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Central African Republic

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

Chad accuses Central African Republic troops of war crimes (Jurist) By Ella Geris

June 1, 2021

Chad's defense ministry said Sunday that troops of their neighboring country the Central African Republic (CAR) had attacked a Chadian military post and that these actions amounted to a war crime.

Chad's Foreign Minister, Cherif Mahamat Zene said "The Central African armed forces attacked the outpost of Sourou in Chad on Sunday morning ... killed a Chad soldier, injured five and kidnapped five others who were then executed in Mbang on the Central African Republic side."

The relationship between Chad and the CAR has been tense for many years with rebel activities causing pressure and drawing international attention to the relationship between these two states. The population flows between Chad and the CAR intensify the instability within each country as tens of thousands of refugees have fled waves of violence related to rebels in the CAR since 2013.

The Foreign Ministry said heavily armed assailants attacked a post that was guarded by 12 Chadian soldiers near Chad's frontier with the CAR. The identity of the alleged rebels is yet to be confirmed, but a senior Chad security official told AFP news agency, speaking anonymously, that the rebels were members of Unity for Peace in Central Africa.

Chad's embassy released a statement saying it was told by the head of the CAR police to collect the bodies of the five soldiers that were executed, and called it "extremely serious war crime and this premeditated murderous attack, planned and carried out within Chad ... cannot go unpunished."

This new allegation creates further problems for the relationship which has resulted in many political consequences, such as an attempt to derail last December's presidential election in the CAR.

[Chad and Central African Republic agree joint probe into killing soldiers at border post (The Morning Star

June 2, 2021

[Chad will hold joint investigations with the Central African Republic (CAR) after six of its soldiers were killed at a border post on Sunday, the countries' foreign ministers confirmed today.

Chad's Foreign Minister, Cherif Mahamat Zene said "The Central African armed forces attacked the outpost of Sourou in Chad on Sunday morning ... killed a Chad soldier, injured five and kidnapped five others who were then executed in Mbang on the Central African Republic side."

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Sudan & South Sudan

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

Sudan: ICC Opens Hearing On Militia Leader Accused of Darfur War Crimes (All Africa) By Nabeel Biaj
May 24, 2021

The International Criminal Court has begun hearing evidence against Sudanese para-military commander Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb, the alleged leader of a notorious militia blamed for atrocities in Sudan's Darfur region.

The hearing will determine if there is enough evidence to proceed to trial on one or more of the 31 charges of war crimes and crimes against humanity Kushayb is facing.

During her presentation Monday, Prosecutor Fatou Bensouda called Ali Kushayb a "willing and energetic" perpetrator of crimes committed in 2003 and 2004 as Sudan's central government tried to crush an insurgency in Darfur.

Kushayb was arrested after he surrendered himself to authorities in the Central African Republic last year and was transferred to the ICC in the Hague. The court had issued a warrant for Kushayb's arrest in April 2007.

The hearing is expected to last four days, said Fadi El Abdallha, spokesperson and head of public affairs at the ICC.

"The purpose of this hearing is to decide whether or not a trial will be held at a later stage. It's a preliminary hearing in which the judges will check the evidence of the prosecutor, will listen to the defense answers and will listen to the victims who are represented through their lawyers," El Abdallha told VOA's South Sudan in Focus.

The judges will have 60 days to decide whether or not to confirm one or more of the charges, "and that means whether or not they believe for each of the charges the prosecutor has presented enough evidence to believe or to have substantial reasons to believe that Mr. Abdelrahman committed these crimes," said El Abdallha.

The judges may also decide to ask the prosecutor for additional evidence or suggest different legal characterizations of certain elements of the case.

Following his arrest last year, the ICC released a statement saying Kushayb was one of the most senior leaders in the tribal hierarchy in the Wadi Salih locality and a member of the para-military group the Popular Defense Forces and reportedly commanded thousands of Janjaweed militiamen from August 2003 until March 2004.

It was Kushayb who allegedly implemented the counter-insurgency strategy of the Sudan government which resulted in the deaths of hundreds of thousands of people in Darfur.

The militia leader is accused of personally participating in some of the attacks against civilians between August 2003 and March 2004, including the killing of civilians, rape, and torture, according to El Abdallah.

Initially, Kushayb faced 50 counts of crimes but Bensouda recently reduced the number to 31, El Abdallah told VOA. The remaining charges include counts of rape, torture, pillaging and attacking civilians, he said.

Kushayb has not entered a plea to the charges but at a hearing last year he told judges the allegations were "untrue."

Former Sudanese president Omar al Bashir and his former defense minister, state minister for interior and a rebel commander are also accused of war crimes committed in Darfur. The ICC issued arrest warrants against all of them years ago.

Bensouda visited Sudan in October urging Sudanese authorities to cooperate with the ICC on all five individuals.

"Sudan has an obligation to cooperate with the ICC because of the resolution of the [U.N.] Security Council which created this obligation for Sudan, and cooperating with the ICC means respecting the ICC founding treaty, the Rome Statute, which allows for different possibilities such either surrendering the suspects against whom there's arrest warrants, or raising for example changes to the admissibility of the case based on the complementarity principle," said El Abdallah.

The principle of complementarity allows Sudan to submit a request to the ICC to try the accused at home. El Abdallah said if Sudan chooses to try Bashir and the other accused, ICC judges must decide whether Sudan fulfils all the legal criteria for a competent tribunal. If Sudan fails to meet the criteria, it must surrender the accused to the ICC.

Sudanese officials have reiterated their commitment to cooperating with the ICC but have yet to agree with the court on a process for trying the accused in Sudan.

ICC prosecutor asks Sudan to hand over Bashir ally accused of Darfur genocide (SABC News)

June 2, 2021

Omar al-Bashir had for years resisted ICC warrants against him.

The International Criminal Court has asked Sudan to hand over one of the key people accused of war crimes and genocide in Darfur and an ally of ousted President Omar Hassan al-Bashir, the visiting chief ICC prosecutor said on Wednesday.

The accused, Ahmed Haroun, asked in May to be sent to The Hague, the court's headquarters, complaining that he would not receive a fair trial in Sudan.

Chief ICC prosecutor Fatou Bensouda told a news conference that Bashir, in prison in Khartoum, was still wanted by the ICC and that the court was willing to negotiate with the Sudanese government on where his trial should be held.

Sudan to handover Omar al-Bashir to the ICC:

Bashir had for years resisted ICC warrants against him and four allies, including Haroun, over the conflict in Sudan's western region that killed an estimated 300 000 people and drove 2.5 million from their homes. They face charges at The Hague of genocide, war crimes and crimes against humanity for atrocities committed by government forces in Darfur beginning in 2002.

The military-civilian transitional government that replaced Bashir in 2019 has said it will cooperate with the court.

ICC investigators will travel to Darfur to continue speaking with victims of the violence, Bensouda said.

She said she did not sense any opposition from Sudanese officials over handing over Haroun, which she said would need to happen before July so that he could be tried alongside defendant Ali Kushayb, who handed himself over to the court in 2020.

Darfur, which Bensouda visited this week, has seen a new outbreak of violence, beginning in 2020.

"One of the (pieces of) information I got during my tour is that crimes are ongoing," she said. "And what I want to say is that the ICC has not stopped working, it has not stopped looking at the situation and it will continue."

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Democratic Republic of the Congo

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Liberia

Sierra Leone: Massaquoi - the Battle of the Alibi Plays Out (Front Page Africa) By Kelvin Lewis
May 21, 2021

At full speed over the last ten days, a Finnish Court has heard 18 witnesses in the trial of rebel Revolutionary United Front member Gibril Massaquoi, accused of committing war crimes in neighbouring Liberia, in a series of hearing held in his native Sierra Leone. The defence is trying to strengthen his alibi.

Sitting in a quiet room on the ground floor, of the secret location booked for the Finnish Court, the gender sensitive panel of four judges, two of whom are women, have been presiding over the proceedings in a quiet and serene manner devoid of the adversarial aggressiveness between lawyers on both sides, which are hall marks of the British judicial system adopted by many African countries including Sierra Leone.

The trial had been delayed for a week, when two of the Finnish judges fell ill with typhoid as they flew in to Sierra Leone, from Liberia where they had been holding two months of hearings. There was thus the inevitable pressure to make up for lost time, ramping up the schedule with three witnesses per day and sitting through the weekend, Sunday inclusive.

Ms Paula Sallinen, the defence lawyer of the Sierra Leonean ex-commander of the Revolutionary United Front (RUF) Gibril Massaquoi - who himself follows the hearings from his prison in Finland - wasted no time in leading her first witness, watched attentively in a hawk like manner by two alert prosecutors - state prosecutor Tom Laitinen and district prosecutor Matias Londen - who seemed to hang on every phrase and every sentence.

Allegedly, the period of commission of the war crimes was between 1999 and 2003. "Defence witness n°4" began testifying that, in 1991, Massaquoi was in Pujehun District which borders Liberia. Along with a lot of youths, the accused had been captured, trained and conscripted into the RUF movement. In 1998, the witness said, the RUF leader Foday Sankoh asked all of the fighters to come out of the bush. Then, they joined the military and they were given offices at the headquarters at Cockeril, in the west-end of the capital Freetown.

Massaquoi was the spokesman of the RUF, and as a family member of the witness, "he used to strategize how to meet people and what to tell them" she said, and, in particular, to help her secure a local chieftaincy seat in his Massaquoi's native village, Blama, in the Gallinese chiefdom, in this Pujehun district of Southern Sierra Leone. Towards the end of 1999, she said, he became more active. He visited and took part in monthly meetings on to 2001. But on 10th January 2002, they lost the chieftaincy elections and they all went back to Freetown.

A resident at Thunderhill in the east-end of the capital Freetown, Massaquoi's only travel outside Freetown was to visit his mother once or twice a month in Bo, the second City, the witness said. In 2000 Massaquoi told her he had to travel to South Africa, Ivory Coast and Nigeria. She adds that in 2001, he went to Monrovia in Liberia and Nigeria. "I got to know this from his wife, who did not actually tell me everything", the witness said.

The witness also told the prosecutor that she met Massaquoi at Youyi building, in Freetown, which houses majority of the government buildings in 2003, from where he moved around freely. Pressed by the prosecutor, who asked if by then Massaquoi was a protected witness with the Special Court for Sierra Leone, the witness answered "I don't know that".

Massaquoi travels in Guinea, Nigeria and Liberia

"Defence witness n°13", a petroleum dealer, recalled when his friend Massaquoi was released from prison in 1999 and went on to live in Azzolini Highway, between the towns of Lunsar and Makeni in northern Sierra Leone. By then, the witness said he was fleeing for his life because he had been tagged as a collaborator of the RUF.

At that time, recounted the witness, Massaquoi was called by Sankoh in Lome for the signature of a peace agreement. He travelled through Guinea in November of 1999. A special assistant to Sankoh, he was with him after Lome when they went to Nigeria, where Sankoh was briefly arrested. Massaquoi came back to Freetown and worked, in 2000, as an administrative and legal adviser to Sankoh working at his residence in Spur road. Massaquoi himself lived in Murray Town, another suburb in Freetown, said witness n°13.

On May 8th 2000, a civil populace went to Sankoh's house at Spur road. Massaquoi escaped. Sankoh was arrested. The witness said he met Massaquoi at his residence, who "was grumbling that his colleagues had attacked some peacekeepers" and was blaming two other RUF leaders, Issa Sesay and Morris Kallon, saying they had "put our lives in danger with these hostages." The leadership of the RUF was transferred to Sesay, a battlefield commander, and Massaquoi lead a delegation that went to Liberia. He was charged "to deliver the peacekeepers to the Liberian president Charles Taylor" and, according to the witness, he stayed in Liberia for six months before returning to his residence in Makeni.

Sesay and Rambo vs Massaquoi and Superman

In 2001, Massaquoi joined the so-called Tripartite Peace meetings between the RUF and the government of Sierra Leone mediated by the United Nations. The meetings were held in Sierra Leone's cities of Kailahun, Kono, and Kambia. By then he was spokesman for the RUF and took part in all the meetings. In Makeni there was what the witness called "a fight for supremacy" between two factions of the RUF. There was Sesay and 'Rambo' on the one hand, and Massaquoi and Dennis Mingo alias Superman on the other hand. At one point, recounted the witness, the fight between the factions resulted in the death of 'Rambo.'

Massaquoi lived in Makeni up to 2002, when some people came from Guinea "with a money doubling scam", said the witness. The guys duped Sesay, so he arrested Massaquoi and tied him up because he had introduced the scammers to him. A Nigerian commander in the area, colonel Oladipo stepped in and called for the UN helicopter which took Massaquoi to the UN Headquarters at Mammy Yoko (now Radisson Blu) hotel in Freetown. Defence witness n°13 says he directed the Criminal Investigations Department to arrest one of the scammers. He brought Massaquoi's wife and children to live with him in Freetown.

By 2002 to 2003, a "disarmament demobilization and reintegration program" started and they gave Massaquoi a fishing project costing \$10,000, continued the witness. "It was a blanket project for all RUF Commanders to help bring them on board the peace process." It was then, the witness added, that Massaquoi came across a chief investigator at the UN Special Court for Sierra Leone, Alan White, who hired him to give information. From 2003 onwards, Massaquoi became an informer for the Court, who paid the rent for his residence and provided security for him. Soon after, the witness said, Sesay and Kallon were arrested.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Macron asks Rwanda to forgive France over 1994 genocide role (BBC News) May 27, 2021

Speaking at the genocide memorial in Rwanda's capital Kigali, he said France had not heeded warnings of impending carnage and had for too long "valued silence over examination of the truth".

But France had not been an accomplice in the killings, Mr Macron added.

Rwanda's leader praised his speech.

President Paul Kagame said, "His words were something more valuable than an apology. They were the truth." He called it "an act of tremendous courage".

In March, a French expert commission found that France under the late President François Mitterrand had borne "heavy and overwhelming responsibility" for the genocide but had not been complicit. The report said France had been "blind" to genocide preparations.

"Only those who went through that night can perhaps forgive, and in doing so give the gift of forgiveness," Mr Macron said at the memorial, where more than 250,000 victims are buried.

"I hereby humbly and with respect stand by your side today, I come to recognise the extent of our responsibilities."

A Hutu elite ruled Rwanda when the genocide took place, in April-June 1994, but they were later ousted by the Tutsi-led Rwandan Patriotic Front (RPF) under Paul Kagame.

Mitterrand had close ties to former Rwandan President Juvénal Habyarimana, a Hutu.

"The killers who stalked the swamps, the hills, the churches, did not have the face of France. France was not an accomplice," Mr Macron said.

But he said that in 1994 "France did not understand that by wanting to block a regional conflict or a civil war, it stood de facto by a genocidal regime".

UN Court rejects bail plea by Genocide suspect Kabuga (The New Times) By James Karuhanga

June 1, 2021

A defence motion seeking the provisional release of Genocide suspect Felicien Kabuga, was denied by a UN court on Tuesday, June 1.

This was as the Trial Chamber of the International Residual Mechanism for Criminal Tribunals held a Status Conference in the Prosecutor v. Félicien Kabuga case, in the Courtroom of The Hague Branch of the UN court. In a motion filed on May 6, Kabuga requested a stay of proceedings on the basis of his health and, in the alternative, his provisional release on humanitarian grounds to an appropriate facility in The Hague to be identified by the Registrar in cooperation with the Defence.

His lawyers claimed that, among others, based on medical reports, there is sufficient medical information to conclude that Kabuga is not fit to stand trial. The Prosecution, in response, also filed a motion, later, requesting that the defence's motion be denied on the basis that: the request for a stay of proceedings, whether temporary or permanent, is premature; and that the requirements for provisional release are not met.

In this case, conditions required for provisional release are that: there must be compelling humanitarian grounds; the suspect does not pose any danger to Prosecution investigations or witnesses; and in light of the suspect's condition, there is no flight risk.

Among others, on Tuesday, the Court found that the Defence has not demonstrated that a request for a stay of proceedings is presently justified.

The Court also considered the submission filed by the Government of the Netherlands on May 27 that it is under no obligation to facilitate Kabuga's provisional release within its territory and that Kabuga fails to demonstrate that he is otherwise entitled to reside in the Netherlands during any provisional release.

It further considered that, despite his age and current condition, Kabuga remained a fugitive for over two decades after the confirmation of his initial indictment on November 26, 1997. The Court's decision to deny the defence motion also was based on the fact that the Trial Chamber is not satisfied by Kabuga's guarantees that, when necessary, he will appear for trial and surrender when required.

Kabuga is currently detained at the United Nations Detention Unit at the Hague Branch of the Mechanism (UNDU), awaiting a detailed medical assessment to determine whether and under what circumstances he may be safely transferred to the Arusha Branch (in Tanzania) of the Mechanism for trial. The Trial Chamber has been receiving bimonthly medical reports from the UNDU Medical Officer since December 9, 2020.

On April 15, it instructed the Registrar to appoint an independent medical expert to examine the accused and submit a detailed written report, which is due by June 21.

Kabuga was arrested in France, in May 2020.

He last appeared in the dock last November where he heard all his charges read during a live court broadcast.

Kabuga pleaded not guilty after he remained silent during his initial court appearance. His not guilty plea stands.

Kabuga is currently in the custody of the Mechanism in The Hague since October 26 when he was transferred from France.

He is charged with seven counts including five related to genocide; genocide, complicity in genocide, director and public incitement to commit genocide, attempt to commit genocide and conspiracy to commit genocide.

Other charges are persecution and extermination, both as crimes against humanity.

Kabuga, known as the Financier of the Genocide, was a wealthy businessman and the president of what was called the National Defence Fund from about April 25, 1994 to July 1994.

A core member of the Akazu – a small circle of architects of the Genocide against the Tutsi, Kabuga was also the founding president of the board of shareholders of hate radio RTLM, known as a key enabler of the Genocide against the Tutsi.

The radio regularly gave detailed information about the people to be massacred and where they could be found.

Until his arrest, Kabuga, 85, was on the run since August 18, 1994 when the Swiss security services let him slip from their grasp.

As the genocide progressed, Kabuga was reportedly given a visa to enter Switzerland.

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Somalia

Bomb blast in Somali capital kills local official, bodyguards (Anadolu Agency) By Mohammed Dhaysane
May 21, 2021

A local official in the Somali capital and his two bodyguards were killed on Friday by an improvised explosive device (IED) attack on the outskirts of Mogadishu, an official said.

Abdirahman Ahmed Garyare, the commissioner of the Garasbaley neighborhood, and his bodyguards were slain by a landmine explosion shortly after Friday prayers, Abdifatah Hassan, a police official in Mogadishu, told Anadolu Agency over the phone.

"The police started an investigation into the matter," he added.

The Banadir regional administration, which includes the capital Mogadishu, has issued a statement confirming the attack and the Garyare's death.

No group has yet claimed the attack, but authorities believe that al-Qaeda-affiliated terrorist group al-Shabaab is responsible.

This January, Garasbaley Deputy Commissioner Ali Mohamed Moalin and youth activist and former journalist Abdirashid Dubad were also killed in an IED attack in Mogadishu.

Bomb blast kills 3, wounds 7 in Somalia (Middle East Monitor) May 28, 2021

At least three people, including civilians, were killed and seven others injured in southwestern Somalia today in a bomb blast that targeted a busy market, according to an official, Anadolu Agency reports.

Abdiqani Mohamud, a police officer in Baidoa city, told Anadolu Agency that the explosion was caused by an improvised explosive device set to explode during the crowded daytime hours.

"A lot of people, including consumers of the narcotic Khat [plant] were at the market. We don't know exactly how many people have been killed but we know for sure so far that three were killed and more than seven others injured in the attack," Mohamud said.

The wounded were rushed to the Bay regional hospital in Baidoa for treatment, he added.

Isse Abdirahman, an eyewitness who also spoke to Anadolu Agency, said the blast devastated part of the market.

Baidoa is a major city located 243 kilometers (150 miles) southwest of the capital Mogadishu and the administrative capital of South West State.

No group has yet claimed responsibility for the attack but the Somali-based al-Qaeda affiliated terrorist group al-Shabaab has perpetrated similar recent attacks in the Horn of Africa nation.

The blast comes a day after Somalia decided to go to the polls after the country's leaders announced the resolution of an election impasse between the federal government and regional leaders.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnia indicts eight Serbs for wartime killing of 78 civilians (Reuters) May 21, 2021

Bosnia's top court on Friday indicted eight Serb ex-soldiers for crimes against humanity over their alleged role in the murder of at least 78 Bosnian Muslim civilians early in the Bosnian war of the 1990s.

A quarter of a century after the U.S.-sponsored Dayton peace accords ended the war among Bosnian Serbs, Croats and Bosniaks in which about 100,000 people were killed, Sarajevo is still hunting down suspected war criminals.

The defendants are accused of "persecuting the Bosniak civilian population based on national, ethnic and religious grounds with discriminatory intention, and of killing civilians in violation of the international law," the court said.

Prosecutors have said the eight Bosnian Serbs, former soldiers, had driven Bosniak civilians out of a school in the western village of Velagici, lined them up and shot dead at least 78 people in June 1992.

The victims' bodies were transported by trucks and buried in a mass grave from which they were exhumed in 1996.

There has been no comment from the side of the defendants, some of whom are believed to be in Serbia.

The 1992-1995 Bosnian war was marked by the persecution and killing of Croats and Bosniaks in territories the Bosnian Serbs had mapped out for their state.

The Croat and Bosniak armies also committed crimes in the war, in which all three parties fought each other at different times.

Bosnian Serb Ex-Officer Arrested Over Wartime Killings (Balkan Transitional Justice) By Azra Husaric
May 27, 2021

State Investigation and Protection Agency officers arrested a man on Thursday on suspicion that he failed to punish subordinate Bosnian Serb Army soldiers for killing several Bosniak civilians in the village of Turjak near the northern city of Gradiska on June 23, 1992.

"He is suspected, as a member of the Bosnian Serb Army, in the capacity of commander of the First Company of the Gradiska Light Infantry Brigade's Second Battalion, of having acted contrary to the rules of international humanitarian law during the war and armed conflict in Bosnia and Herzegovina," the state prosecution said.

A spokesperson said the prosecution would not reveal the suspect's name "for procedural reasons".

Trial for Wartime Murders of 45 Villagers Opens in Bosnia (Balkan Transitional Justice) By Haris Rovcanin
May 28, 2021

"Twelve fathers and 13 sons were killed" in the attack on the village of Novoseoci in September 1992, the prosecutor said as the trial of nine Bosnian Serbs began at the Bosnian state court in Sarajevo on Friday.

The defendants are accused of committing a crime against humanity in Novoseoci, near the town of Sokolac, as part of a joint criminal enterprise, through their involvement in the attack that left 45 Bosniak civilians dead.

The men on trial include Milan Tupajic, wartime president of the Sokolac Crisis Committee; Dragomir Obradovic, alias Dragan, commander of the police's Public Safety Station in Sokolac; Momcilo Pajic, alias Paja, commander of the Military Police Company of the Bosnian Serb Army's Second Romanija Motorised Brigade, and his deputy Aleksa Gordic, alias Aco, and Miladin Gasevic, alias Cirko, deputy commander of the Reconnaissance Squad of the Second Romanija Motorised Brigade.

They also include several members of the Reconnaissance Squad – Momir Kezunovic, alias Keza, Branislav Kezunovic, alias Miki, Zeljko Gasevic, alias Gaso, and Jadranko Suka.

According to the charges, on the night of September 21-22, 1992, members of the Military Police and Reconnaissance Company surrounded Novoseoci and then entered the village.

Pajic ordered the local residents to hand over their weapons, although they had already done so, and one member of the Reconnaissance Squad killed a villager.

Women and children were then separated from men and taken to a bus near the local mosque to be transported towards Sarajevo, while 44 men were taken in two military vehicles to a landfill at Ivan Polje.

The men were brought to the edge of a hole and killed with automatic rifles. A member of the Reconnaissance Squad then finished off any survivors with individual gunshots.

“These people paid with their life only because they had different names and prayed to the same God in a different way,” prosecutor Ivan Matesic said in his introductory statement.

The youngest victim was 14 years old, he told the court.

“Witnesses will say that, acting on an order by Radislav Krstic, commander of the Second Romanija Brigade, they demolished the mosque in Novoseoci and used its remnants to cover up the corpses at the landfill,” Matesic said.

Krstic was sentenced by the Hague Tribunal to 35 years in prison for his role in the genocide of Bosniaks from Srebrenica in July 1995 when he was commander of the Drina Corps of the Bosnian Serb Army.

According to the prosecutor, a team of investigators from The Hague determined that at least 170 bullets were fired at the landfill, each victim was shot at least four times and most of them were shot from behind.

The prosecution claims that the killings were part of a widespread and systematic attack by Bosnian Serb forces in the Sokolac area from May to September 1992.

But Pajic’s defence lawyer, Drazen Zubak, said the prosecution’s allegations about his client were baseless.

“The indictment is based on illegal evidence, because persons whose status is unclear were examined. These persons can be both witnesses and defendants. When their allegations did not suit the prosecution, they were not examined as witnesses at all,” Zubak said.

Gordic’s defence lawyer, Nina Kistic, said it was not being disputed that the men are dead, but her client was not involved.

“The existence of a widespread and systematic attack, as well as Aleksa Gordic’s knowledge of the attack, are disputable,” Kistic said.

The trial will continue on July 8.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Ratko Mladic: Europe’s Most Wanted Faces Final Judgment (BIRN) By Marija Ristic and Milica Stojanovic
June 1, 2021

“A very, very dangerous man.”

This is how the former chief prosecutor of the International Criminal Tribunal for the Former Yugoslavia, Carla Del Ponte, described the fugitive she hunted for more than a decade in order to bring him for trial for the first genocide on European soil since the defeat of Nazi Germany.

Next week, 26 years after he was initially indicted, the UN court in The Hague will deliver its final verdict in the trial of former Bosnian Serb Army general Ratko Mladic.

Mladic appealed after the court's first-instance verdict in 2017 sentenced him to life prison for the genocide of Bosniaks from Srebrenica in 1995, the persecution of Bosniaks and Croats throughout Bosnia and Herzegovina during the 1992-95 war, terrorising the population of Sarajevo during the siege of the city and taking UN peacekeepers hostage.

Mladic, now aged 78, was born in 1943 in the Bosnian village of Bozinovci, some 70 kilometres south of the capital Sarajevo.

He was the child of a Yugoslav Communist Partisan family, and his father was killed in one of the last battles of World War II. Mladic decided to follow in his footsteps and went to military school in Belgrade.

His military skills were first put to the test at the very beginning of the break-up of Yugoslavia, when the Yugoslav People's Army sent him to Croatia in the spring of 1991 to assist local Serb rebels in the town of Knin, which was a Serb stronghold at the time.

By the time Mladic was appointed commander of the 9th Yugoslav People's Army Corps in Knin in June 1991, the territory was already cut off from the rest of Croatia because the rebel Serbs, who had declared the establishment of their Autonomous Territory of Krajina statelet in 1990, had blocked the roads around the town.

Mladic insisted he was not on the side of any ethnic group: "I serve the Socialist Federal Republic of Yugoslavia with my brother officers, in order to protect all nationalities and nations," he told Serbian public broadcaster RTS.

In August 1991, he ordered an attack on the nearby village of Kijevo in order to lift a retaliatory blockade of Serb settlements by Croatian forces.

"In Kijevo, we fired on legitimate military targets. We didn't destroy a single house simply for the sake of it," he told reporters afterwards.

But the Croatian prosecution believed otherwise. In July 1992, the county court in the town of Sibenik sentenced Mladic to 20 years in prison for the attack on Kijevo, which left the village in ruins.

According to the International Criminal Tribunal for the Former Yugoslavia, ICTY, the attack marked the moment when the Yugoslav People's Army, under Mladic's command, openly took the Serb side in the conflict.

After Yugoslav troops seized the village, local Serbs entered and took it over. This model was then used all over the former Yugoslavia during the wars that followed – in Croatia, Bosnia and Herzegovina and Kosovo.

Taking the fight to Bosnia

Fighting began in Bosnia and Herzegovina the year afterwards, with many Bosnian Serb officers leaving the Yugoslav People's Army for the newly-established, Serb-led Army of Republika Srpska.

Serbian President Slobodan Milosevic didn't want to be perceived as an aggressor at the time, so instead of sending his own troops, he decided to supply the Bosnian Serb Army with weapons and men, and make Mladic the main military strategist.

"When I took over my position... I tasked myself with gathering people and establishing the command and headquarters... I knew immediately that a big historic event was going to happen there," Mladic told Belgrade-based news magazine NIN.

Adam Weber, one of the prosecutors in the Mladic case from 2012 until 2017, said that Mladic was chosen because the Bosnian Serb leadership saw him as "the guy who had just carried out some ethnic cleansing operations in Croatia".

The Bosnian Serb military chief's right-hand man, General Manojlo Milovanovic, told the Hague Tribunal in 2013 that the day before the war broke out, Mladic had warned his political leadership about the possibility that genocide might be committed as they sought to seize the territory they wanted.

Milovanovic testified that Mladic told Bosnian Serb leaders in May 1992: "We cannot [ethnically] cleanse, we don't have a sieve to sift so that only Serbs can stay, and others leave... I don't know how [Bosnian Serb political leaders] Mr. [Radovan] Karadzic and Mr. [Momcilo] Krajisnik will explain this to the world. This is genocide, people."

Under Mladic's command, the Bosnian Serb Army spread fear and death – the city of Sarajevo was shelled for more than three

years, and towns like Foca, Prijedor and Visegrad were cleared of Bosnian Muslims.

Mladic never conducted his campaigns in secret, and often allowed news cameras to film him walking around the heights above Sarajevo during the siege of the city. The civilian population was systematically shelled and targeted by snipers, and there were shortages of food, water and electricity.

In an audio recording that was played at his trial, Mladic commanded the shelling of parts of the city: "Shell Velusici and Pofalici because there are not many Serbs in those settlements," he ordered on May 28, 1992, mispronouncing the Sarajevo settlement of Velesici.

"And shell the part near Dobrovoljacka Street, and up there around Humska street and up Djure Djakovica street," he continued. "Can you shell Bascarsija? Fire a salvo at Bascarsija. Keep the presidency and parliament buildings under direct fire. Shoot slowly, at intervals, until I order you to stop."

That night, many buildings in central Sarajevo were set ablaze. More than 100 wounded people were brought to the city's hospitals in a matter of hours.

Those who stayed in the besieged city remember months spent living in fear, as people were killed queuing for water and bread, or running across bridges under sniper fire. Hospitals were shelled, along with museums and libraries.

Mladic was unrepentant. "I am just defending my people," he said on many occasions during the war. He used the same line at his trial.

But Weber argued that the Bosnian Serb military chief was "instrumental to the creation of overall strategy of the ethnic cleansing that occurred throughout Bosnia and Herzegovina, but he was also very much involved in the operational level with his core commanders and implementing that strategy".

"And what you see from him is that he's oftentimes very visibly present on the ground during the operations themselves, which gave him a very hands-on level of involvement at the tactical level with the actual carrying out of operations," he added.

'Protector of the Serbs'

Mladic freely admitted that offensives were "the main method of my warfare style".

"My goal is simple – the protection of Serb territory and the people who have lived there for ages," he asserted.

In July 1995, just a few months before the conflict ended in Bosnia and Herzegovina, Mladic's forces captured the eastern town of Srebrenica, which the United Nations had declared a "protected zone" two years earlier.

Mladic arrived in Srebrenica with a smile on his face, congratulating the soldiers who met him in the streets of the now-deserted town.

Cameras recorded the general's movements and Bosnian Serb television reported on the "liberation" of the town, which tens of thousands of Bosniaks were then fleeing.

"Here we are in Serb Srebrenica on July 11, 1995," Mladic said in the broadcast. "On the eve of yet another big Serb holy day, we are presenting this town to the Serb people. Finally, the time has come to get even with the Turks for the first time since the uprising against Ottoman rule."

What followed was the mass murder of several thousand men and boys, which subsequent indictments and verdicts passed down by international and Bosnian courts have classified as genocide.

During the night of July 11 to 12, Mladic held three meetings at the Fontana hotel in Bratunac. The fate of the people of Srebrenica was the subject that was discussed.

At one of the meetings, he told representatives of the Bosniak residents of Srebrenica: "You can either survive or disappear. In order for you to survive, I am asking all your men, who are armed, even if they committed crimes, and committed crimes against my people, to hand in their weapons to the VRS [Bosnian Serb Army]."

On July 12, Mladic arrived in the village of Potocari near Srebrenica, accompanied by a TV crew. The cameras filmed him distributing chocolate bars to children who had not seen such luxuries for years, and telling their parents not to be afraid because "nobody will do them any harm".

"All of you who want to stay can do so. All those who want to leave this territory are free to do so. We have secured a sufficient

number of buses and trucks for you,” he promised.

Mladic repeated the same message in a meadow in Sandici, in a hangar in Bratunac and at a stadium in Nova Kasaba, addressing captured Bosniak men and boys who were surrounded by Serb soldiers.

Instead, those who were captured or who surrendered were shot. According to the ICTY’s indictment of Mladic, “more than 7,000 prisoners captured in the area around Srebrenica were summarily executed from 13 July to 19 July 1995. The killings continued thereafter.”

On the run in Serbia

The war in Bosnia ended in November 1995 with the Dayton peace agreement; four months earlier, Mladic had already been indicted by the ICTY, although the arrest warrant was only issued a year later.

Mladic pledged he would never surrender. “I can only be tried by my people,” he declared.

In 1996, Mladic moved to Serbia, together with a number of Bosnian Serb Army officers. During the war, the Serbian authorities provided Mladic with weapons, and in peacetime they gave him shelter.

He appeared to live freely, without fear of arrest, and went out to restaurants and football matches in the Serbian capital Belgrade.

Until 2003, Mladic was protected by the Serbian military establishment, but when Belgrade adopted a law on cooperation with the ICTY, Mladic had to rely on a closer group of his Bosnian Serb military lieutenants, and then, in the final years before he was caught, on his family.

On May 26, 2011, police special forces went to the Serbian village of Lazarevo to raid a house owned by a relative of Mladic. They went into the house and then tried to enter one of the rooms, but someone was behind the door – an elderly man in a baseball cap.

“Who are you?” police asked.

“You have found who you’re looking for,” the man responded. “I’m Ratko Mladic.”

His arrest sparked huge protests in Belgrade and various towns in Republika Srpska. His lawyers tried to postpone his extradition to The Hague on health grounds, but their requests were denied, except one – a 40-minute visit to the grave of his daughter Ana, who killed herself in 1994.

Mladic made his first appearance in the ICTY courtroom in The Hague in the summer of 2011.

During his nine-year trial, he often provoked war victims who were attending hearings and refused to comply with the judge’s orders.

He had several serious medical problems while in detention in the Netherlands and suffered two strokes and a heart attack. His defence repeatedly asked for him to be hospitalised, claiming that his health was deteriorating and raising concerns that he might not be mentally competent to follow proceedings.

Addressing the court at his appeal hearing in October 2020, he claimed that the collapse of Yugoslavia was the result of a Western plot, and repeated his wartime assertion that he was just protecting the Serb people.

“Fate put me in a position to defend my country, the SFRY [Socialist Federal Republic of Yugoslavia] that you Western powers had devastated with the help of the Vatican and the Western mafia, [US President George HW] Bush and [German Foreign Minister Klaus] Kinkel,” he said.

“Ratko Mladic was not the one who started that war. He was not the one who made the plan to attack Yugoslavia,” he added.

The wartime victims of the Bosnian Serb Army were not impressed by such statements. Izudin Alic, one of the children from Srebrenica who Mladic gave chocolate to in July 1995 before the massacres started, told BIRN in 2017 that he sometimes asked himself if the former Bosnian Serb military commander remembered him.

“I often wonder about this, when I see him in The Hague. I wonder if he knew all those men would be killed... My father and uncle, all of them,” he said.

“What do I feel about him? Nothing! I am only glad that he was arrested and that he is on trial,” Alic added.

“He should answer for all that he did in Srebrenica.”

Domestic Prosecutions In The Former Yugoslavia

Radovan Karadzic Transferred to Britain to Serve Jail Sentence (Balkan Transitional Justice) By Danijel

Kovacevic

May 28, 2021

Radovan Karadzic was transferred from the UN Detention Unit in Scheveningen in The Hague to Britain on Wednesday, the former Bosnian Serb president's lawyer Goran Petronijevic told Bosnian media.

Petronijevic added that he had talked to Karadzic briefly on Wednesday when he landed in London, but has no further information on his whereabouts.

The UN court in The Hague sentenced Karadzic to life in prison in March 2019 for the genocide of Bosniaks from Srebrenica, the persecution of Bosniaks and Croats across the country during wartime, terrorising the population of Sarajevo during the siege of the city, and taking UN peacekeepers hostage.

Karadzic contested the decision by the Mechanism for International Criminal Tribunals in The Hague to send him to Britain to serve his sentence, claiming he could become the target for a potentially deadly attack by other prisoners.

His defence team argued that Karadzic, 75, "would be in danger from Muslim extremists".

It also said that to keep Karadzic safe from attack, he would have to be kept in conditions similar to solitary confinement.

It cited an attack at Wakefield jail in Britain in 2010 on Bosnian Serb Army general Radislav Krstic, whose face and neck were slashed by three Muslim prisoners in his cell.

Krstic, who like Karadzic was convicted of the genocide of Bosniaks from Srebrenica, was transferred back to the Netherlands and then to a Polish jail.

However, the UN court dismissed his objections.

Serbia Urged to Prosecute Bosnian Serb Officers for Prijedor Crimes (Balkan Transitional Justice) By

Milica Stojanovic

May 31, 2021

The Humanitarian Law Centre said on Monday that it has filed a criminal complaint to the Serbian war crimes prosecution against Vladimir Arsic and Radmilo Zeljaja, senior officers of the Bosnian Serb Army's 43rd Motorised Brigade during wartime.

The complaint accuses Arsic and Zeljaja of bearing responsibility for crimes committed by Bosnian Serb troops in Prijedor in eastern Bosnia in the spring and summer of 1992, during and after they seized control over the area.

"Today, we filed a criminal complaint against Vladimir Arsic, commander of the 43rd Motorised Brigade, Radmilo Zeljaja, his deputy, and several others for crimes committed in Prijedor during the war in Bosnia and Herzegovina," said the HLC's director, Ivana Zanic.

She was speaking at the presentation in Belgrade of the HLC's new dossier on the activities of the Bosnian Serb Army's 43rd Motorised Brigade in Prijedor.

The author of the dossier, HLC researcher Jovana Kolaric, said that the attacks on civilians in Prijedor "took place according to an established pattern".

"First, Serb forces would send an ultimatum to the villagers to surrender their weapons, regardless of whether the population owned any weapons at all or not, and then the village would be shelled, regardless of whether the conditions set by the ultimatum were fulfilled or not," Kolaric said.

“After the shelling, tanks accompanied by infantry entered the village, and this was followed by the abuse, harassment, killing, capture and taking of the local population to [detention] camps in Prijedor, and then the looting and burning of houses that had already been damaged by shelling,” she added.

Arsic was the commander of the Bosnian Serb Army’s 343rd Motorised Brigade, which then became the 43rd Motorised Brigade, and Zeljaja was his deputy. Later, Zeljaja become the commander.

According to dossier, both Arsic and Zeljaja are now retired, Arsic since 1997 and Zeljaja since 2002, and both of them live in Serbia.

BIRN could not reach either of them for comment.

Refik Hodzic, a journalist and activist from Prijedor, said that many perpetrators remain unprosecuted.

“At the level of the people who live there [in Prijedor], we all know what happened, we all know who was involved in the crimes, and we are all just waiting for someone to pick up [arrest] those people,” Hodzic said.

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Turkey

Turkish army resorts to chemical weapons after receiving painful blows by Guerrilla (Hawar News Agency) By Zana Danez

May 20, 2021

The People's Defense Forces are making heroic resistance against the attacks of the Turkish occupation army in Zap, Avaşin, and Metina, while the Turkish occupation army is committing crimes against humanity through the use of chemical weapons.

In a report issued in 2011, the Human Rights Organization revealed Turkey's use of chemical weapons. The report stated that between 1994 and 2011, the Turkish army has used chemical weapons 46 times, killing 437 people.

The report details: Use of chemical weapons against Guerrilla: 39 times. Use of chemical weapons against nature: 5 times. Use of biological weapons: twice. Number of people who lost their lives due to the use of chemical weapons: 437. Number of animals who died from the use of chemical weapons: 134.

The use of chemical weapons in Şernax

According to the report, one of the examples of the use of chemical weapons was during the clashes that occurred on May 11, 1999 near the village of Bali Kaya in Selobi district of Şernax. Laboratory analyzes revealed that 20 Guerrilla fighters lost their lives due to the use of chemical weapons. The report, which was prepared in German forensic laboratories, confirmed the use of chemical gas by the Turkish army.

Damning evidence revealed the use of chemical weapons, but without any sanctions imposed. In 2009, 8 Guerrilla fighters were martyred in Celê district of Colemêrg with chemical weapons, and international organizations and human rights defenders were appealed to conduct tests, and a report by the University of Hamburg proved that the Turkish army used chemical weapons. The German expert, Hans Haumann, who analyzed the scenes confirmed that they were real, and thus the Hamburg University Hospital announced that the Guerrilla forces had been bombed with chemical weapons.

On the 31st of July 2011, Badran Kaya was killed in Colemêrg without being hit by any bullet, and the incident was recorded as a death due to the use of chemical weapons. <https://www.demokrathaber.org/guncel/ihd-437-gerilla-kimyasal-silahla-olduruld-h3590.html>

The use of chemical weapons in Afrin

On February 16, the Turkish occupation army used chlorine gas in the village of Arendeh in Shia district, which resulted in the infection of 6 civilians.

In 1997, 192 countries signed the Convention on the Prohibition of the Use and Stockpiling of Chemical Weapons, but the examples we have mentioned confirm that the Turkish state does not abide by the provisions of the agreement.

The use of chemical weapons in Serêkaniyê

Media outlets reported that the Turkish occupation army and its mercenaries used chemical weapons during the attacks of October 9, 2019 against Serêkaniyê. Many people were severely burned by the chemical weapons. Moreover, Amnesty International accused the Turkish state of committing war crimes, and the Organization for the Prohibition of Chemical Weapons said that it would investigate the incident. On October 13, the Turkish state used white phosphorous against civilians in Serêkaniyê, and despite the infection of dozens of civilians, including children, the Turkish state denied this, and the Organization for the Prohibition of Chemical Weapons said that it would investigate the incident. While the Turkish Ambassador in the Hague, Sobhi Geyer, presented 30,000 euros on October 17 to the Organization for the Prohibition of Chemical Weapons, and in this way the Turkish state's crimes were covered up despite overwhelming evidence.

The use of chemical weapons in Gar

The Turkish occupation army used chemical weapons in Gara Mounts between 10-14 February 2021, and a statement by the People's Defense Forces in this regard stated, "with the aim of uncovering the truth and circumstances of what happened in the Ciyani prisoner camp in Gara area, our forces managed to reach the camp; however, despite 3 days passed since the attack, a dense chemical smell of gas was in the camp and its surroundings, and there is a high probability that the people inside the camp were killed with chemical gases first, and then they were shot. These are the preliminary results that we reached.

Qereylan: Whoever wants to know the truth can go and conduct an investigation

The Commander of the People's Defense Center, Murad Qereylan, said in a special program on the (Stêrk TV) channel, "The Turkish occupation army used chemical weapons in the legitimate defense zones," noting that the Turkish army, which was unable to break the Guerrilla's resistance, resorted to the use of weapons, and as a result, 7 fighters were martyred in Mam Resho area in Zagros Mountains.

Qereylan pointed out that the Turkish state hides its true losses, adding: "The enemy used chemical weapons against these comrades, as there were no traces of bullets on their bodies. The enemy took the corpses of these comrades, and everyone who wants to know the truth must conduct an investigation and examination of the comrades' bodies."

The use of chemical weapons in the global media

The newspaper said that, on May 3, the Turkish state used chemical weapons against the Guerrilla forces in Avaşîn area, and published pictures of the Guerrilla fighters who lost their lives, in addition to the statements of officials in the Kurdish community on the subject, and on the other hand, a group of writers and academicians launched a campaign to collect signatures to demand the suspension Turkish occupation's attacks on Southern Kurdistan, via <https://stop-turkish-invasion.com>.

Signatures will be sent to (United Nations Secretary-General Antonio Guterres, President of the US Senate Nancy Pelosi, President of the European Occupation Council Ursula Lien, President of the United States of America Joe Biden, President of the Iraqi Republic Barham Salih, Speaker of the Iraqi Parliament Mohammad al-Halbousi, and the Iraqi Prime Minister Mustafa Kazemi, US Secretary of State Anthony Blinken, High Representative for Security Policies in the European Union Josep Borrell, Secretary-General of the Arab League Ahmed Aboul Gheit, President of the Kurdistan Region Nechirvan Barzani and President of the Parliament of the Southern Kurdistan Region Rewaz Faiq.

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Kosovo Specialist Chambers

The Hague Summons Witness Who Was 8-Years-Old during Kosovo War (exitnews) By Die Morina van Uijtregt
June 2, 2021

Fahri Fazliu, a Kosovo citizen who was eight years old during the Kosovo War, was summoned for questioning by the Specialist Prosecutor's Office (SPO) in The Hague.

"Something very strange and unexpected happened to me yesterday afternoon – I received an invitation from the Specialist Prosecutor's Office to appear in The Hague, on June 23, 2021, as a witness," Fazliu wrote on Facebook this Wednesday.

"I was only 8 years old when the war happened," he added.

Exit News asked the SPO about the reason behind Fazliu's summon, but did not receive any details on the case.

"To protect the integrity of the investigation, the confidentiality of witness testimony and ongoing collection of evidence, the SPO does not disclose specific information on the status of the investigation," Christopher Bennett, the spokesperson of the Specialist Prosecutors' Office told Exit News.

Local media reported that Fazliu holds his uncle's name, Fahri Fazliu, who lost his life in a shoot-out with Serbian police on November 2, 1989, in the "Kodra e Diellit" neighborhood in Pristina, alongside Afrim Zhitia. Both were posthumously granted the honor of Hero of Kosovo.

The Kosovo war crimes court, composed of the Specialist Chambers and the Specialist Prosecutor's Office in The Hague, was established by the Kosovo parliament at the insistence of the international community in August 2015.

It followed a 2011 Council of Europe report in which Swiss Senator Dick Marty addresses the alleged crimes of "members of the Kosovo Liberation Army against ethnic minorities and political rivals" from January 1998 until December 2000.

SPO is investigating war crimes allegedly committed by KLA members during the wartime, between the years 1998 and 2000.

Several KLA senior officials have been indicted so far. Among others, former President Hashim Thaci, former parliament speakers Jakup Krasniqi and Kadri Veseli and former Vetevendoje MP Rexhep Selimi are facing charges of war crimes, while being held in detention facilities in The Hague.

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Azerbaijan

Trial of Armenian war criminals, who tortured Azerbaijani prisoners begins (Azernews) June 2, 2021

The trial of Armenian war criminals Ludwig Mkrtchyan and Alyosha Khosrovyan, who tortured Azerbaijani prisoners of war and committed other crimes during the First Karabakh War (1991-1994), is underway in Baku, Trend reports.

The Yasamal district court is holding a preparatory session of the court on the criminal case.

The facts of hostage-taking, torture and ill-treatment of prisoners and other persons protected by international humanitarian law have been revealed during the investigation of the criminal case launched by Azerbaijan's Military Prosecutor's Office under various articles of the Criminal Code of Azerbaijan in connection with war crimes against peace and humanity committed against Azerbaijanis in the occupied territories of Azerbaijan by the armed forces of the Armenian separatist regime operating illegally in the Nagorno-Karabakh region of Azerbaijan and by the Armed Forces of Armenia.

As a result of the investigation, it was established that Mkrtchyan participated in the activities of armed groups consisting of Armenians who arrived from Armenia, as well as living in the Nagorno-Karabakh region, and also tortured an Azerbaijani citizen taken hostage on July 12, 1991, and illegally detained him about 17 days in the forest near the town of Khojaly.

"In addition, he also acted as an interpreter during the interrogation by the Armenian special services of a civilian resident of Azerbaijan who was taken hostage on September 13, 1999 in the Tapgaragoyunlu village of the Goranboy district, brought to Yerevan and illegally detained in one of the military units," said the statement.

The investigation also established that Mkrtchyan at various times beat and tortured 11 captured Azerbaijani citizens in the territory of the Khojavend and Agdere districts, in the Shusha prison and in Yerevan, and also shot a serviceman of one of the military units.

Mkrtchyan was detained on October 20, 2020 in the territory of the Malikjanli village of the Fuzuli district by the servicemen of the Armed Forces of Azerbaijan.

"Investigative measures carried out also exposed the criminal acts by Alyosha Khosrovyan, a citizen of Armenia, born in 1967, who together with Mkrtchyan tortured Azerbaijanis," the message said.

"It was revealed that Khosrovyan tortured five Azerbaijanis during their captivity and subjected them to cruel and inhumane treatment," the message said.

“Thus, a former soldier of the military unit N of the Ministry of Defense of Azerbaijan taken prisoner in April 1994, was exposed to cruel and inhumane treatment by Khosrovyan,” the message said. “During his illegal detention in one of the houses in Mysmina (Aghbulag) village, Khojavand district he was forced to do heavy construction work of a house for the so-called Minister of Defense of “Nagorno-Karabakh ” Samvel Babayan.”

“Khosrovyan also demonstrated especial cruelty to soldiers of the Azerbaijani Armed Forces, who were taken captives in 1993-1994 and illegally detained in the Shusha city prison,” the message said. “He tortured them by exposing to regular beatings, starving, and inflicting mental anguish and physical pain.”

“Khosrovyan was detained by servicemen of the Azerbaijani Armed Forces on October 3, 2020 while conducting reconnaissance operations in the territories of the of Azerbaijan,” the message said.

“There are well-founded suspicions that Mkrtychyan and Khosrovyan committed crimes provided by Articles 113 (torture), 115.2 (violation of war laws and customs), 279.1 (creation of armed formations or groups not provided by law), 318.2 (illegal crossing of the state border of Azerbaijan) and other articles of the Criminal Code,” the message said. “Therefore, they were charged with these articles, and by court decisions, arrest as a measure of restraint was chosen against them.”

“On May 20, 2021 the indictment on the criminal case was approved and sent to Baku Military Court for consideration,” the message said. “Comprehensive measures are ongoing to expose the criminal acts of other persons in the criminal case and bring them to justice.”

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

US condemns violent security crackdown on Iraqi protesters (Al Jazeera)

May 27, 2021

The United States is outraged that peaceful Iraqi demonstrators demanding reform met threats and “brutal violence”, State Department spokesman Ned Price said on Thursday.

One demonstrator was shot dead and dozens injured during violence at a rally in Baghdad two days ago when thousands gathered to demand accountability from Prime Minister Mustafa al-Kadhimi for the murders of prominent Iraqi activists and protesters.

“The United States is outraged that peaceful demonstrators who took to the streets to urge reform were met with threats and brutal violence,” Price said in a statement.

“We welcome every effort by the government to hold accountable the militias, thugs, and vigilante groups for their attacks against Iraqis exercising their right to freedom of expression and peaceful assembly, as well as for their assault on the rule of law,” the State Department spokesman said.

What started as a hopeful wave of demonstrations in Tahrir Square saw tensions brew throughout the day ending with violence as security forces fired guns and tear gas to crackdown on protesters in the early evening.

Videos shared on social media showed chaos reminiscent of October 2019 when the nationwide social uprising first began and several protesters were killed by security forces.

Almost 600 demonstrators have been killed and 35 activists have died in 82 targeted killings, according to the Iraqi High

Commission for Human Rights.

Tuesday's protests had been sparked by the killing of activist Ihab Jawad al-Wazni near his home in Karbala on May 9 and calls by his family for an end to impunity.

The perpetrators have yet to be identified but activists and demonstrators pointed to Iran-backed militias. Hundreds demonstrating in Tahrir Square on May 25 had shouted slogans against Iran-backed militias.

Iraqi security forces on May 26 arrested Qasim Muslih, commander of the Iranian-backed Shia militia Popular Mobilisation Forces in Anbar province.

Muslih was arrested in connection with recent attacks on the Ain al-Asad airbase, where US and other international forces are housed, officials told the Reuters news service.

Meanwhile, with public discontent rising, the government of Prime Minister al-Kadhimi faces national elections that have been delayed from June until October.

After taking office in May last year, al-Kadhimi had promised to hold early elections to appease demonstrators demanding an overhaul of the country's political system. Now, there are calls for a boycott of the election among many Iraqis disenchanted with the pace of progress.

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Syria

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Yemen

Yemen: Al Houthi recruitment of Africans a war crime (World Gulf) By Samir Salama

May 31, 2021

Abu Dhabi: The Iranian-backed Al Houthi militia continues to lure African refugees and immigrants, recruit them by force and sending them to the crematorium, stressing that using them in suicide attacks is a "war crime," Yemeni Minister of Information, Muammar Al Eryani, said

Al Eryani tweeted:, "The Iran-backed Al Houthi militia continues to lure African refugees and immigrants, recruiting them by force and sending them to the crematoriums, with the bill for its losses rising and the depletion of its human resources, as a result of its military adventures on various fronts in the Marib governorate, and the reluctance of tribesmen to respond to calls for recruitment and mobilisation."

He added: "The Al Houthi militia's admission of recruiting African refugees and immigrants, throwing them into suicide attacks, and exploiting them in combat actions targeting the security and stability of Yemen and neighboring countries and threatening international interests, is a war crime, crimes against humanity, and a clear violation of international laws and norms."

He called on human rights organisations to condemn the terrorist Al Houthi militia's recruitment of African migrants and refugees and their exploitation in hostilities, and to pressure the militia to stop using them as fuel for its futile battles and to implement the agenda of the Iranian regime and its subversive policies in Yemen and the region.

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Special Tribunal for Lebanon

Official Website of the Special Tribunal for Lebanon

In Focus: Special Tribunal for Lebanon (UN)

Exclusive: U.N. tribunal for Lebanon runs out of funds as Beirut's crisis spills over (WTVP) By Stephanie van den Berg
May 25, 2021

A U.N. tribunal set up to prosecute those behind the 2005 assassination of Lebanese Prime Minister Rafik Hariri has run out of funding amid Lebanon's economic and political crisis, threatening plans for future trials, people involved in the process said.

Closing the tribunal would dash the hopes of families of victims in the Hariri murder and other attacks, but also those demanding that a U.N. tribunal bring to justice those responsible for the Beirut port blast last August that killed 200 and injured 6,500.

Last year the U.N. Special Tribunal for Lebanon, located outside of The Hague, convicted former Hezbollah member Salim Jamil Ayyash for the bombing that killed Hariri and 21 others.

Ayyash was sentenced in absentia to five life terms in prison, while three alleged accomplices were acquitted due to insufficient evidence.. Both sides have appealed.

The court is also due to hold a second trial against Ayyash, who is accused of another assassination and attacks against Lebanese politicians in 2004 and 2005 in the run-up to the Hariri bombing.

The court's financial trouble comes as Lebanon faces its worst turmoil since Hariri's assassination, with the country deeply polarized between supporters of Iranian-backed militant group Hezbollah and its allies and supporters of Hariri's son, prime minister designate Saad al-Hariri.

FINANCES "VERY CONCERNING"

"If you abort the tribunal, if you abort this case, you are giving a free gift to the perpetrators and to those who do not want justice to take place," Nidal Jurdi, a lawyer for the victims in the second case, told Reuters.

Scrapping a new trial would not only harm victims who waited 17 years for the case to come to court, but would undermine accountability for crimes in Lebanon in general, Jurdi said.

It would be "a disappointment for the victims of the connected cases and the victims of Lebanon", he said, appealing for international funding.

"Lebanon needs full accountability," he said.

Created by a 2007 U.N. Security Council resolution and opened in 2009, the tribunal's budget last year was 55 million euros (\$67 million) with Lebanon footing 49% of the bill and foreign donors and the U.N. members making up the rest.

"The Special Tribunal for Lebanon is in a very concerning financial position," court spokeswoman Wajed Ramadan told Reuters. "No decision has yet been taken on judicial proceedings and there are intense fundraising efforts going on to find a solution," she added.

U.N. Secretary-General Antonio Guterres extended the mandate of the tribunal from March 1, 2021 "for a further period of two years, or until the completion of the cases before the Special Tribunal, if sooner, or the exhaustion of available funds, if sooner".

Guterres warned in February that due to the financial crisis in Lebanon, the government's contribution was uncertain and "without additional funding, the Special Tribunal may not be able to carry out its mandate beyond the first quarter of 2021".

The 2021 budget had been trimmed by nearly 40 percent, forcing job cuts at the court, but the Lebanese government has still been unable to pay its share, according to U.N. documents.

Guterres requested an appropriation of about \$25 million from the U.N. General Assembly for 2021. The General Assembly approved \$15.5 million in March.

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Israel and Palestine

UN Human Rights Council to launch an investigation into potential Israel-Gaza conflict 'war crimes' (ABC News)

May 25, 2021

The United Nation's top human rights body will launch an international investigation into potential "war crimes" committed during an 11-day conflict between Israel and militant group Hamas in Gaza.

Key points: The resolution calls for the creation of a "Commission of Inquiry" to report on rights violations in Israel, Gaza and the West Bank. The commission will also investigate "underlying root causes" for recurring tensions in the region. China and Russia supported the resolution while some Western and African countries voted against it. The 24-9 vote, with 14 abstentions, capped a special Human Rights Council session on the rights situation faced by Palestinians.

The session and the resolution were arranged by Organization of Islamic Cooperation countries, which have strongly supported Palestinians in their struggles with Israel.

The 11-day conflict killed at least 248 in Gaza, including 66 children and 39 women. In Israel, 12 people also died, including two children, before both sides agreed to a ceasefire.

Israel has resolutely stood by its claims its air strikes were in defence to rockets fired by Hamas, and were targeting buildings used by the militant group.

Man walks past the rubble of a destroyed building in Gaza. Hundreds of people have died during the most recent conflict. (AP: Adel Hana) The UN resolution, which will almost certainly go unheeded by Israel, calls for the creation of a permanent "Commission of Inquiry" — the most potent tool at the council's disposal — to monitor and report on rights violations in Israel, Gaza and the West Bank.

It would be the first such COI with an "ongoing" mandate.

The commission is also to investigate "all underlying root causes of recurrent tensions, instability and protraction of conflict" including discrimination and repression, according to the text.

Amid signs that the resolution would pass, its authors added more teeth to its language with a late revision on Wednesday.

The revised text calls on states to refrain from "transferring arms" — the recipients were not specified — when they assess "a clear risk" that such weapons might be used to commit serious violations of human rights or humanitarian law. That appeared aimed at countries that ship weapons to Israel.

China and Russia were among those voting in favour. Several Western and African countries voted against it.

British ambassador Simon Manley said the commission's "overly expansive mandate ... risks hardening positions on both sides".

Austrian ambassador, Elisabeth Tichy-Fisslberger, said the session "continues the regrettable practice of singling out Israel for criticism in the Human Rights Council".

Russian representative Olga Vorontsova said her country supported the resolution, saying it "has the goal of establishing all of the facts behind all alleged violations in the latest period".

Israel had called on "friendly" countries to oppose the meeting, and the United States — while not a member of the 47-member state body — did not take part, even in its status as an observer state.

An array of countries denounced the latest violence and urged efforts to address the roots of the Middle East conflict.

Some countries opposed to the resolution say the motion singles out Israel. (AP: Khalil Hamra) UN High Commissioner for Human Rights Michelle Bachelet, who spoke early in the session, called on Israel to allow an independent probe of military actions in the latest spasm of deadly violence, which left devastation and death in the Gaza Strip before a ceasefire last week.

"Air strikes in such densely populated areas resulted in a high level of civilian fatalities and injuries, as well as the widespread destruction of civilian infrastructure," Ms Bachelet said.

"Such attacks may constitute war crimes," she added, if deemed to be indiscriminate and disproportionate in their impact on civilians.

Commission to look at 'root causes' of conflict Ms Bachelet urged Israel to ensure accountability, as required under international law in such cases, including through "impartial, independent investigations" of actions in the escalation.

Ms Bachelet said Hamas's apparently indiscriminate rocket fire during the conflict was also a clear violation of the rules of war, and she derided the group's tactics that included locating military assets in densely populated civilian areas, and firing rockets from them.

"These rockets are indiscriminate and fail to distinguish between military and civilian objects, and their use, thereby, constitutes a clear violation of international humanitarian law," Ms Bachelet said.

"However, the actions of one party do not absolve the other from its obligations under international law."

She cautioned violence could erupt again unless the "root causes" are addressed.

The day-long virtual debate involved personal accounts from Palestinians as well as the statements from the council's 47 member states and also observer states.

Why are the skies over Israel and Palestinian Territories again alight? A woman in a headscarf walks holding a little boy in a face mask There is always tension in Israel and the Palestinian Territories, but recently they have intensified and this week, they erupted.

"What would you do if rockets were fired at Dublin, Paris, or Madrid?" she asked.

Riad al-Maliki, the Palestinian Foreign Minister, sought to highlight years of suffering by Palestinians in the lands controlled or occupied by Israel.

"The Israeli war machinery and terrorism of its settlers continue to target our children who face murder, arrest and displacement, deprived of a future in which they can live in peace and security," Mr al-Maliki said.

Israel's Gaza strikes may constitute 'war crimes': UN's Bachelet (Aljazeera)

May 27, 2021

The United Nations human rights chief Michelle Bachelet has said Israel's recent attacks on the besieged Gaza Strip that killed more than 200 Palestinians may constitute "war crimes" if they are shown to be disproportionate.

Bachelet's comments on Thursday came as she opened a special session of the UN Human Rights Council, called at the request of Pakistan – on behalf of the Organisation of Islamic Cooperation – and Palestine.

The UN official said she had seen no evidence that civilian buildings in Gaza hit by Israeli fighter jets were being used for military purposes.

"If found disproportionate, such attacks might constitute war crimes," Bachelet told the 47-member Geneva forum. She also urged Hamas, which runs Gaza, to refrain from firing rockets indiscriminately on Israeli territory.

The 11-day offensive on the Gaza Strip, which began on May 10, killed at least 253 Palestinians, including 66 children, and wounded more than 1,900 people, according to the health ministry in Gaza.

At least 12 people, including three foreign workers and two children, were killed in Israel by rockets fired by Hamas and other armed groups from Gaza during the same period.

"Although reportedly targeting members of armed groups and their military infrastructure, the Israeli attacks resulted in extensive

civilian deaths and injuries, as well as large-scale destruction and damage to civilian objects,” said Bachelet, highlighting the scale of the destruction in Gaza, which has been under a 14-year-old Israeli blockade.

She pointed out that governmental buildings, residential homes, international humanitarian organisations, medical facilities and media offices had been hit in the enclave of two million people. The UN has dubbed it “the world’s largest open-air prison”.

“Despite Israel’s claims that many of these buildings were hosting armed groups or being used for military purposes, we have not seen evidence in this regard,” said Bachelet

“There is no doubt that Israel has the right to defend its citizens and residents,” she added. “However, Palestinians have rights too. The same rights.”

‘Walk the walk’ The council was debating a draft resolution to launch a broad, international investigation into violations surrounding the latest Gaza violence, but also of “systematic” abuses in the Palestinian territories and inside Israel.

Saleh Hijazi, Middle East and North Africa deputy regional director of Amnesty International, welcomed the draft resolution as a means to “establish an investigative mechanism that collects and preserves evidence that cooperates with the ongoing international criminal court investigation into the situation in the occupied Palestinian territories”.

“It is important that these moves tackle arms transfers and lead to a comprehensive arms embargo on Israel and Palestinian armed groups,” he told Al Jazeera, speaking from the occupied West Bank city of Ramallah.

“This is a real test, specifically for the European Union states, to walk the walk when they talk about accountability, to not make Israel an exception when it comes to human rights and respect for international law,” he said.

‘Stop ethnic cleansing’

Of the various speakers to address the council’s session was Muna El-Kurd, an activist and journalist from the occupied East Jerusalem neighbourhood Sheikh Jarrah, where a number of families are facing imminent forced displacement from their own homes.

“We don’t want just your concern, we want you to stop this ethnic cleansing in Sheikh Jarrah and in Palestine,” she said.

She went on to describe the imminent forced displacement Palestinian families in Sheikh Jarrah, including her own, are facing. Half of El-Kurd’s own home was taken over by Israeli settlers in 2009, in what she said was a systematic collusion between the Israeli government and settler organisations.

The imminent expulsion of Palestinian families in Sheikh Jarrah led to widespread protests from Palestinians, which drew harsh Israeli crackdown and raids on Al-Aqsa Mosque – considered the third-holiest site in Islam. Palestinian factions in Gaza, including Hamas, said they fired rockets against Israeli actions in occupied East Jerusalem.

Israel launched the military offensive after the rocket attacks began, but it has been criticised for use of disproportionate force in the Palestinian territory.

Riyad al-Maliki, the Palestinian Authority foreign minister, said the failure of the international community to hold Israel accountable for its crimes has only served to encourage it to continue committing them.

“There can be no peace without the end of Israeli occupation,” he said.

This time, the International Criminal Court is watching (Aljazeera) By Mark Kersten

May 27, 2021

It feels like déjà vu.

Israel launching forced evictions, raids of Al Aqsa Mosque, and persecution of Palestinians. Hamas firing rockets into Israel. Israel bombing densely populated areas of Gaza, claiming that Hamas uses civilians as “human shields”. Palestinians saying that they have nowhere to hide from the air raids. Populated towers bombed by Israeli forces into rubble. Mothers mourning the loss of their children.

The brazen violence is outrageous. The latest round of this deeply asymmetric conflict has cost at least 254 Palestinians lives (including 66 children) and 12 people in Israel (including two children). Once more, senior UN officials have declared that the Israeli bombing of Gaza, if found to be disproportionate, would constitute war crimes.

The situation is on a “doom loop” from which there appears to be no escape. This time, however, is different. This time, the

International Criminal Court (ICC) is watching.

The ICC currently has a live investigation into the situation in Palestine. While some insist that the ICC cannot investigate Palestine because it is not a state, this is not a view shared by the court or the majority of its members. It was also made moot when ICC judges gave the green light for an official probe into alleged atrocities committed in Palestine earlier this year.

It is not yet clear which acts or actors might be targeted by the ICC. But all signs point to Hamas leaders and Israeli government officials facing scrutiny. Hamas is accused of war crimes, including for intentionally firing rockets at civilian areas in Israel. The Israeli government is accused of war crimes for its repeated and disproportionate bombing of Gaza as well as establishing and expanding Israeli settlements in the occupied West Bank.

Israel has rejected any ICC investigation, claiming that the court – an institution that came into existence in 2002 to investigate and prosecute mass atrocities – is illegitimate and emboldens “terrorist groups”. Israel loudly supported and coordinated an anti-ICC misinformation campaign with the administration of US President Donald Trump, even endorsing sanctions against senior ICC staff. Right-wing Israeli Prime Minister Benjamin Netanyahu went so far as to insist that the court represented “pure anti-Semitism” for investigating war crimes in Palestine and to woo right-wing governments – including those that hold openly anti-Semitic positions – into criticising the court.

This hysterical opprobrium comes despite the fact that some experts believe that the ICC is more likely to first start looking into accusations against Hamas because Israel would gladly cooperate with such an investigation and give investigators access to the occupied Palestinian territories. The Israeli government, however, has made it clear it will not cooperate with an ICC probe into its own crimes and that the Israeli courts would not prosecute alleged Israeli war criminals either.

In the eyes of many, the Israeli government’s radical, anti-ICC rhetoric makes the state look more responsible for the atrocities that the court is investigating. So too does Netanyahu telling Israeli soldiers not to “be afraid” of “commissions of inquiry, investigations, [and] inspections” over war crimes. In the midst of a military conflict, Netanyahu effectively told soldiers that the Geneva Conventions were not their concern.

Still, Israel – and Hamas – are undeterred. As the recent violence has shown, neither appears interested in mitigating their behaviours just because the ICC is watching. This is unsurprising. A litany of UN reports, independent investigations, and commissions of inquiry have claimed that Hamas has committed war crimes and Israel – war crimes and crimes against humanity, while recommending that they be investigated by the ICC. Israel has dismissed each and every one, with state officials viciously attacking their authors.

Some might therefore conclude that the ICC is an irrelevant player right now. Far from it.

With the world watching as apparent war crimes were livestreamed on social media, the ICC’s chief Prosecutor Fatou Bensouda stated that she is looking at ongoing violence “very seriously”, adding that “[w]e are monitoring very closely and I remind that an investigation has opened and the evolution of these events could also be something we look at”.

Bensouda will be replaced at the ICC this summer by British barrister Karim Khan. The atrocities of this week will make it effectively impossible for him not to proceed with the ICC investigation. It would be too humiliating for the institution to pull its punches in the wake of such callous disregard for international humanitarian law.

Likewise, the eviction of civilians from Sheikh Jarrah in Jerusalem and Israel’s mass bombardment of civilian homes and infrastructure in response to Hamas’ rockets will only convince more people that the court must intervene and hold perpetrators to account.

The situation will push more people to consume and convince themselves that respected human rights institutions like B’Tselem and Human Rights Watch are correct in finding that Israel’s treatment of Palestinians amounts to persecution and apartheid. Current events are taking the edge of controversy off of the term apartheid, as applied to Israel’s treatment of Palestinians. Mainstream journalists and political figures are even using the term to describe the plight of Palestine.

People will thus be more convinced that the ICC should intervene. It is becoming only clearer that the status quo for Palestinians and Israelis is driven by impunity for atrocities, persecution, and the oppressive conditions that Palestinians find themselves in the occupied West Bank, Gaza, and Israel.

The ICC cannot bring peace to Israel-Palestine. It cannot end apartheid. It is not the solution. But it should be part of it. Every hour that passes offers only more evidence that the ICC should continue its investigation and, ultimately, issue warrants for those responsible for international crimes in Palestine.

The court is watching. Perpetrators ignore this fact at their peril.

UN rights chief calls for inclusive peace process to end Palestine occupation (UN News)

May 27, 2021

In comments to the Human Rights Council in Geneva - which stopped short of supporting a call for an international probe into the escalation in the Occupied Palestinian Territory and Israel - Ms. Bachelet condemned indiscriminate rocket attacks by Gaza's de facto authority Hamas, which claimed 10 lives in Israel, and strikes inside the enclave by Israeli Security Forces that left 242 dead.

The High Commissioner for Human Rights also welcomed the 21 May ceasefire but warned that it was only “a matter of time” until the next flare-up, unless the root causes of this latest escalation were addressed.

War crimes question Addressing the issue of possible war crimes, Ms. Bachelet reminded the Council's 47 Member States that Israeli airstrikes in densely populated areas had “resulted in a high level of civilian fatalities and injuries as well as the widespread destruction of civilian infrastructure”.

Such attacks may constitute war crimes ‘if found to be indiscriminate and disproportionate in their impact on civilians and civilian objects’, the High Commissioner explained via video link to the Geneva-based forum, meeting in special session at the request of Pakistan on behalf of the Organization of Islamic Cooperation.

The “heavy rocket barrage towards Israel” by Hamas and other armed groups also constituted “a clear violation of international humanitarian law”, Ms. Bachelet said.

Also addressing the Council, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, repeated his call for the latest escalation – the most serious since 2014 - to be investigated by the International Criminal Court.

‘Open-air prison’ Describing Gaza as “the world's largest open-air prison”, Mr. Lynk added that the enclave was nothing more than a “tiny sliver of land, holding more than two million people under occupation, cut off from the outside world by a comprehensive and illegal air, sea and land blockade”.

Israel alone had the authority to determine “who and what enters and leaves the (Gaza) Strip”, insisted the Special Rapporteur, who is independent of the UN and answers to the 47 Member States of the Human Rights Council.

“When intensive violence revisits the Palestinians in Gaza, as it regularly does, there is no escape. That this medieval restriction on basic freedoms has gone on for 14 years, and counting, is a harrowing stain on our humanity.”

Israel would not end its occupation “without decisive international action” that is grounded in the framework of rights, the independent rights expert continued.

He insisted that Israel's “occupation has become as entrenched and as sustainable as it has because the international community has never imposed a meaningful cost on Israel for acting as an acquisitive and defiant occupying power”.

Human cost Highlighting the human cost of the recent escalation, the Special Rapporteur pointed to the killing of Dr Ayman Abu Alouf, head of internal medicine at Al-Shifa Hospital, Gaza's largest medical centre.

“He was killed last week by an Israeli missile strike on his apartment building along with 12 members of his extended family, including his parents, his wife, and his 17-year-old son and 13-year-old daughter”, said Mr. Lynk.

“Dr. Abu Alouf was also in charge of the hospital's response to the COVID-19 pandemic, which has ravaged Gaza during the past several months. The valiant but badly under-equipped health care staff that he has left behind have vowed to redouble their efforts to fight the pandemic in his memory.”

Outside Gaza, the rights expert also noted how occupied East Jerusalem had also witnessed intense confrontations between Palestinians and Israelis over access to Al Aqsa Mosque to pray, during the last days of the holy month of Ramadan.

There had also been “a sustained campaign” by Israeli settler organizations to continue to evict Palestinian families from their homes in Silwan and Sheikh Jarrah, which Mr. Lynk described as the “ember” that started the latest violence.

West Bank fragmentation Echoing the High Commissioner's concerns over violence in the occupied West Bank, the Special Rapporteur also noted that demonstrations since 10 May at events in Gaza and in East Jerusalem had led to 27 Palestinians being killed by Israeli security forces and 6,800 injured.

“The 2.7 million Palestinians on the West Bank live in 167 fragmented islands of land, separated from the world and each other by

Israeli checkpoints, walls, settlements and settler-only roads,” said Mr. Lynk. “Their collective future is being devoured before their eyes by the 240 Israeli settlements expanding on their lands.”

Justified defence Defending its actions, Israel’s delegation justified attacks on Gaza, claiming that more than 4,400 rockets had been fired “at Israeli civilians” by Hamas over a 10-day period beginning 10 May.

The Israeli ambassador insisted that Hamas had fired rockets “indiscriminately, targeting civilians, to kill as many innocent people as possible. Israel takes all steps to adhere to the principles of distinction, proportionality, and necessity. We do so not only because of our obligations under the Law of Armed Conflict but also because it is our moral duty to protect innocent lives.”

Q&A: 2021 Hostilities between Israel and Palestinian Armed Groups (Human Rights Watch)

May 28, 2021

The following questions and answers address issues relating to international humanitarian law (the laws of war) governing the armed conflict between Israel and Hamas, Islamic Jihad, and other Palestinian armed groups in Gaza that took place from May 10 to May 21, 2021. The purpose is to facilitate analysis of the conduct of all parties to the conflict with the aim of encouraging accountability for violations of the laws of war and avoiding repetition in the future.

This Q&A focuses on international humanitarian law governing the conduct of hostilities by each party to the conflict. It does not address whether the armed wings of Hamas, Islamic Jihad, and other Palestinian armed groups or the Israeli government were justified in resorting to armed force, such as under the United Nations Charter. In accordance with our institutional mandate, Human Rights Watch maintains a position of neutrality on these issues of jus ad bellum (law concerning acceptable justifications to use armed force); our primary goal is documenting violations of, and encouraging all sides in armed conflicts to respect, the laws of war, or jus in bello (law concerning acceptable conduct in war). The May 2021 conflict followed rising tensions in Jerusalem, including from efforts by Jewish settler groups to evict and confiscate the property of long-time Palestinian residents from their homes in the Sheikh Jarrah neighborhood of East Jerusalem, which Israel unilaterally annexed but remains occupied territory under international humanitarian law. In addition, Palestinians held demonstrations around East Jerusalem, and Israeli forces fired teargas, stun grenades, and rubber-coated steel bullets, including inside al-Aqsa Mosque.

Palestinian demonstrators at times threw rocks during confrontations with Israeli security forces. The confrontations in East Jerusalem injured hundreds of Palestinians between May 7 and May 10, according to the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA).

On May 10, Palestinian armed groups in Gaza started to launch rockets towards Israeli population centers. The Israeli military attacked targets within the densely populated Gaza Strip with missiles, rockets, and artillery.

A ceasefire between the warring parties went into effect on May 21 at 2 a.m. local time.

According to the UN OCHA as of May 25, the fighting had resulted in the killing of 253 people in Gaza, including 66 children. Rockets launched from Gaza into Israel by Palestinian factions killed 12 people, including 2 children.

As of May 20, according to UN OCHA, Israeli forces had killed 25 Palestinians and injured 6308, including 84 children, during confrontations between Israeli forces and Palestinian protesters – who often threw rocks at them – in the West Bank, including East Jerusalem.

1. What international humanitarian law applied to the May 2021 fighting between Israel and Hamas?
2. Who and what is subject to military attack?
3. What were the obligations of Israel and Hamas with respect to fighting in populated areas?
4. Should belligerent parties have given warnings to civilians in advance of attacks? What constitutes an “effective” warning?
5. What are the legal protections for hospitals, medical personnel, and ambulances?
6. Was Israel permitted to attack mosques or schools in Gaza?
7. Was Hamas’s firing of rockets at Israel lawful?
8. Was it lawful to target leaders of Hamas and their offices and homes?
9. What is meant by “collective punishment” of the civilian population?

10. Do journalists have special protection from attack?
11. Were Israeli attacks on radio and television stations of news media organizations, including those run by Hamas, lawful?
12. What are Israel's and Hamas's obligations to humanitarian agencies?
13. Who can be held responsible for violations of international humanitarian law?
14. Can alleged war crimes and crimes against humanity be prosecuted at the International Criminal Court?
15. What other venues for accountability exist?
16. What are the ongoing and systematic human rights violations in the Occupied Palestinian Territory?

What international humanitarian law applied to the May 2021 fighting between Israel and Hamas? The armed conflict between Israel and Hamas and other Palestinian armed groups from May 10 to May 21, 2021, was governed by international treaty law, most notably Common Article 3 to the Geneva Conventions of 1949, and the rules of customary international humanitarian law, which are reflected in the Additional Protocols of 1977 to the Geneva Conventions. These rules set forth minimum standards for all parties to an armed conflict, both states and non-state armed groups.

Foremost among the laws of war is the rule that parties to a conflict must distinguish at all times between combatants and civilians. Civilians may never be the deliberate target of attacks. Warring parties are required to take all feasible precautions to minimize harm to civilians and civilian objects. Attacks may target only military objectives. Attacks targeting civilians or that fail to discriminate between combatants and civilians, or would cause disproportionate harm to the civilian population compared to the anticipated military gain, are prohibited.

Who and what is subject to military attack? The laws of war limit permissible means and methods of warfare by parties to an armed conflict and require them to respect and protect civilians and captured combatants. The fundamental tenets of this law are "civilian immunity" and the principle of "distinction." While the laws of war recognize that some civilian casualties may be inevitable during armed conflict, they impose a duty on warring parties at all times to distinguish between combatants and civilians, and to target only combatants and other military objectives.

Combatants include members of a country's armed forces and commanders and fighters in non-state armed groups. They are subject to attack at all times during hostilities unless they are captured or incapacitated. Civilians lose their immunity from attack when and only for such time as they are directly participating in hostilities. According to the International Committee of the Red Cross, the laws of war distinguish members of the organized fighting forces of a non-state party, who may be targeted when there is fighting, from those who assume exclusively political, administrative, or other non-combat functions, who may not be targeted even when there is fighting. An individual recruited, trained, and equipped by a non-state armed group is considered integrated into that group even before carrying out a hostile act at a time of fighting. Such fighters who leave the armed group, as well as regular army reservists who reintegrate into civilian life, are civilians until they are called back to active duty.

As discussed below, mere membership or affiliation with Hamas, which is a political entity with an armed component, is not a sufficient basis for determining an individual to be a lawful military target. Israel's labeling of certain individuals as "terrorists" does not make them military targets as a matter of law unless they meet the above-noted definition of a combatant, so attacks on such persons may be unlawful attacks on civilians.

The laws of war also protect civilian objects, which are defined as anything not considered a legitimate military objective. Prohibited are direct attacks against civilian objects, such as homes and apartments, places of worship, hospitals and other medical facilities, schools, and cultural monuments – unless they are being used at the time for military purposes and meet the standards outlined below. Civilian objects become subject to legitimate attack when they become military objectives – that is, when they are making an effective contribution to military action and their destruction, capture, or neutralization offers a definite military advantage, subject to the rules of proportionality outlined below. This would include the presence of members of armed groups or military forces in what are normally civilian objects. Where there is doubt about the nature of an object, it must be presumed to be civilian.

The laws of war prohibit indiscriminate attacks. Indiscriminate attacks are of a nature to strike military objectives and civilians or civilian objects without distinction. Examples of indiscriminate attacks are those that are not directed at a specific military objective or that use weapons that cannot be directed at a specific military objective. Prohibited indiscriminate attacks include area bombardment, which are attacks by artillery or other means that treat as a single military objective a number of clearly separated and distinct military objectives located in an area containing a concentration of civilians and civilian objects.

An attack on an otherwise legitimate military target is prohibited if it would violate the principle of proportionality. Disproportionate attacks are those that may be expected to cause incidental loss of civilian life or damage to civilian objects that

would be excessive in relation to the concrete and direct military advantage anticipated from the attack.

What were the obligations of Israel and Hamas with respect to fighting in populated areas? Gaza is one of the most densely populated areas in the world. International humanitarian law does not prohibit fighting in urban areas, although the presence of many civilians places greater obligations on warring parties to take steps to minimize harm to civilians.

The laws of war require that the parties to a conflict take constant care during military operations to spare the civilian population and to “take all feasible precautions” to avoid or minimize the incidental loss of civilian life and damage to civilian objects. These precautions include doing everything feasible to verify that the objects of attack are military objectives and not civilians or civilian objects, giving “effective advance warning” of attacks when circumstances permit, and refraining from an attack if the rule of proportionality will be violated. In populated areas with buildings or other structures, both above and underground, parties should take into account the difficulty of identifying civilians who may be obscured from view even from advanced surveillance technology.

Forces deployed in populated areas must, to the extent feasible, avoid locating military objectives – including fighters, ammunition, weapons, equipment, and military infrastructure – in or near densely populated areas, and endeavor to remove civilians from the vicinity of military objectives. Belligerents are prohibited from using civilians to shield military objectives or operations from attack. “Shielding” refers to purposefully using the presence of civilians to render military forces or areas immune from attack.

At the same time, the attacking party is not relieved from its obligation to take into account the risk to civilians, including the duty to avoid causing disproportionate harm to civilians, simply because it considers the defending party responsible for having located legitimate military targets within or near populated areas. That is, the presence of a Hamas commander or rocket launcher or other military facility in a populated area would not justify attacking the area without regard to the threatened civilian population, including the duty to distinguish combatants from civilians and the rule of proportionality.

The use of explosive weapons with wide-area effects in populated areas, often referred to as EWIPA, is one of the gravest threats to civilians in contemporary armed conflict. In addition to causing civilian casualties directly, explosive weapons with wide-area effects have frequently damaged or destroyed civilian infrastructure, such as bridges, water pipes, power stations, hospitals, and schools, causing long-term harm to civilians, including the disruption of basic services. These weapons have a wide-area effect if they have a large destructive radius, are inherently inaccurate, or deliver multiple munitions at the same time. Their use in populated areas forces people to flee their homes, exacerbating humanitarian needs.

Weapons that have a large destructive radius include those that detonate a large amount of explosive material and those that propel fragments over a large area, or both. Munitions with large amounts of explosive material can produce fragmentation that spreads unpredictably over a wide-area and a powerful blast wave that can cause severe physical injuries to the human body and physical structures, cause blunt force trauma and physical damage from flying debris, and cause or exacerbate other injuries or existing illnesses. Munitions that have pre-formed fragmentation warheads are designed to spread scores of fragments over an area, making it difficult or impossible to limit the effects of the weapon.

The use of explosive weapons with wide-area effects in the densely populated Gaza Strip, where more than two million Palestinians live in a strip of territory that is 41 kilometers long and between 6 and 12 kilometers wide, and the targeting at times of critical infrastructure, could be expected to cause serious harm to civilians and civilian objects. In addition, the rockets launched from Gaza that were fundamentally inaccurate or designed to saturate a large area and were likely to strike civilians and civilian objects inside Israel, also constitute explosive weapons with wide-area effects.

Should belligerent parties have given warnings to civilians in advance of attacks? What constitutes an “effective” warning? On some occasions during Israeli attacks on Gaza between May 10 and May 21, Israeli forces issued purported warnings of attacks to affected civilians in Gaza. These took the form of small “knock on the roof” attacks (carried out with small air-delivered munitions) or messages conveyed by telephone, including phone calls to building residents.

The laws of war require, unless circumstances do not permit, that warring parties give “effective advance warning” of attacks that may affect the civilian population. What constitutes an “effective” warning will depend on the circumstances. Such an assessment would take into account the timing of the warning and the ability of the civilians to leave the area. A warning that does not give civilians adequate time to leave for a safer area would not be considered “effective.”

Civilians who do not evacuate following warnings are still fully protected by international law. Otherwise, warring parties could use warnings to cause forced displacement, threatening civilians with deliberate harm if they did not heed them. Moreover, some civilians are unable to heed a warning to evacuate, for reasons of health, disability, fear, or lack of anyplace else to go. So, even after warnings have been given, attacking forces must still take all feasible precautions to avoid loss of civilian life and property. This includes canceling an attack when it became apparent that the target is civilian or that the civilian loss would be disproportionate to the expected military gain. The laws of war also prohibit “acts or threats of violence the primary purpose of

which is to spread terror among the civilian population.” Statements that called for the evacuation of areas that are not genuine warnings, but are primarily intended to cause panic among residents or compel them to leave their homes for reasons other than their safety, would fall under this prohibition. This prohibition does not attempt to address the effects of lawful attacks, which ordinarily cause fear, but rather those threats or attacks on civilians that have this specific purpose.

What are the legal protections for hospitals, medical personnel, and ambulances? Healthcare facilities are civilian objects that have special protections under the laws of war against attacks and other acts of violence including bombing, shelling, looting, forced entry, shooting into, encircling, or other forceful interference such as intentionally depriving facilities of electricity and water.

Healthcare facilities include hospitals, laboratories, clinics, first-aid posts, blood transfusion centers, and the medical and pharmaceutical stores of these facilities, whether military or civilian. While other presumptively civilian structures become military objectives if they are being used for a military purpose, hospitals lose their protection from attack only if they are being used, outside their humanitarian function, to commit “acts harmful to the enemy.” Several types of acts do not constitute “acts harmful to the enemy,” such as the presence of armed guards, or when small arms from the wounded are found in the hospital. Even if military forces misuse a hospital to store weapons or shelter able-bodied combatants, the attacking force must issue a warning to cease this misuse, setting a reasonable time limit for it to end, and attacking only after such a warning has gone unheeded.

Under the laws of war, doctors, nurses, and other medical personnel must be permitted to do their work and be protected in all circumstances. They lose their protection only if they commit, outside their humanitarian function, “acts harmful to the enemy.”

Likewise, ambulances and other medical transportation must be allowed to function and be protected in all circumstances. They could lose their protection only if they are being used to commit “acts harmful to the enemy,” such as transporting ammunition or healthy fighters in service. As stated above, the attacking force must issue a warning to cease this misuse, and can only attack after such a warning went unheeded.

Was Israel permitted to attack mosques or schools in Gaza? Mosques and churches, like all houses of worship, and schools are presumptively civilian objects that may not be attacked unless they are being used for military purposes, such as a military headquarters or a location for storing weapons and ammunition.

The principle of proportionality also applies to these objects.

All sides were obligated to take special care in military operations to avoid damage to schools, houses of worship, and other cultural property.

Was Hamas’s firing of rockets at Israel lawful? As parties to the May 2021 armed conflict, the armed wings of Hamas, Islamic Jihad, and other Palestinian armed groups were obligated to abide by international humanitarian law. The targeting of military installations and other military objectives is permitted under the laws of war, but only if Hamas took all feasible precautions to avoid civilian harm. The laws prohibited Hamas from targeting civilians or launching indiscriminate attacks or attacks that would cause disproportionate harm to civilians compared to the expected military advantage. Hamas commanders were also obligated to choose such means of attack that they could direct at military targets and minimize incidental harm to civilians. If the weapons used were so inaccurate that they could not be directed at military targets without imposing a substantial risk of civilian harm, then it should not have deployed them.

The rockets launched by Palestinian armed groups – including locally made short and upgraded long-range rockets, “Grad” rockets, and rockets imported from other sources – are considered so inaccurate as to be incapable of being aimed in a manner to discriminate between military targets and civilian objects when they were launched toward populated areas. This inaccuracy and inability to target military objectives are exacerbated at the longer ranges that some rockets were fired into Israel.

The use of such rockets against civilian areas violates the prohibition on deliberate and indiscriminate attacks. Likewise, a party that launches rockets from densely populated areas, or co-locates military objectives in or near civilian areas – thus making civilians vulnerable to counterattacks – may be failing to take all feasible precautions to protect civilians under its control against the effects of attacks.

Was it lawful to target leaders of Hamas and their offices and homes? International humanitarian law allows the targeting of military commanders in the course of armed conflict, provided that such attacks otherwise comply with the laws that protect civilians. Political leaders not taking part in military operations, as civilians, would not be legitimate targets of attack.

Hamas leaders who were commanding belligerent forces would have been legitimate targets. However, because Hamas engages in civil governance beyond its military component, merely being a Hamas leader in and of itself does not make an individual lawfully subject to military attack.

Combatants do not have immunity from attacks in their homes and workplaces. However, as with any attack on an otherwise legitimate military target, the attacking force must refrain from attack if it would disproportionately harm the civilian population – including civilian family members of combatants – or be launched in a way that fails to discriminate between combatants and civilians. Under this duty to take all feasible precautions to avoid civilian harm, the attacking force should also consider whether there may be alternative sites where the combatant can be targeted without endangering civilians.

Attacking the home of a combatant who was not physically present at the time of the attack would in any event be an unlawful attack on a civilian object. If such an unlawful attack were carried out intentionally, then it would constitute a war crime. A civilian home does not lose its protected status as a civilian object merely because it is the home of a militant who is not present there. Insofar as the attack is designed to harm the combatants' families, it would also be a prohibited form of collective punishment (see below).

What is meant by "collective punishment" of the civilian population? The laws of war prohibit the punishment of any person for an offense other than one that they have personally committed. Collective punishment is a term used in international law to describe any form of punitive sanctions and harassment, not limited to judicial penalties, but including sanctions of "any sort, administrative, by police action or otherwise," that are imposed on targeted groups of persons for actions that they themselves did not personally commit. The imposition of collective punishment – such as, in violation of the laws of war, the demolition of homes of families of fighters, or other civilian objects such as multi-story buildings as a form of punishment – is a war crime. Whether an attack or measure could amount to collective punishment depends on several factors, including the target of the measure and its punitive impact, but of particular relevance is the intent behind a particular measure. If the intention was to punish, purely or primarily as a result of an act committed by third parties, then the attack is likely to have been collective punishment.

Do journalists have special protection from attack? Journalists and their equipment benefit from the general protection enjoyed by civilians and civilian objects and may not be targets of an attack unless they are taking direct part in hostilities. Journalists may be subject to legitimate limitations on rights, such as freedom of expression or freedom of movement, imposed in accordance with the law and only to the extent strictly required by the exigencies of the situation. But they may not be arrested, detained, or subjected to other forms of punishment or retaliation simply for doing their work as journalists.

Were Israeli attacks on radio and television stations of news media organizations, including those run by Hamas, lawful? Radio and television facilities are civilian objects and as such enjoy general protection. Military attacks on broadcast facilities used for military communications are legitimate under the laws of war, but such attacks on civilian television or radio stations are otherwise prohibited because they are protected civilian structures and not legitimate military targets. Moreover, if the attack is designed primarily to undermine civilian morale or to psychologically harass the civilian population, that is also a prohibited war purpose. Civilian television and radio stations are legitimate targets only if they meet the criteria for a legitimate military objective; that is, if they are used in a way that makes an "effective contribution to military action" and their destruction in the circumstances ruling at the time offers "a definite military advantage." Specifically, Hamas-operated civilian broadcast facilities could have become military targets if, for example, they were used to send military orders or otherwise concretely to advance Hamas's armed campaign against Israel. However, civilian broadcasting facilities are not rendered legitimate military targets simply because they spout pro-Hamas or anti-Israel propaganda – or report on the laws of war violations by one side or the other. Just as it is unlawful to attack the civilian population to lower its morale, it is unlawful to attack news outfits that merely shape civilian opinion by their reporting or create diplomatic pressure; neither directly contributes to military operations.

Should stations become legitimate military objectives because of their use to transmit military communications, the principle of proportionality in attack must still be respected. This means that Israeli forces should verify at all times that the risks to the civilian population in undertaking any such attack do not outweigh the anticipated definite military advantage. They should take special precautions in relation to buildings located in urban areas, including giving advance warning of an attack whenever possible.

What are Israel's and Hamas's obligations to humanitarian agencies? Under international humanitarian law, parties to a conflict must allow and facilitate the rapid and unimpeded passage of impartially distributed humanitarian aid to the population in need. The belligerent parties must consent to allow relief operations to take place and may not refuse such consent on arbitrary grounds. They can take steps to ensure that consignments do not include weapons or other military materiel. However, deliberately impeding relief supplies is prohibited.

In addition, international humanitarian law requires that belligerent parties ensure the freedom of movement of humanitarian relief personnel essential to the exercise of their functions. This movement can be restricted only temporarily for reasons of imperative military necessity.

Who can be held responsible for violations of international humanitarian law? Serious violations of the laws of war that are committed with criminal intent are war crimes. War crimes, listed in the "grave breaches" provisions of the Geneva Conventions and as customary law in the International Criminal Court statute and other sources, include a wide array of offenses, including deliberate, indiscriminate, and disproportionate attacks harming civilians, using human shields, and imposing collective

punishments, among others. Individuals also may be held criminally liable for attempting to commit a war crime, as well as assisting in, facilitating, aiding, or abetting a war crime.

Responsibility also may fall on persons planning or instigating the commission of a war crime. In addition, commanders and civilian leaders may be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.

States have an obligation to investigate and fairly prosecute individuals within their territory implicated in war crimes.

Can alleged war crimes and crimes against humanity be prosecuted at the International Criminal Court? Alleged war crimes committed during the fighting between Israel and Hamas could be investigated by the International Criminal Court (ICC) prosecutor. On March 3, 2021, the ICC prosecutor opened an investigation into alleged serious crimes committed in Palestine since June 13, 2014. The ICC treaty officially went into effect for Palestine on April 1, 2015. The court's judges have said this gives it jurisdiction over the territory occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem. The ICC has jurisdiction over war crimes and crimes against humanity committed in this territory, regardless of whether the perpetrator comes from a state that has joined the ICC.

Israel signed but has not ratified the ICC's treaty, and in 2002 announced that it did not intend to become a member of the court.

Since 2016, Human Rights Watch has called on the ICC prosecutor to pursue a formal Palestine investigation given strong evidence that serious crimes have been committed there. The grave nature of many of the violations and the pervasive climate of impunity for those crimes make an ICC investigation necessary. The recent hostilities between Hamas and Israel highlight the importance of the court's ongoing investigation of Israeli and Palestinian conduct. Human Rights Watch recently called on the ICC prosecutor also to investigate Israeli authorities implicated in the crimes against humanity of apartheid and persecution.

What other venues for accountability exist? All governments should investigate and prosecute those credibly implicated in serious crimes, under the principle of universal jurisdiction and in accordance with national laws.

Member states at the Human Rights Council on May 27 voted to establish an ongoing Commission of Inquiry to address violations and abuses in the Occupied Palestinian Territory and in Israel, to monitor, document, and report on violations and abuses of international law, advance accountability for perpetrators and justice for victims, and address the root causes and systematic oppression that help fuel cycles of violence.

What are the ongoing and systematic human rights violations in the Occupied Palestinian Territory? Drawing on years of research, Human Rights Watch found that Israeli officials have committed the crimes against humanity of apartheid and persecution.

The finding of apartheid is based on the intent of Israeli officials to maintain the dominance of Jewish Israelis over Palestinians across Israel and the Occupied Palestinian Territory, coupled with the systematic oppression of Palestinians and inhumane acts committed against them in the OPT, including East Jerusalem. These acts include sweeping restrictions on their movement; widespread land confiscation; the imposition of harsh conditions that have led thousands of Palestinians to leave their homes under conditions that amount to forcible transfer; the denial of residency rights to hundreds of thousands of Palestinians and their relatives; and the suspension of basic civil rights to millions of Palestinians. The finding of persecution is based on similar factors, including the discriminatory intent behind Israel's treatment of Palestinians in Israel and the OPT and serious abuses in the OPT.

These findings do not change the legal status of the occupied territory, made up of the West Bank, including East Jerusalem, and Gaza, or the factual reality of occupation.

During armed hostilities over the last decade and more, Human Rights Watch has documented that the Israeli military and the armed wing of Hamas and other Palestinian groups have committed attacks on civilians and civilian objects in violation of the laws of war, which in many instances amounted to war crimes.

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Gulf Region

Bahrain, Kuwait take Palestinian cause to the UN General Assembly, Jordan ruler seeks de-escalation in Gaza (Arab News)

May 21, 2021

Bahrain and Kuwait have taken their concerns over Palestine to the global stage, with top envoys of both countries expressing their dismay and rejection to the UN General Assembly of the Israeli violence against the occupied territories.

Bahrain rejects the “continued cycle of violence and the dangerous escalation between the Palestinian factions in the Gaza Strip and the Israeli forces,” a report from state news agency BNA said, quoting Jamal Faris Al-Ruwaie, Bahrain’s permanent representative to the UN, in his speech before the General Assembly.

“The victims of this military escalation are innocent civilians, civilian facilities and houses, which should be categorically rejected by the international community in general,” he said.

Kuwait also condemned “with the strongest of terms” crimes and policies carried out by the Israeli forces in the occupied Palestinian territories, including the city of Jerusalem.

“Kuwait denounces all of Israel’s illegal settlement schemes, its bids to seize Palestinians’ houses and properties, particularly citizens’ assets in Jerusalem, namely in Sheikh Jarrah neighborhood,” foreign minister and minister of state for cabinet affairs Ahmad Nasser Al-Mohammad Al-Sabah told the UN body.

“Such practices are illegal and illegitimate breaches and constitute flagrant violation of the relevant international resolutions and references,” Al-Sabah said, in a report from Kuwait news agency KUNA.

Jordan’s King Abdullah II also aired his concerns on the Gaza situation, taking to Twitter to stress the need to de-escalate the situation there.

The Jordanian ruler also said he had a telephone discussion with US Vice President Kamala Harris on the need to preserve the ‘legal status quo on Jerusalem.’

Egypt mediated a ceasefire between Israel and Hamas, which began on Friday, after 11 days of fighting, which killed 232 Palestinians and injured scores more.

Cairo said it would send two delegations to monitor the ceasefire, as both sides warned they were ready to retaliate if there were any truce violations by the other.

The violence erupted on May 10, triggered by Palestinians’ anger at what they saw as Israeli curbs on their rights in Jerusalem, including during police confrontations with protesters at Al-Aqsa mosque during the Ramadan fasting month.

Manama expresses its “strong condemnation of the Israeli attacks on worshipers in Al-Aqsa Mosque, and the attempts of Israeli settlers to displace Palestinians from their homes in Sheikh Jarrah,” Bahrain’s Al-Ruwaie said in his UN speech.

“The duty of the Israeli government to fully respect international law, fulfill its international obligations as the occupying power in the occupied Palestinian territories, respect religious freedoms in the holy sites and not to change the legal and historical status of Jerusalem.”

“The attacks and crimes perpetrated by the Israeli occupation forces are part of a chain of violations of Security Council resolutions 242, 478 and 2334; among others, stipulation that sanctity of Jerusalem cannot be desecrated,” Kuwait’s Al-Sabah meanwhile told the global body.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

[Official Website of the Extraordinary Chambers \[English\]](#)

[Official Website of the United Nations Assistance to the Khmer Rouge Trials \(UNAKRT\)](#)

[Cambodia Tribunal Monitor](#)

ECCC rejects request to move Meas Muth case forward (Khmer Times) By Yin Soeum

May 21, 2021

Co-investigating judges at the Extraordinary Chambers in the Courts of Cambodia (ECCC) yesterday denied the international co-prosecutor`s request to forward Case 003 to the Trial Chamber.

The investigation of Case 003 focuses on the crimes allegedly committed by Meas Muth, who was a former navy commander of Democratic Kampuchea during the period from 1975 to 1979.

The ECCC concluded its investigations into Case 003 on January 10, 2017. On November 28, 2018, the Co-Investigating Judges issued two separate Closing Orders in Case 003 against Muth.

The National Judge ruled to dismiss the charges against Muth on the basis that he did not fall within the personal jurisdiction of the ECCC.

The International Judge, however, found that the ECCC did have personal jurisdiction over Muth, highlighting his high-level military role, and charged him with genocide of the Vietnamese, crimes against humanity, war crimes, and crimes under Cambodian law.

In particular, the Co-Investigating Judges rejected the International Co-Prosecutor`s argument that all five Pre-Trial Chamber (PTC) judges had agreed that the indictment issued by the international Co-Investigating Judge was valid and that there was thus unanimity which would mean that the case should go to trial.

The PTC`s national Judges had clearly expressed a diametrically opposed option by ordering the case filed to be archived, hence merely replying on the terminology used but then their words were taken out of context.

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Bangladesh International Crimes Tribunal

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War Crimes Investigation in Myanmar

AP Investigation: Myanmar's junta using bodies to terrorize (Associated Press) By Robin McDowell and Margie Mason
May 25, 2021

Two black pickups speed down an empty city street in Myanmar before coming to a sudden stop. Security forces standing in the back of the trucks begin firing at an oncoming motorbike carrying three young men.

The bike swerves, crashing into a gate. More shots are fired as two of the passengers run away, while the third, Kyaw Min Latt, remains on the ground. Moans are heard as officers grab the wounded 17-year-old from the pavement, throwing his limp body into a truck bed before driving off.

The incident lasted just over a minute and was captured on a CCTV camera. It is part of a growing trove of photos and videos shared on social media that's helping expose a brutal crackdown carried out by the junta since the military's Feb. 1 takeover of the Southeast Asian nation.

An analysis by The Associated Press and the Human Rights Center Investigations Lab at the University of California, Berkeley, looked at cases where bodies of those targeted indiscriminately by police and the military are being used as tools of terror. The findings are based on more than 2,000 tweets and online images, in addition to interviews with family members, witness accounts, and local media reports.

The AP and HRC Lab identified more than 130 instances where security forces appeared to be using corpses and the bodies of the wounded to create anxiety, uncertainty, and strike fear in the civilian population. Over two-thirds of those cases analyzed were confirmed or categorized as having moderate or high credibility, and often involved tracking down the original source of the content or interviewing observers.

Since the military takeover, more than 825 people have been killed — well over two times the government tally — according to the Assistance Association for Political Prisoners, a watchdog organization that monitors arrests and deaths. The junta did not respond to written questions submitted by AP.

The HRC Lab examined hours of footage posted online over a two-month period showing dead bodies being snatched off the streets and dragged like sacks of rice before being thrown into vehicles and driven to unknown destinations. Some people have been disappeared or arrested one day and returned dead the next, their corpses mutilated with signs of torture, witnesses confirmed to AP.

Autopsies have been carried out without the permission of families. And some death certificates blame heart attacks or falls after violent attacks, contradicting witness accounts and images captured by protesters, journalists, or residents, including some who have been stealthily recording incidents with mobile phones through windows or from rooftops.

Cremations and exhumations of the deceased have been secretly conducted in the middle of the night by authorities. Other times, grieving families have been forced to pay military hospitals to release their loved ones' remains, relatives and eyewitnesses told the AP.

Though the incidents may seem random and unprovoked — including kids being shot while playing outside their homes — they are actually deliberate and systematic with the goal of demobilizing people and wearing them down, said Nick Cheesman, a researcher at Australian National University, who specializes in the politics of law and policing in Myanmar. “That,” he said, “is exactly the characteristic of state terror.” ____ Taking a page from the army's historical playbook, experts say the violence also appears aimed at keeping the death toll artificially low and concealing evidence. But unlike past violence, the attacks are being captured on smartphones and surveillance cameras in real-time and could one day be used against the regime before international criminal courts, as has happened elsewhere in the world.

“It has always been the military's strategy to hide the mass crackdown there, the mass killing of the protesters,” said Van Tran, a Cornell University researcher who studied the bloody 1988 and 2007 uprisings in Myanmar. “There are always large-scale operations in order to either cremate the bodies of people that were shot down or ... bulldoze and bury those bodies. So a lot of the time, families do not know where their children went.”

Almost a quarter of the recent cases with known locations analyzed by the HRC Lab involved injured people or dead bodies snatched by security forces in the country's biggest city, Yangon, followed by Mandalay and Bago.

The largest number of those incidents, documented through posts on social media, was reported on March 27. Celebrated annually as Armed Forces Day, it commemorates the start of the military's resistance to Japanese occupation during World War II after more than a century of British colonial rule.

This year protesters dubbed it "Anti-Fascist-Resistance Day," and came out in large numbers in a stand against the military takeover.

It was on that day that motorbike rider Kyaw Min Latt was shot, though his family told AP the young carpenter had not been to a demonstration but was instead heading home from the job site to grab an early lunch with two friends.

Using satellite visuals, reverse image searches, and a sun-shadow calculator, the HRC Lab was able to verify that the shooting took place at 10:38 a.m. in front of a high school on Azarni Road in the southern town of Dawei. In the footage, two shots are heard and Kyaw Min Latt, who was sitting between the driver and a fellow passenger, is seen grabbing his head and falling sideways. Officers chased after the two other riders with guns raised. Another bang is then heard. Sixteen minutes later, a passerby posted a picture on Facebook of blood-soaked concrete and flip flops near the white motorbike that security forces had carefully propped back up before taking Kyaw Min Latt's body.

Within two hours, the CCTV footage was also being shared widely across social media platforms.

That's how the teen's father received the news. He told AP he later learned his son had been taken to a military hospital. He rushed there to see him that afternoon and said the teen was still alive, but unconscious.

"He was badly wounded," Soe Soe Latt said. "He opened his eyes when we were at the hospital, but could not say any words."

The boy died soon after, and his father said army doctors wanted to perform an autopsy. The family fought against it, but said the hospital would only release the body if they signed a paper saying their son died of head injuries from falling off the motorbike.

A photo published online before Kyaw Min Latt's funeral by Dawei Watch, a local news outlet, told a different story: There was a gaping wound in the teen's neck.

Myanmar has a long, tumultuous history of coups, military control, and ethnic conflicts. A junta seized power in 1962, ending 14 years of civilian rule. That began five decades of censorship, mass arrests, disappearances, and dark isolation, resulting in harsh international sanctions that placed it roughly on par with North Korea.

Then in 2011, the country became the darling of the Obama administration and other Western governments when it started moving toward quasi-civilian rule and implementing political reforms as part of its long-promised "roadmap to democracy."

But, despite the newfound freedoms and political reforms in the past decade — from the first ATMs and KFC restaurants to high-speed Internet and smartphones — the military never really relinquished control.

A quarter of the seats in parliament were reserved for those in uniform, and the armed forces held onto key ministries. Senior Gen. Min Aung Hlaing, now chairman of the junta's State Administrative Council, also had the power to impose a state of emergency if he felt national security was at risk.

But after the party headed by Nobel Peace Prize laureate Aung San Suu Kyi won a landslide election last November, the military, known as the Tatmadaw, cried voter fraud. That triggered the February takeover and an emergency declaration, transferring all power to the top commander, on the morning the new parliament was set to begin.

Suu Kyi — who earlier supported security forces during their violent crackdown on ethnic Rohingya Muslims — and other leaders of her National League for Democracy party were put under house arrest. Hundreds of thousands of people from all walks of life poured into the streets nationwide in protest.

Soon after, other NLD members were hauled in for questioning. Some of them would never return alive. Party officials said that family members were prohibited from collecting the body of one man who died at an interrogation center. Two other NLD members were returned as corpses to relatives the next day, drawing a sharp rebuke from the U.S. State Department.

Photos and videos posted on social media from several locations, and analyzed by the HRC Lab, show they appear to have been tortured, with the skin partially peeled from one man's face. Another had dried blood on his head and bruises covering his body.

"Just tell people he had a heart attack and died," a man who attended the cleaning of one victim's body told AP, recalling what doctors told family members.

Despite the attacks on NLD members, the anti-military demonstrations continued. Ordinary citizens soon found themselves targets of soldiers and police.

This month, relatives of one man in Bago Region's Pyay Township said security forces arrived at their home with guns drawn.

After beating 33-year-old Aung Khaing Myit, his sister told AP they took him away for questioning about his suspected involvement in a bomb blast. She said the officers swore nothing would happen to him, but he was heard screaming in a nearby room before falling silent.

The next day, the family was taken to a military hospital. They were told Aung Khaing Myit died while trying to jump out of a transport vehicle and that he was already placed inside a coffin. His sister said they were allowed to look at his bruised face, but not his entire body, and then authorities took him away for cremation over their objections.

"We knew they beat him to death," she said. "But they tried to lie to us." And even if bodies are returned to families, it doesn't mean they will be buried and left to rest in peace.

Nineteen-year-old Kyal Sin, better known as Angel, became a high-profile case after being shot in the head March 3 during a protest in Mandalay, galvanizing supporters to wear T-shirts and banners bearing her image. Thousands, outraged by her death, gathered for her funeral the next day.

But later that night, the flowers were removed from her grave and MRTV state television said her body had been exhumed by authorities so an official autopsy could be carried out, exonerating the police. All that remained at the site afterward was a bloody latex glove and other strewn debris.

Authorities later released a death certificate saying the bullet that killed her didn't match the caliber used by police, and that it came from the wrong direction for security forces to be responsible.

Shootings by soldiers and police were the reason Ye Yint Naing's mother had forbidden him to join a protest in northern Shan State. But that didn't stop the 15-year-old — he simply skipped breakfast that morning and snuck out while she was busy washing clothes in the back of the house.

He quickly met up with friends and headed to the rally, but an hour later tensions began to explode. After activists set a car on fire, Myanmar security forces responded by shooting into the crowd.

Ye Yint Naing was hit and fell to the ground. As he lay bleeding and calling for help, his friends watched paralyzed for two hours, unable to reach him because they feared they would be shot by a sniper standing watch, his brother told AP.

When the gunfire finally stopped, Ye Yint Naing's motionless body was loaded into an ambulance and driven away. Social media posts provided the first clues for family members about what happened to him.

A picture posted on Facebook by a sympathetic worker at a local cemetery showed them where the body was ultimately taken. Once there, Ye Yint Naing was cremated — which goes against Muslim burial customs — following an order by police.

"They actually wanted to hide the dead body," his brother said, adding he was able to get a bag with ashes and bits of bone to bury. "I have to say, 'Thank you,' to the person who cremated the body and took the photo. If not, it would have been hard for our family to find my younger brother because we would not know where he was taken."

Other secret cremations were confirmed in a mountainous trading town in the same state. Military trucks carrying soldiers and police rumbled into Aungban to stamp out a protest early on March 19th, firing off tear gas and bullets that left at least eight people dead, a witness told the AP.

Images from the scene posted on social media, showed one bloodied body lying next to a curb, and video captured men dressed in black uniforms kicking debris and randomly shooting their guns.

Security forces brought most of the corpses to the local cemetery that night and days later. They broke locks on the crematorium and used car tires to burn several bodies, witnesses said, until "all that remained was ash."

Terrified that their loved ones will not receive proper burials, some family members have started hiding bodies, racing to get them buried before security forces can claim them.

That was the case with 13-year-old Htoo Myat Win. He was hit in the chest by a stray bullet while sitting inside his home in the central town of Shwebo, Sagaing Region.

Video posted online showed security forces shooting while walking through the street, and a neighbor who witnessed the boy's death confirmed to AP that they were "spraying bullets" at houses.

Authorities came to ask the family for the boy's body, but they refused to hand it over and instead hid it at a local temple, the neighbor said, declining to give his name fearing retribution. "They cremated him the next day." ____ Junta spokesman Zaw Min Tun said there is a clear legal procedure in place when people die. Families are informed and autopsies are carried out.

"We never hide this number," he said at a press conference earlier this month.

However, the military has put the total killed nationwide at about 300, stressing that nearly 50 police have also died in the violence. Earlier, state-run TV called the more widely used figures from AAPP "fake" news, even though the highly regarded Thailand-based monitoring group often includes the victims' names, ages and photographs. It also details how and where they died as part of its tally, helping bolster the credibility of those numbers.

Ko Bo Kyi, the group's co-founder, noted the junta also claimed hundreds — instead of thousands — died during some of the country's biggest pro-democracy protests in 1988. He added that, just as in the past, their goal now is to maintain a climate of fear and uncertainty that immobilizes people and breaks their will.

"They believe if they kill, torture, and arrest the protesters, they can stop the demonstrations," he said.

But access to technology and social media since the recent military takeover could eventually be used to help build an international criminal case against the junta, while also making it difficult for foreign donors and developed nations to turn a blind eye to what could one day be classified as crimes against humanity.

"It's a whole new ballgame in terms of evidence in a way that will make prosecution possible many years from now if need be," said Richard Dicker, International Justice director at the nonprofit Human Rights Watch, noting that video footage from smartphones has also been used in other uprisings and conflicts, including crimes committed in Syria. "That wouldn't have been viable (in the past) because the evidence would have disappeared."

Still, despite the fact that security forces are aware their actions are being filmed, posted online, and seen around the world, they have continued their attacks on civilians unabated. Dicker said authoritarian governments have long silenced their opponents.

Normally, he added, these kinds of atrocities occur at night in the shadows. "What's new is that it is taking place on the streets and in public view."

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AMERICAS

North & Central America

Discovery of Indigenous children's bodies reminder of Canada's genocide, experts say (the Globe and Mail) By Maan Alhmidi
June 2, 2021

The discovery of 215 children's remains in an unmarked burial site in British Columbia has revived discussion about the residential school system, which international law experts say was a genocide against Indigenous Peoples.

Ryerson University law professor Pamela Palmater said the definition of genocide in the United Nations' convention on the prevention and punishment of the crime of genocide applies to Canada's actions.

She said the convention states that a genocide is committed when members of a group are killed, subjected to serious physical or mental harm, put in conditions to destroy them, become victims to measures intended to prevent births or have their children forcibly transferred to another group.

Canada only needs to be guilty of one of the five acts in the UN convention, with the intention to destroy, in whole or in part, a national, ethnic, racial or religious group, to commit genocide under international law, Palmater said, but she argued it was guilty of all five.

“This is what genocide looks like in any country that has committed genocide over any period of time unmarked graves of innocent children,” said Palmater.

“First Nations, all across the country, have indicated that there are other mass graves and unmarked graves across the country of children who were murdered starved neglected abused or died.”

Assembly of First Nations National Chief Perry Bellegarde said the residential school system constituted a genocide against Indigenous Peoples and the unmarked graves found in Kamloops are evidence.

“All eyes are on First Nations as we attempt to digest the most recent evidence of the genocide against our people, our children.” Bellegarde said in a news release Tuesday.

He said the federal government must respond to First Nations seeking assistance in finding their lost children and support their mourning Indigenous communities.

“I demand that all governments commit to supporting First Nations seeking thorough investigations into former residential school sites and to take any, and all action available to hold perpetrators accountable for their actions.”

Guelph University professor David MacDonald said the forcible transfer of children, which is an act of genocide under the UN convention, occurred in the system of residential schools in Canada.

“Indigenous children with status were basically forced to go to schools provided by the state, and in many cases, there were no day schools on or near the reserve. So they were taken to these church-run boarding schools where they were essentially forcibly assimilated,” he said.

“That fulfills the requirements of the UN Convention.”

The Truth and Reconciliation Commission released its report in 2015 after years of study into the church-run, government-sponsored institutions, which operated in Canada for more than 120 years.

The report explained that physical genocide is the mass killing of the members of a targeted group, while cultural genocide is the destruction of structures and practices that allow the group to continue.

“States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group,” it said.

MacDonald said the TRC concluded the residential school system was “cultural genocide,” not a genocide under the UN convention, because it wasn’t allowed under its mandate to make legal arguments.

The TRC was an outcome of a settlement agreement that ended a class-action lawsuit brought by the survivors of 130 residential schools who sued the Canadian government and the churches.

“The TRC always saw itself as being post-judicial which means that it was the outcome of a legal process. It wasn’t in and of itself a legal process,” MacDonald said.

“Their job was to collect information, but they weren’t allowed to actually make any determinants about whether the government broke any laws.”

However, the National Inquiry into Missing and Murdered Indigenous Women and Girls was convened under the National Inquiries Act, which made it able to subpoena witnesses and make legal determinations, MacDonald said.

In 2019, the inquiry concluded in its 1,200-page report that Canada deliberately and systematically violated racial, gender, human and Indigenous rights, and that its actions amount to genocide.

Following the release of the report, Prime Minister Justin Trudeau accepted the inquiry’s finding that what happened amounts to genocide but said Canada must focus on actions to fix the situation, not on words.

Ryerson professor Palmater, also a Mi'kmaq lawyer, said Canada has been found guilty of both historic and ongoing genocide by the missing and murdered women's inquiry.

"Not in an academic way or political way – this wasn't about theory. This was about a concrete legal assessment done by the national inquiry," she said.

She said Canada continues to commit genocide today.

"There's three times more Indigenous children in foster care than were in residential schools," she said.

"Children in foster care here suffer higher rates of physical abuse, sexual abuse, lack of education, lack of access to health care, emotional abuse, attacks on their culture and, of course, two thirds of all native people in prisons today come from the foster care system, a fifth came from residential schools."

Canada could only face legal consequences for its actions against Indigenous Peoples if a court rules that the country has committed crimes against humanity or genocide, said Bruno Gelinias-Faucher, a law professor at the University of Montreal and a PhD candidate in international law at the University of Cambridge.

He said Canada has criminalized genocide and crimes against humanity within its domestic legal system, but the initiation of a criminal investigation is in the hands of public prosecutors.

The treaty creating the International Court of Justice says that states can bring cases to it, but it can also provide advisory opinions on legal questions referred to it by bodies including the UN General Assembly.

"It's not impossible that could be an advisory opinion regarding, for example, the issue of colonial genocide of Indigenous people," said Gelinias-Faucher.

The International Criminal Court can examine cases referred by the UN Security Council or the state itself, or if the court prosecutor launches an investigation against certain individuals for international crimes.

"There are many criteria and thresholds before this can be done," he said.

"(The court would ask) one, is that the type of crime that falls within the jurisdiction of the court? Does it meet the definition of genocide, crimes against humanity?"

"Two, the court only prosecutes the most heinous, the grievous crime, so this is a kind of a tough call, but we won't prosecute kind of low level officials The court goes only after the big fish."

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TOPICS

Truth and Reconciliation Commission

Gambian truth and reconciliation commission hears last witness (CGTN) May 28, 2021

Gambia's truth and reconciliation commission began hearing its final witness on Thursday after more than two years of probing alleged abuses committed under ex-president Yahya Jammeh.

Jammeh seized power in 1994 as part of a bloodless military coup in the tiny West African state.

He then ruled with an iron fist until January 2017, when he fled to Equatorial Guinea after losing presidential elections to a relative unknown, Adama Barrow.

Gambia's government subsequently established a Truth, Reconciliation and Reparations Commission (TRRC) to investigate alleged abuses committed while Jammeh was in power.

Over 370 witnesses have testified since January 2019 — including former ministers and members of Jammeh's personal death squad — offering harrowing testimony about torture, murder, rape and witch hunts under the former autocrat.

On Thursday, the panel began interviewing 42-year-old Captain Saikou Jallow, the former dictator's personal assistant, who testified that Jammeh had ordered the killing of several of his own family members.

A member of the commission said that the hearings would continue on Friday, and then end with conclusions from the panel.

TRRC Executive Secretary Galleh Jallow also told AFP that the commission will hand a report on the proceedings to President Barrow in July.

The report is highly anticipated by victims and rights groups because of the possibility it will recommend pursuing criminal charges against Jammeh.

Exchanges between lawyers and Captain Saikou Jallow on Thursday were notably tense.

"You're one of those who was the closest to Jammeh. He used to call you his son, you used to call him your dad," said lead counsel chief commissioner, Essa Faal.

Jallow admitted that the former dictator had ordered the killings of disgraced members of his own family, in line with other witness testimony.

But he refused to implicate Jammeh in other killings, explaining that the former president told him several times that his men had "tricked" him.

Numerous other witnesses during other sessions of the truth panel have testified to Jammeh's alleged execution orders, however.

In 2019, a former member of Jammeh's personal death squad known as the "Junglers" testified that the president ordered the killing of Deyda Hydara, a Gambian journalist and AFP correspondent in the capital Banjul.

Former army members also told the commission last year that Jammeh personally ordered the 2005 massacre of around 50 African migrants — one of the most notorious atrocities committed in the country of some two million people.

Jammeh, 56, still has his supporters in the poor nation, but there have also been calls for him to be returned to the country for prosecution.

In January 2020, then justice minister Abubacarr Tambadou said that the ex-autocrat would face “immediate arrest and charges of the most serious kind” if he ever returned from exile.

The commission has no power to convict, however, it may recommend pursuing criminal charges against Jammeh.

Faal, the chief counsel, stressed on Thursday that the commission was not aimed at targeting Jammeh but rather at uncovering the truth.

Human Rights Watch said in a statement on Monday that the hearings “underscored the need for a criminal investigation”.

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Terrorism

Iran denounces Canada ruling plane downed an ‘act of terrorism’ (Al Jazeera) By Maziar Motamedi

May 21, 2021

Iran’s foreign ministry has condemned as “shameful” a Canadian court ruling that said a Ukraine airliner was shot down intentionally last year in an “act of terrorism”.

In a statement on Friday, ministry spokesman Saeed Khatibzadeh said the ruling a day earlier by Ontario’s Superior Court of Justice lacks basis and legitimate evidence.

“Everyone knows that the Canadian court is fundamentally not qualified to judge this aviation accident or potential negligence in an incident that is outside the territory and jurisdiction of Canada,” he said, adding the ruling was predictable considering the country’s history of making moves against the Islamic republic.

Ukraine Airlines Flight PS752 was shot down by two surface-to-air missiles fired from an Islamic Revolutionary Guard Corps (IRGC) battery in early January 2020, killing all 176 people on board, most of whom had ties to Canada and were heading there via Kyiv.

Iran’s final technical report earlier this year said it was an accident caused by “human error” as the missile system was not recalibrated on a tense night when Iran was expecting a potential retaliation by the United States.

The IRGC had fired more than a dozen missiles earlier that night at two US bases in neighbouring Iraq to avenge Major-General Qassem Soleimani, the head of the IRGC’s foreign arm, the Quds Force, who was assassinated by a drone strike ordered by former President Donald Trump.

But the Canadian court ruling, issued in support of some of the families of the victims in absence of Iranian defence, said it was intentional. Another hearing will take place in the future to determine compensation, and the families have said they will seek to seize Iran’s international assets wherever they can.

‘Politicised’ move Iran’s cabinet in December set compensation at \$150,000 for each of the families of the victims, but did not announce a timeline for the payments.

The country’s military court said on April 10 the “officials who had a role” in the downing of the plane have been issued indictments and will soon appear in court with the families of the victims present.

On Friday, the foreign ministry spokesman said the “politicised” move by the Canadian government will disrupt the international legal regime and hurt all countries, including Canada, and renew the pain of the victims’ families.

“We want the Canadian government to exhibit the behaviour of a government that boasts maturity, and behave based on recognised international frameworks instead of pretending to be active in relation to this tragic incident,” he said.

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Piracy

IMO Calls for Redoubled Efforts to Combat West African Piracy (The Maritime Executive) May 24, 2021

The global maritime community is calling for enhanced efforts to tackle the rising menace of piracy in the Gulf of Guinea with the adoption of new IMO resolutions on increased collaboration.

The resolutions adopted at a meeting of the International Maritime Organization (IMO) safety committee are centered on the need to strengthen law enforcement, arrest and prosecute pirates and provide security escorts for vessels.

The IMO's Maritime Safety Committee (MSC) also wants member states, international organizations and relevant stakeholders to contribute financially to its West and Central Africa Maritime Security Trust Fund, whose objective is to assist states in the Gulf of Guinea to develop their national and regional capabilities to improve maritime security. .

“The resolution highlights the need for greater collaboration with all critical stakeholders, including information-sharing on maritime criminality and illegality,” said IMO in a statement. .

The push for deeper global collaboration comes just days after more than 120 organizations across the maritime industry launched the Gulf of Guinea Declaration on the Suppression of Piracy. The declaration is geared to improving security of West African waters, which have become the most dangerous in the world for seafarers and shipping. .

IMO reports indicate that this year, 23 piracy-related incidents have been reported in the West African region. At this rate, the number of incidents could surpass the 90 attacks that occurred last year, which resulted in a total of 112 crew members reported as kidnapped or missing. The high rate of piracy in the Gulf of Guinea represented a significant proportion of the total 226 incidents of piracy and armed robbery against ships that occurred or attempted in 2020 globally. .

To tackle the increasing menace in the Gulf of Guinea, IMO intends to deploy technical cooperation funds to support capacity-building in the region, aiming to tackle piracy and armed robbery and to look at creating a common platform for information-sharing. .

The international community has in recent times faced criticism for lack of proactive measures and actions to address the piracy problem in the region. British security intelligence firm Dryad Global in its 2021 annual report accused large international organizations such as the United Nations, The North Atlantic Treaty Organization (NATO) and The European Union (EU) of being conspicuously absent in offering tangible solutions to piracy in West Africa. .

Gulf of Guinea Pirates Kidnap Crew from Second Ghanaian Fishing Vessel (The Maritime Executive) June 1, 2021

Pirates operating in the Gulf of Guinea appear to be expanding their range of activity, possibly in response to the increased patrols and planned enhancement in security by Nigerian and other authorities. For the second time in less than two weeks, a Ghanaian fishing vessel has reportedly been attacked, with several of its crew members having been kidnapped.

Security authorities in the region have been on alert for increased activity. MDAT-GOG, the security cooperative effort between the British Royal Navy and French Navy, warned on May 31 of the increased threat of piracy activity in the area near Ghana and Benin. They urged that ships and crew increase their vigilance. .

“Trends across the past 18 months have indicated a broadening of the piratical footprint within the Gulf of Guinea, beyond the traditional heartland of the Nigerian EEZ,” warned security analysts Dryad Global in its new update on the region. .

In the latest incident, a commercial fishing vessel, the Iris S, operating from the Ghanaian port of Tema was reportedly boarded approximately 100 nautical miles south of Cotonou in Benin. The 500 gross ton vessel, which is nearly 40 years old, had a crew of 36 aboard, and being a slower moving ship would have been an easier target for the pirates. .

Reporting in the media from Ghana said the Iris S had departed port on May 26 and yesterday morning while operating in the water off Benin spotted an unidentified vessel near the horizon. Approximately an hour after the first sighting, two skiffs approached the fishing vessel, forcing it to stop and seven armed pirates boarded. In the reports, the crew said they were uncertain if the vessel spotted on the horizon was acting as a mother ship for the skiffs. .

The armed boarders rummaged the vessel, stealing personal possessions from the crew and equipment. They left the fishing vessel after about an hour, taking five crew members. The kidnapped individuals included the captain, chief officer, second officer chief

engineer, all Korean nationals, as well as another engineer who was Filipino. The remaining 31 crew members were unharmed. .

A Ghana Navy patrol boat escorted the Iris S back to port. Authorities have also been informed of the kidnapping and there was a hope that the pirates could be intercepted before they reached the Niger Delta where they are believed to be heading. .

In the previous assault on May 19, pirates boarded the fishing vessel Atlantic Princess approximately 65 miles south of Tema. In that incident, they initially took the vessel but later departed kidnapping five crew members from the fishing vessel. .

Dryad's analysis shows that overall pirate incidents are down in the region so far in 2021 compared to a year ago. They reported there have been a total of six incidents versus 11 last year. The number of crew kidnapped, however, has risen slightly to a total of 61 individuals in 2021. .

The Nigerian authorities in May detailed their new initiative named Deep Blue that combines new resources with patrol boats, air reconnaissance, and land forces designed to protect the maritime community in the Nigerian EEZ as well as the oil facilities onshore. As these efforts increase, the pirates may be moving further offshore in an attempt to avoid capture. .

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Gender-Based Violence

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WORTH READING

White Supremacy, Police Brutality, and Family Separation: Preventing Crimes Against Humanity Within the United States (University of Illinois Law Review)

By Elena A. Baylis

May 24, 2021

Although the United States tends to treat crimes against humanity as a danger that exists only in authoritarian or war-torn states, in fact, there is a real risk of crimes against humanity occurring within the United States, as illustrated by events such as systemic police brutality against Black Americans, the federal government's family separation policy that took thousands of immigrant children from their parents at the southern border, and the dramatic escalation of White supremacist and extremist violence culminating in the January 6, 2021 attack on the U.S. Capitol. In spite of this risk, the United States does not have a federal law prohibiting crimes against humanity. This Article first applies international law to define crimes against humanity and assess the risk of crimes against humanity occurring within the United States. It then turns to domestic law to evaluate the potential for a federal law or other federal measures to protect against crimes against humanity, including the political obstacles, the likelihood that any future legislation will depart significantly from international law, and the implications for effectiveness.

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