weapons and pistols boarded an anchored accommodation construction barge. They attempted to enter into the accommodation without success and opened fire towards the superstructure causing damage to three windows. The pirates stole the barge's high value project equipment and escaped. One crewmember was injured during the incident.

According to IMB PRC reports, the perpetrators are typically armed and violent and use small boats capable of reaching high speeds. Their targets are mainly offshore support vessels. Sophisticated equipment is often stolen and resold, and crews are robbed.

Gard says: "Various media reports describe a steep increase in the number of attacks on maritime oil infrastructure in Mexico since 2016 - some even refer to an average of 16 attacks a month between January and September 2019. Although these numbers are unconfirmed, they do suggest that there could be a significant degree of under-reporting of incidents in the Gulf of Mexico."

### **Rising Piracy in Gulf of Guinea (Kashmir Times) By Naveed Qazi**

April 30, 2020

**Gulf of Guinea continues to be world's most dangerous route for international shipping trade. Called as 'world piracy hotspot', it has now eclipsed the troubled waters off Somalia in the Horn of Africa, by becoming a new epicenter for piracy, looting and kidnappings. According to International Maritime Bureau, almost eighty two percent of maritime kidnappings in the world occurred in the Gulf of Guinea in 2019. Attacks against merchant ships were recorded off Togo, Benin, Nigeria, Cameroon and Equatorial Guinea.**

There were seventy-two attacks on vessels at sea, in 2018, between Ivory Coast and Cameroon, up from twenty-eight in 2014, and thirty in 2019, as per a report in The Economist.

Pirates in the Gulf of Guinea target all kinds of vessels: crews from fishing, refrigerated cargo vessels, or even oil tankers. They have been mostly attacking ships with international crews, according to data by United States Maritime Administration (MARAD). These felons mostly operate out of the labyrinthine waterways in the Niger delta, near which most of West Africa's attacks occur. Mostly, Nigerian criminals often take hostages to countries like Benin, Togo, and Cameroon, and the situation has become concerning. According to intelligence agencies, which are already suffering from lack of resources, this behaviour is often linked to land-based criminal activity. Throughout the region, there is an ample supply of foot soldiers camps in remote locations, where hostages can be held during negotiations.

Security agencies are often to be blamed because they don't see the other link between attacks against merchant ships and

illegal fishing, fuel smuggling or illegal migration. Add to that, the total number of hijacking incidents have been going underreported by the media for many years, which is creating a compromise on information gathering.

Since 2018, there have been fewer attacks on ships, but more hijackings, involving guns and knives. International Maritime Bureau reported that one hundred twenty one seafarers were taken as hostages, during attacks in the Gulf of Guinea in 2019. This represented more than ninety percent of global kidnappings at sea.

According to Wolf Kinzel, frigate captain and expert on maritime security in the region at the German Institute for International and Security Affairs (SWP), the approach of the pirates has changed. Now, instead of three seamen, they take the whole crew with them, as hostages for money. West Africa's pirates don't take the ships, with them, unlike the Somalis, because they have nowhere to hide them. The pirates were raking in an average of almost five million US dollars in ransom per ship, according to One Earth Future (OEF), an NGO.

The Gulf of Guinea covers eleven thousand square kilometers, and stretches from Angola to Senegal. It is one of the world's most important shipping routes for oil exports and consumer goods from the Niger Delta, and from Central and West Africa respectively. It is also strategic in terms of supply of fish stock and fish protein for the whole world. However, as it is not very well guarded, this creates ideal conditions for piracy there.

In March 2019, thirty-three countries came together to carry out maritime security training in the Gulf of Guinea. Some nations pressed the need for more funding, infrastructure and co-operation. The EU has also provided twenty nine million Euros to support West Africa integrated Maritime Security project. The countries in West and Central Africa also signed the Yaounde Code of Conduct in 2013, aimed at fighting illicit activities at sea. Implementation has been slow, yet navies and maritime agencies in the region have become much more active, in collecting relevant information.

Nigerian navy, which is the most powerful in the region, recently installed eight automated, camera equipped surveillance towers, just off its coast, in an effort to tackle a surge in pirate attacks. But, at the same time, Nigerian navy has been quite recently underfunded and neglected, as compared to its army and armed force; so the country lacks a definite plan to tackle the menace yet, according to Cheta Nwanze, head of research at Lagos-based security and political analysis firm SBM intelligence.

Shipping firms often complain that the pirates are in league with Nigerian military officials, citing incidents in which pirates flee before military vessels arrive, or they have information how many crew are aboard the ship, before they arrive. Pirates captured by Nigerian navy are often released quietly, and the country is yet to make piracy a criminal offense. That's why BIMCO, the largest international association representing ship-owners, want America and China to deploy its forces to the Gulf of Guinea. Ship-owners also want to deploy private armed guards in Nigerian waters. For now, Nigeria only lets them hire escort vessels staffed by naval officers, which makes security seem as some sort of corporate business.

Kidnappings in the Gulf of Guinea have become so common that it is proving costlier for firms to operate. Now, businesses have to factor additional costs of independent security contractors, extra insurance, and on occasions also bribe and give ransom money. The economic cost of piracy in West Africa in 2017 was \$818.8 million up from \$793.7 million in 2016. Nearly a quarter was spent on contracting maritime security, as per a report on Al-Jazeera.

As per Oceans Beyond Piracy's 2017 State of Maritime Project report, insurance also represents a huge cost, the total cost of additional war risk area premiums incurred by ships traveling the Gulf was \$18.5m in 2017 alone, and thirty five percent of ships transiting the area also carried additional kidnap and ransom insurance totaling \$20.7m.

According to Cormac McGarry of Control Risks, a consultancy: 'many pirates have gained experience fighting for separatist groups. These groups typically resent how much oil money is stolen by politicians in the far-off capital, and would like to steal it for their own ethnic group, or themselves. Cult-like gangs also abound in the delta, with names like the Icelanders and the Vikings. Members moonlight as pirates to make extra cash. Piracy also rises during election years. Local politicians are said to pay and arm the gangs to attack rivals.'

Shipping managers often argue that firms themselves should do more to protect their crews. International shipping organisations have drawn up recommendations, based on the experiences in Somalia. They include wrapping the deck in razor wire, and building a "citadel" on board, where the crew can barricade themselves, and call for help. At this point in time bureaucracy has made cooperation difficult, as security forces are not allowed to travel from one country to another, to pursue pirates without informing the neighboring country beforehand. However, there have been recent efforts in Nigeria, including a large conference in October that led to the Abuja Declaration. It seems a step in the right direction. The declaration highlighted shortcomings of countries around the Gulf of Guinea related to ocean governance and law enforcement at sea. Concrete actions have to follow.

In terms of intelligence gathering, Nigeria's 'Deep Blue' project is already enhancing intelligence, where the agencies can study

high risk vessels, can embark on dark activities, monitor vessels involved in suspicious movements, and stop vessels that are involved in illegal ship to ship transfers. The agencies can also take value from Falcon Eye assets, a maritime domain awareness asset, that give them the intelligence they need, whenever they want. Although, 'Deep Blue project' is still evolving, and not in its full operational capability yet.

**Pirates are expanding in West Africa, threatening offshore oil storage (CNBC)** By Elliot Smith  
April 27, 2020

**As international oil companies (IOCs) grapple with a historic plunge in crude prices, a rise in piracy is also poised to threaten supply chains.**

The first quarter of 2020 saw a spike in piracy around the world, with 47 attacks compared to 38 for the same period last year, according to the International Maritime Bureau (IMB).

The Gulf of Guinea, a key production hub surrounded by eight oil exporting countries in West Africa, has emerged as a global hot spot, accounting for 21 attacks so far this year and 90% of all kidnappings at sea in 2019.

Most attacks still occur in Nigerian waters, but piracy is expected to rise in 2020 and 2021 and expand further into neighboring states, posing serious concerns for shipping and international oil companies, according to research by political risk consultancy Verisk Maplecroft.

The number of crew kidnapped off the Gulf of Guinea climbed 50% to 121 in 2019, up from 78 in 2018, and the Gulf has now surpassed more well-known areas such as the Strait of Malacca – a waterway which separates Malaysia and Singapore from Indonesia – to become the global hotspot.

“This trend will continue into 2020 and into 2021 as regional security forces, hampered by security hot spots across the continent, and a lack of adequate equipment, continue to be unable to effectively tackle piracy,” Alexandre Raymakers, senior Africa analyst at Verisk Maplecroft, said in a research note.

“The prospect of international assistance is equally remote as international shipping routes avoid the Gulf of Guinea. Both regional shipping and oil and gas operators should expect further disruptions to supply chains, export routes and increased costs as more ransom payments will be necessary to liberate crews.”

Around 60% of incidents in 2019 occurred in Nigerian territorial waters, specifically in the areas surrounding the Niger Delta and, to a lesser extent, the shipping hub of the Port of Lagos. Raymakers highlighted that the socio-economic factors underpinning these incidents were unlikely to change.

“Driven by their experience fighting in the Delta’s secessionist armed groups and embittered by their lack of access to the oil riches around them, the region will remain an abundant reservoir for budding pirates,” he added.

“Although pirates have not noticeably changed their tactics, the regular payments of ransoms have likely emboldened them to seek more attractive targets further out at sea, expanding their net outwards.”

On March 22, seven crew members of the MSC Talia F were abducted off the coast of Gabon, and while most of the spike in cases is expected in Nigerian waters, Verisk Maplecroft analysts also anticipate upticks in the waters around Togo, Benin, Cameroon, Gabon, Equatorial Guinea and to a lesser extent Ghana.

#### Risks to the oil industry

While pirates traditionally limited their operations to raiding oil tankers in order to sell their hold on the black market, the collapse of oil prices in 2015 forced them to alter their strategy, refocusing their efforts on abducting crews for ransom, Raymakers highlighted.

Unlike their Somali counterparts, pirates in the Delta do not have use of secured ports or beaching areas for captured ships, which limits their ability to hold a vessel or its contents for ransom and means operators in the region therefore rarely lose ships or cargo. However, they do face delays and increased costs due to the disappearance of the ship’s crews and subsequent ransom payments.

“IOCs like Shell, ExxonMobil, Total, Chevron and Eni operating out of Gabon, Equatorial Guinea and Nigeria are particularly at risk of experiencing sporadic yet highly disruptive instances of piracy in their supply chains,” Raymakers said.

“While many have learned lessons from developing comprehensive security structures in order to protect their assets and personnel in Nigeria, smaller supply and service companies will be highly exposed to expanding piracy risks.”

Given the recent collapse in global oil prices due to falling demand, Verisk anticipates that pirates are likely to attempt to board static tankers used as offshore storage facilities for unsold production. The ships' crews and cargo represent "ideal and relatively simple targets for pirates," the report said.

The indiscriminate nature of abductions means pirates are likely to target IOCs' supply chains and oil shipments leaving export terminals in the Niger Delta, as evidenced by the abduction of seven crew members on the ExxonMobil-contracted supply vessel Zaro off the coast of Equatorial Guinea in December 2019. IOCs will also have to contend with the risk that pirates will seek to abduct workers, particularly expatriates, directly from oil platforms in the Niger Delta. "The kidnapping of three oil workers from a Niger Delta Petroleum Resources (NDPR) oil platform in Ogbele in April 2019 highlights the ease and speed with which such an operation can be conducted," Raymakers said.

Three employees of Acme Energy Integrated Services Limited, which owned and managed the rig and was working on NDPR's drilling campaign, were kidnapped and nine others injured when unknown gunmen attacked on April 26, 2019. The three kidnapped workers were released without harm on May 28, 2019, NDPR confirmed.

"Indeed, pirates have easy access to high speed crafts and a plethora of small arms giving them the firepower and agility to conduct such operations," Raymakers explained.

[\[back to contents\]](#)

## **Gender-Based Violence**

[\[back to contents\]](#)

## **Commentary and Perspectives**

**Limited Progress Achieved in Deterring War Crimes (In Depth News)** By Jonathan Power  
May 5, 2020

**With a bit more pushing and, after, unfortunately, a bit more killing the three remaining serious wars on the planet, in Syria, Afghanistan and Yemen, should come to an end. Then it will be time to take stock on what caused the killing, especially why so many innocents lost their lives and whether wars of this kind can be deterred in the future.**

The world has already made a lot of progress over the last few decades: there are no interstate wars and the number of civil wars has steadily fallen, (albeit the graph has begun an upward turn in the last two years mainly because of mini-wars in West Africa).

Eighteen years ago the International Criminal Court (ICC) to prosecute war criminals was established by treaty. Nearly all the world signed up. The US, Israel, Russia, China and India did not. However, the latter three have not taken an activist obstructionist view. The US did at first under President George W. Bush. Then he relented and the US lent a hand to bringing some African war criminals to justice.

President Barack Obama, even more vigorously, helped the ICC along, both actively and with funds. Obama wanted the US to join but a Republican majority in the Senate made that impossible. President Donald Trump, for his part, has tried to undermine the ICC. Indeed, he is furious that the ICC's prosecutor is investigating alleged war crimes committed by American soldiers in Afghanistan.

The big unanswered question is, does the world-wide prosecution of war crimes deter future ones? Will politicians and generals be more wary of the way they fight, in case they end up in the dock in The Hague where the multinational bench of justices sit and then be incarcerated for a long term in a Dutch jail?

Syria should be a test case. Yet despite manifest atrocities on both sides, the Russians have a veto in the UN's Security Council



and therefore can squash a prosecution of President Bashar al-Assad and his henchmen going forward. However, as with the indictment of US soldiers today, the ICC can embarrass the offending nation, just by investigating it, and then attempting a prosecution, even though it knows it will be vetoed.

The ICC's predecessor, that laid the way for its creation, was the International Tribunal for the former Yugoslavia. There have also been ad hoc UN-mandated courts to try suspected war criminals from Cambodia, Indonesia, East Timorese, and Sierra Leone. Many convictions have been sustained. Many leaders are serving long jail terms. The former president of ex-Yugoslavia, Slobodan Milosevic, died in prison. The ICC prosecutor is currently investigating crimes in Colombia, Myanmar, Syria and Israel.

So is deterrence now working? Has the ICC demonstrated its reach enough so that from now on politicians and generals will act more cautiously in future and that war crimes on a large scale are coming to an end? Or do we conclude, as we do with common criminality, that the threat of prison does deter crime, but not abolish it?

A valuable 34-page study of this question has been made by Professor Jacqueline McAllister in the current issue of Harvard University's quarterly, *International Security*.

She concludes that international prosecution can deter. But only in cases where the backers of one of the protagonists have been liberal democracies, which they have been 50% of the time, as in the Congo, Cambodia, ex-Yugoslavia and East Timor. Where the antagonist is backed by a powerful authoritarian country, as with Russia in the case of Syria, it is much more difficult to go to court.

Her study which analyses 14 combatant groups from the Yugoslav conflicts shows that the above conclusion offers a detailed explanation of why the Yugoslav court succeeded in deterrence with the Macedonian army and the rebel NLA forces, fighting for union of its Albanian population with Albania, but failed with government and rebel groups from the conflicts in Serbia, Croatia, Bosnia and Kosovo.

The fact is that the Yugoslav court was founded towards the end of the conflict and thus had no chance of acting pre-emptively before passions were unleashed. Besides, when it was founded it was not much known about by front line combatants and it didn't start to prosecute cases until the wars were over. The Macedonian conflict came later after the ex-Yugoslav court was geared up for action.

Many difficulties remain before the ICC will be truly feared by would-be warmongers. As the appalling persecution of Myanmar's Rohingya minority show, a government, despite having a former Nobel Peace Prize winner, Aung San Suu Kyi, at its head, has been prepared to expel half a million of Rohingya to refugee camps in neighbouring Bangladesh, kill hundreds of thousand innocents and destroy thousands of villages. Myanmar's rulers are well aware of the ICC yet they have continued with their prosecution of a helpless minority.

Set against that failure to deter, there are undoubtedly cases where conflicts don't manifest themselves in large-scale violent form because deterrence is working. We can only guess at which they might be – perhaps Venezuela and Colombia, Thailand's militant Muslims versus Buddhist-orientated government troops in its south, and Israel versus Palestine.

ISIS and its colleague in arms, Boko Haram, in the Middle East and West Africa, seem immune to any type of influence, despite the fact that Security Council members are united against them.

The impact of deterrence is particularly true when countries that take human rights seriously say they are no longer prepared to support one side or another in a civil war. (Before the coming of the ICC half of them were prepared to give support to protagonists on one side or the other.) Even so, in the present-day civil war in Yemen the UK and the US along with Saudi Arabia and the UAE are supplying arms to the government's side, a government that is clearly carrying out atrocities against civilians. The ICC should prosecute these five governments.

The ICC has taken only a few steps forward in the long march towards deterrence. Undoubtedly, some progress has been made but more time must pass before we get a clearer picture.

[\[back to contents\]](#)

**WORTH READING**

## **Reconstructing the Elusive Fight against Corruption in Africa: The Quest for Re-characterization of Political Corruption As an International Crime**

**Eric Ngumbi**

**In: The International Journal Of Business And Management**

April 27, 2020

**Corruption remains the major hindrance to prosperity of the African continent in all spheres. It is the single greatest challenge to Africa's realization of human rights, democracy, economic growth as well as peace and stability. Whereas the anti-corruption discourse dates back to the colonial periods of the various African countries and has continued for decades, no significant progress has been made. The entrenched high levels of corruption in Africa are primarily linked to weak accountability systems and poor leadership by state officials which breeds political corruption. This paper argues that national mechanisms against political corruption in African countries are incapable of being effectively deployed. This is because the perpetrators of political corruption are largely the same ones who constitute African Governments that are supposed to enforce anti-corruption laws. The paper therefore calls for a shift from national mechanisms to international mechanisms for fighting political corruption by re-characterizing political corruption as an international crime and incorporating the same to the Rome Statute.**

[[back to contents](#)]

## **War Crimes Prosecution Watch Staff**

**Founder/Advisor**  
**Dean Michael P. Scharf**

**Faculty Advisor**  
Jim Johnson

**Editor-in-Chief**  
David Krawiec

**Managing Editors**  
Alexander Peters  
Matthew Casselberry

**Technical Editor-in-Chief**  
Erica Hudson

**Senior Technical Editors**  
Lysette Roman  
Benjamin Boggs

**Associate Technical Editors**  
Bailey Kadian

**Emerging Issues Advisor**  
Judge Rosemelle Mutoka

Contact: [warcrimewatch@pilpg.org](mailto:warcrimewatch@pilpg.org)

# **Africa**

## **Libya**

David Krawiec, Senior Editor  
Jessica Sayre Smith, Associate Editor

## **Central African Republic**

Christine DiSabato, Senior Editor  
David Codispoti, Associate Editor

## **Sudan & South Sudan**

Christine DiSabato, Senior Editor  
Christine DiSabato, Associate Editor

## **Democratic Republic of the Congo**

Christine DiSabato, Senior Editor  
Christine DiSabato, Associate Editor

## **Côte d'Ivoire (Ivory Coast)**

Divyang Patel, Senior Editor  
Christine DiSabato, Associate Editor

## **Lake Chad Region**

Divyang Patel, Senior Editor  
Christine DiSabato, Associate Editor

## **Mali**

Divyang Patel, Senior Editor  
Christine DiSabato, Associate Editor

## **Liberia**

Divyang Patel, Senior Editor  
Christine DiSabato, Associate Editor

## **Uganda**

Elen Yerosyan, Senior Editor  
Elen Yerosyan, Associate Editor

## **Kenya**

Elen Yerosyan, Senior Editor  
Emily Hoffman, Associate Editor

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

Elen Yerosyan, Senior Editor  
Emily Hoffman, Associate Editor

## **Somalia**

Elen Yerosyan, Senior Editor  
Kathryn Meloni, Associate Editor

# **Europe**

## **Court of Bosnia and Herzegovina, War Crimes Section**

David Krawiec, Senior Editor  
Alicia Mallo, Associate Editor

## **International Criminal Tribunal for the Former Yugoslavia**

David Krawiec, Senior Editor  
Alicia Mallo, Associate Editor

## **Domestic Prosecutions in the Former Yugoslavia**

David Krawiec, Senior Editor  
Alicia Mallo, Associate Editor

### **Turkey**

David Krawiec, Senior Editor  
Alicia Mallo, Associate Editor

## **Middle-East**

### **Iraq**

Amanda Makhoul, Senior Editor  
Natalie Davis, Associate Editor

### **Syria**

Amanda Makhoul, Senior Editor  
Natalie Davis, Associate Editor

### **Yemen**

Amanda Makhoul, Senior Editor  
Natalie Davis, Associate Editor

### **Special Tribunal for Lebanon**

Amanda Makhoul, Senior Editor  
Natalie Davis, Associate Editor

### **Israel and Palestine**

Amanda Makhoul, Senior Editor  
Natalie Davis, Associate Editor

### **Gulf Region**

Amanda Makhoul, Senior Editor  
Maeve Dineen, Associate Editor

## **Asia**

### **Afghanistan**

Michael Zucker, Senior Editor  
Matthew O'Connor, Associate Editor

### **Extraordinary Chambers in the Courts of Cambodia**

Michael Zucker, Senior Editor  
Nicole Divittorio, Associate Editor

### **Bangladesh**

Michael Zucker, Senior Editor  
Amanda Makhoul, Associate Editor

### **War Crimes Investigations in Myanmar**

Michael Zucker, Senior Editor  
David Krawiec, Associate Editor

## **Americas**

### **North and Central America**

Michael Zucker, Senior Editor  
Amy Rubenstein, Associate Editor

### **South America**

Michael Zucker, Senior Editor

Amy Rubenstein, Associate Editor

### **Venezuela**

Michael Zucker, Senior Editor  
Amy Rubenstein, Associate Editor

## **Topics**

### **Truth and Reconciliation Commissions**

Asako Ejima, Senior Editor  
Sophia Billias, Associate Editor

### **Terrorism**

Asako Ejima, Senior Editor  
John Collins, Associate Editor

### **Piracy**

Asako Ejima, Senior Editor  
Asako Ejima, Associate Editor

### **Gender-Based Violence**

Asako Ejima, Senior Editor  
Rachel Adelman, Associate Editor

### **Commentary and Perspectives**

Asako Ejima, Senior Editor  
Rachel Adelman, Associate Editor

## **Worth Reading**

David Krawiec, Editor-in-Chief

War Crimes Prosecution Watch is prepared by the  
International Justice Practice of the **Public International Law & Policy Group**  
and the **Frederick K. Cox International Law Center** of  
**Case Western Reserve University School of Law**  
and is made possible by grants from the **Carnegie Corporation of New York**  
and the **Open Society Institute**.

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

<http://law.case.edu/grotian-moment-blog/>

**Frederick K. Cox International Law Center:**

<http://law.case.edu/centers/cox/>

**Cox Center War Crimes Research Portal:**

<http://law.case.edu/war-crimes-research-portal/>



SCHOOL OF LAW  
CASE WESTERN RESERVE  
UNIVERSITY

To subscribe or unsubscribe from this newsletter, please email [warcimeswatch@pilpg.org](mailto:warcimeswatch@pilpg.org).