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

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We urge the Security Council to renew the mandate for the UN Mission in the Central African Republic: UK statement at the UN Security Council (Gov.UK) October 26, 2023

> **[President.**

Let me thank SRSG Rugwabiza for her briefing. I welcome the participation of Foreign Minister Baipo Temon and the Under Representative of Angola at this meeting. Let me first emphasise our continued appreciation for MINUSCA's peacekeepers as they seek to fulfil their mandate in challenging circumstances. The Mission's improved cooperation with the CAR authorities highlights the importance of effective leadership in pursuing efforts to stabilise the country after decades of conflict.

The UK welcomes the positive progress outlined by the Secretary-General in the latest report. This includes improved border management policy, more inclusion of women in political processes and achieving milestones in disarmament, demobilisation, repatriation and reintegration operations. Now is the time to build on these achievements on the path to peace and stability.

First, CAR authorities must de-conflict its security partners, ensure they abide by international law and end impunity for human rights violations they commit. Wagner Group's systematic human rights abuses and spread of mis and disinformation are not the solution to the multifaceted challenges in CAR. They only serve to strengthen the narrative of armed groups.

Second, all parties in CAR must recommit to the Political Agreement for Peace and Reconciliation, to ensure a long-term solution to the conflict can be realised. We call on the Government to redouble its efforts to facilitate inclusive dialogue and implement the joint roadmap with all political actors and armed groups. MINUSCA's role in providing good offices and supporting the peace process continues to be crucial.

Third, conducting local elections remains important for extending democratic local governance and fulfilling the decentralisation required for sustainable peace. With the support of MINUSCA, CAR authorities must fufil their commitment to local elections in 2024.

In conclusion, President, we urge the Council to renew MINUSCA's mandate with the provisions necessary to allow the mission to further increase its effectiveness. The UK fully supports the Mission in supporting the extension of state authority through joint operations with the CAR military, enabling access to basic services, improving mission capacity, supporting local elections and promoting human rights.

Thank you.

Statement by Ambassador James Kariuki at the UN Security Council meeting on the Central African Republic

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Sudan & South Sudan

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

New International Criminal Court Probe in Recent Attacks in Sudan's Darfur (The Tahrir Institute) By Mohamed Osman
October 19, 2023

> **The International Criminal Court decided to open an investigation into atrocities that have been committed in West Darfur since conflict in Sudan erupted in April 2023. The investigation is limited to events in Darfur, relying on the existing United Nations Security Council referral of 2005. There is, however, little to suggest that enforcement would be easier or more effective this time around.**

On July 13, International Criminal Court (ICC) Prosecutor Karim Khan announced his office's latest investigation into recent attacks in Darfur, amidst the context of the ongoing conflict in Sudan that began on April 15, 2023. The announcement of a new probe, whilst in its early stages, is a significant step toward accountability—especially amidst a muted international response to abuses taking place in the region since the beginning of this latest episode of conflict. "[Our mandate is] ongoing with respect to crimes within our jurisdiction, the crimes of genocide, crimes against humanity, and war crimes; and any individual who is found to be committing those crimes within our jurisdiction will be investigated," Khan said.

THE ANNOUNCEMENT OF A NEW PROBE, WHILST IN ITS EARLY STAGES, IS A SIGNIFICANT STEP TOWARD ACCOUNTABILITY—ESPECIALLY AMIDST A MUTED INTERNATIONAL RESPONSE TO ABUSES TAKING PLACE IN THE REGION SINCE THE BEGINNING OF THIS LATEST EPISODE OF CONFLICT

Darfur has been the site of atrocities that span decades. Conflict broke out in 2003 between Sudan's central government and Darfuri rebel groups, who took up arms in response to their marginalization in the country. Omar al-Bashir, Sudan's leader who was deposed in 2019, organized a campaign that heavily relied on mobilizing tribal Arab communities to support his war. Government forces and Arab militias clashed with rebels, but also systematically targeted non-Arab communities, groups from which rebels drew their cadres, and manipulated historical ethnic divisions in the region. Central to the government's campaign was the mobilization of the Janjaweed, armed fighters stemming from Arab groups.

The results of these attacks were horrific atrocities that claimed the lives of nearly 400,000 people. This death toll generated regional and international attention, which later motivated the decision of the UN Security Council (UNSC) to refer the case to the ICC in 2005. The referral, based on Resolution 1593 adopted on March 31, 2005, allowed the ICC to "exercise its jurisdiction over crimes listed in the Rome Statute committed on the territory of Darfur, Sudan, from July 1, 2002, onwards."

Importantly, the decision to refer the situation to the ICC was brought under Chapter VII of the United Nations Charter, which allows the Security Council to "determine the existence of any threat to the peace, breach of the peace, or act of aggression." As a result, the ICC issued arrest warrants over the years against five individuals, including former President Bashir, for found evidence of crimes against humanity, genocide, and war crimes. On June 9, 2021, the ICC announced that former Janjaweed leader Ali Mohamed Ali—known as Kosheib—had surrendered himself to the court. Kosheib's trial started on April 5, 2022, where he faced 31 counts of war crimes and crimes against humanity.

When the Rapid Support Forces (RSF) and the Sudanese Armed Forces (SAF) started fighting in Khartoum on April 15, 2023, attention quickly moved to Darfur, as observers feared the worst given the atrocities committed there two decades prior. West Darfur in particular has been the epicenter of grave crimes committed by the RSF and Arab militias in their targeting of non-Arab communities, notably crimes against the ethnic Massalit community, one of the main ethnic non-Arab groups in the region. Since the end of April 2023, thousands have reportedly been killed in West Darfur, and attackers have also targeted displaced civilians, setting their settlements ablaze. Of the nearly 2 million people who have been displaced in Sudan since the conflict started, over 280,000 have been displaced within West Darfur alone according to the United Nations, and about 150,000 have fled to Chad.

IN LINE WITH THE EXISTING UNSC REFERRAL LIMITING THE INVESTIGATION TO EVENTS IN DARFUR FROM APRIL 2023, CRIMES COMMITTED IN OTHER CITIES, LIKE KHARTOUM, FALL OUT OF THE ICC'S REMIT

The most recent investigation opened by the ICC follows these troubling reports from West Darfur. In line with the existing UNSC referral limiting the investigation to events in Darfur from April 2023, crimes committed in other cities, like Khartoum, fall out of the ICC's remit. A recurring challenge for ICC engagement in Sudan has been the issue of cooperation of local authorities. For instance, Bashir flat-out rejected the ICC's jurisdiction and arrest warrants issued against him and two of his associates in 2008. Indeed, Article 86 of the Rome Statute compels state parties to cooperate in investigating and prosecuting crimes within the jurisdiction of the ICC. Additionally, the UNSC resolution that referred the Darfur case to the court underscores the need for cooperation from domestic actors.

Though Sudan became a signatory to the Rome Statute in 2000—the treaty that created the ICC—it did not ratify it. The former Sudanese transitional government, which was established following Bashir's ouster in 2019, agreed to enhance cooperation with The Hague. A subsequent peace agreement for Darfur signed in 2020 also explicitly provided ground for cooperation with the ICC as part of its justice matrix. In January 2021, ICC prosecutor Khan visited Khartoum and signed a memorandum of understanding to bolster cooperation with Sudanese authorities. In August 2021, the transitional government announced it would ratify the Rome Statute, but the military coup of October 25, 2021, altered the state's priorities, and the country has still yet to ratify it.

Progress from Sudan's side was reportedly slow and inadequate. At that time, the former transitional authorities also contemplated different modalities on cooperation with the ICC on existing cases. On June 16, 2020, the Sudanese attorney general reaffirmed the need for cooperation with the ICC, but also indicated it might be necessary for proceedings to be held in Sudan. The option provided here, despite subsequent concrete steps failing to be actualized, raised questions on existing challenges for Sudan's national prosecutorial and judicial system to ensure effective proceedings or uphold fair trials. For one, Sudanese laws did not, and still do not, provide command responsibility, a key principle that allows the judiciary to hold commanders liable for crimes committed, and not solely the direct perpetrators who were following orders of their superiors. Many crucial standards were also missing, including on witness protection. Moreover, genocide, war crimes, and crimes against humanity, while included in the 1991 Criminal Act (amended in 2009), have inadequate definitions: for example, the crime of genocide is more narrowly defined than under international law, and the war crimes of inhumane treatment, sexual violence, denial of fair trial, and sexual slavery, are either absent or incomplete.

Following the military coup in October 2021, the window of opportunity to progress on justice was squandered. Khan flew again to Khartoum in August 2022, almost a year after the coup took place, and this time visited Darfur, meeting with displaced communities, and signing a memorandum of understanding to facilitate further cooperation on the Kosheib trial with coup leaders, who reiterated their commitment to cooperate with the prosecutor.

WHILE THE NEW INVESTIGATIONS ARE STILL EMPOWERED BY THE EXISTING UNSC REFERRAL UNDER CHAPTER VII, THERE IS LITTLE TO SUGGEST THAT ENFORCEMENT WOULD BE EASIER THIS TIME AROUND

Again, commitments from Sudanese leaders did not result in any real progress. In January 2023, Khan addressed the UNSC, stating that Sudan is not meeting the minimum requirements for cooperation, and that Sudanese authorities were restricting key access to documents and witnesses, while ignoring requests for assistance and approval.

While the new investigations are still empowered by the existing UNSC referral under Chapter VII, there is little to suggest that enforcement would be easier this time around. There will be a crucial need to have more regional and international support for the efforts of the ICC, including by providing much-needed resources, but also the political support to push for better cooperation for the investigation's potential outcomes. The ICC will be operating again in a hostile environment, this time with the world that once watched Darfur with eagle eyes disappointingly doing very little to address the gravity of the current situation.

Mohamed Osman is a Nonresident Fellow at TIMEP focusing on governance, accountability, and justice in Sudan. He has been a Researcher in Human Rights Watch's Africa Division since 2018.

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An alleged Darfur militia leader was merely 'a pharmacist,' defense lawyers tell a war crimes court (ABC News) By Molly Quell
October 19, 2023

> **Defense lawyers have told the International Criminal Court that their client is not a Sudanese militia leader who participated in war crimes, but rather "a no one" who was not involved in the ongoing conflict in the nation**

Defense lawyers told the International Criminal Court on Thursday that their client was not a Sudanese militia leader who had participated in war crimes, but rather "a no one" who had no involvement in the ongoing conflict in the nation.

Prosecutors say Ali Mohammed Ali Abdul Rahman Ali is better known as Ali Kushayb, a leader of the Janjaweed militia. He has denied 31 counts of war crimes and crimes against humanity in what the defense claims is a case of mistaken identity.

"The man sitting behind me was utterly a no-one," defense attorney Cyril Laucci told The Hague-based court in his opening presentation.

Laucci says his client was working as a pharmacist at a market in a remote part of the Darfur region of Sudan during the conflict, which began in 2003, leaving some 300,000 people dead and driving 2.7 million from their homes.

Violence erupted when rebels from the territory's ethnic central and sub-Saharan African community launched an insurgency, complaining of oppression by the Arab-dominated government in the capital, Khartoum. The government responded with a scorched-earth campaign of aerial bombings, and unleashed militias known as the Janjaweed, who are accused of mass killings and rapes.

Prosecutors claim the defendant was a senior commander in the Janjaweed militias from 2003-2004, acting as a go-between for the militia and the Sudanese government. According to the indictment, he even participated in some attacks against civilians.

"You will see that he took pride in the power that he thought he exerted and the authority that he had," ICC chief prosecutor Karim Khan told the court when the trial opened in April of last year.

Abdul Rahman surrendered to authorities in the Central African Republic, near the border with Sudan, in 2020. In his first appearance at the ICC that same year, he said the charges against him were "untrue." He faces a maximum sentence of life imprisonment if convicted.

The conflict in Darfur is the first investigation sent to the court by the United Nations Security Council and the defendant, now 74, is the first person from Sudan to go on trial. Sudan is not a party to the Rome Statute that created the ICC in 2002.

Earlier in the trial, judges heard from 56 witnesses who described horrific violence and the use of rape as a weapon to terrorize and humiliate women. During one massacre, Abdul Rahman allegedly told fighters: "Repeat, repeat for these people. Maybe there are some that you have missed," according to one witness.

In July, Khan told the U.N. Security Council that his office was looking into possible new crimes after renewed violence erupted in Darfur.

The court has also issued arrest warrants for former President Omar al-Bashir, who is accused of genocide; former defense minister Abdel Raheem Hussein; and former interior minister and governor Ahmad Harun. All three men are currently detained in Sudan, which has refused to hand them over to the court.

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Democratic Republic of the Congo

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

ICC frees ex-C.Africa militia leader after case shelved (France 24) October 19, 2023

> **The International Criminal Court said Thursday it had released Maxime Mokom, a former militia leader in the Central African Republic (CAR), shelving its war crimes case against him after the prosecutor dropped all charges.**

Prosecutor Karim Khan said his office had concluded there were "no longer any reasonable prospects of conviction at trial even if the charges were confirmed".

Mokom was released from custody on Tuesday, the ICC said later in a statement.

He had faced charges of war crimes and crimes against humanity over alleged atrocities committed against Muslim civilians in the CAR, a former French colony, by his self-proclaimed self-defence militias in 2013 and 2014.

One of the world's poorest countries, the CAR was plunged into bloody sectarian conflict after Seleka rebels, a coalition of armed groups mainly composed of Muslims, ousted president Francois Bozize in early 2013.

Mokom's militias, which called themselves "anti-Balaka" -- meaning "anti-machete" -- formed in reaction to the takeover of the capital, Bangui, by the Seleka.

He had denied involvement in the bloodshed, telling ICC judges in August he was "dedicated to the search for peace".

Mokom said he returned to the CAR in February 2014 during the height of the violence after having fled to the neighbouring Democratic Republic of Congo.

The charges Mokom had faced included directing attacks against the civilian population, murder, rape and pillage.

Prosecutor Khan said the decision to drop those charges was taken after considering all the evidence and "changed circumstances regarding the availability of witnesses".

It had become clear that "several critical witnesses" were unavailable to testify and that the ongoing investigation was "unlikely to result in new evidence," the prosecutor said in his submission to the court.

Prosecutors said they had been unable to interview potential witnesses, including "insider witnesses" in recent weeks.

"It is also not anticipated that further witnesses with similar evidence will be identified or come forward in the near future," they added. 'Unwelcome news'

Khan said his office reserved the right to request a new arrest warrant if more evidence came to light and addressed those affected by the atrocities in the country.

"I am very conscious that this news may be unwelcome to many survivors and their families," he said. "I hope many will understand my legal and ethical responsibilities to be guided by the law and the evidence."

A lawyer representing the victims described the decision as a "betrayal" and said her clients were "sad and immensely disappointed".

"It's completely upsetting and unfair and the victims can only deplore such brutal and unilateral behaviour," said Elisabeth Rabesandratana in a statement sent to AFP.

The ICC issued an arrest warrant for Mokom in 2018 and he was finally handed over by Chadian authorities last year.

Set up in 2002, the ICC is the world's only independent tribunal capable of prosecuting those accused of the world's worst crimes.

Anti-Balaka attacks continued on Muslim civilians even after Seleka forces retreated from Bangui, until at least December 2014.

The CAR remains troubled and peace agreements signed in 2017 and 2019 have not been respected on the ground.

Many armed groups, rebels and assailants continue a guerrilla campaign of sporadic attacks against the Central African army, which is supported by mercenaries from the Russian private security company Wagner.

International NGOs and experts mandated by the United Nations regularly accuse both sides of crimes and abuses against civilians.

Two other former anti-Balaka leaders, Patrice-Edouard Ngaissona and Alfred Yekatom, are already on trial at the ICC.

Last year, Seleka commander Mahamat Said Abdel Kani denied war crimes and crimes against humanity charges before the court.

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Côte d'Ivoire (Ivory Coast)

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

IS group-linked militants kill 17 in Nigeria for failing to pay 'cattle tax' (France 24) November 1, 2023

> **Scores of fighters from Islamic State West Africa Province (ISWAP) stormed the remote farming and herding village of Kayayya in Yobe State late on Monday, 150 kilometres from the state capital Damaturu, hurling explosives and opening fire, the sources said.**

"The terrorists attacked the village around 8:00 pm (1900 GMT) with explosives and guns while the residents were chatting away the night," said Gremah Bukar, a militia member who assists the military fighting the jihadists.

"They then opened fire on those residents who tried to flee. They killed 17 people and injured five others," Bukar said.

According to a Yobe state police report, 20 people were killed and parts of the village razed before the militants fled. A Yobe state security official did not immediately respond to a request for confirmation.

The attack was in response to the villagers' refusal to pay jihadists a tax they demanded on cattle, Abubakar Adamu, said another militia member who gave the same toll.

Militants and armed groups in remote parts of Nigeria sometimes demand "taxes" on communities as a way to exercise control and raise funds.

Babagana Kyari, a resident of Geidam town, said the five injured in the Kayayya attack were taken to the general hospital in the town for medical attention.

"One of the injured victims said the ISWAP insurgents attacked the village because they told them they would not pay the cattle levy they imposed on the village," said Kyari who visited the injured at the hospital.

A Yobe state police report said 20 people were killed and that parts of the village were razed before the militants fled.

Over the last two years, jihadists have carried out attacks beyond their stronghold in northeast Borno State, the heart of the country's 14-year-long Islamist militant conflict.

Yobe, Borno state's immediate neighbour, has also borne the brunt of the jihadist violence, including deadly raids on villages, military bases, schools and markets, as well as mass abductions.

In April last year, ISWAP jihadists killed 11 people in attacks on bars and a technical college in Geidam, days after six people were killed and 16 injured in an explosion targeting another bar in northeastern Taraba state.

On Wednesday ISWAP claimed responsibility for an explosion at a bar in northeast Taraba state the day before which local police said killed six people and injured 16 others.

Nigeria's jihadist conflict has killed 40,000 people and displaced around two million from their homes in the northeast since it erupted in 2009, according to the UN.

Killed on Camera: How an Unarmed Youth was Shot By the Nigerian Military (Reuters) By Reade Levinson, David Lewis and Tim Cocks
November 1, 2023

> **Bloodied and covered in dust, the unarmed youth sat alone in the back of a pickup truck. A man in Nigerian military fatigues prodded him from the vehicle as others shouted insults. "Bastard!" yelled one person. "One of them!" said another.**

Dust and blood sprayed into the air. After a brief pause, the gunman fired two more rounds, leaving the slender youth motionless next to two other bodies in the dirt. Male voices cheered.

THE slaying of the unidentified young man might never have come to light. But the 2015 incident was captured on a 25-second video obtained by Reuters from two independent sources who said it was taken on an army operation in Nigeria's northeast in a battle against the Islamist insurgent group Boko Haram. The footage was passed around among troops, as videos and pictures of battlefield conquests often are, but has not been released publicly before.

Analysis of the video by Reuters and Bellingcat, a Netherlands-based investigative journalism group, verified that it was filmed just inside the Abogo Largema Military Cantonment, a barracks south of Biu town, in Borno state, on Jan. 14, 2015, around midday. Abogo Largema is home to the 231 Tank Battalion and the 331 Artillery Regiment, parts of the Nigerian Army's 3 Division. Both were involved in repelling an insurgent attack on the military barracks that day, according to social media posts about the battle and three witness accounts.

The uniform of the shooter and the location at the base indicate he was a member of the Nigerian military, likely an army soldier. At least 17 bodies were laid out at the base later that afternoon and captured in photographs that accompanied internet posts touting the military victory. Some of those images were posted by the military itself. Among the dead was a young man in blue shorts, most likely the youth shot in the video, according to a Bellingcat visual analysis.

The video provides gruesome documentation of tactics Nigeria's military has used in its ongoing 14-year war against Islamist insurgents. It also furnishes rare, direct evidence of an extrajudicial killing at the hands of security forces – one that three experts consulted by Reuters deemed a war crime. Killing the youth in this way violated the Geneva Conventions, they said, because he was clearly unarmed and in custody, posing no immediate threat to the military. In legal terms, he was "hors de combat," or outside of combat.

The video undermines the Nigerian military's assertion in an interview with Reuters in December that it has adhered to domestic and international laws protecting civilians and others not actively engaged in combat during its fight against Islamist insurgents in the northeast. "This video captures a war crime, no doubt," said Luis Moreno Ocampo, a former chief prosecutor of the International Criminal Court (ICC) in The Hague and one of the experts in international law who reviewed the video for Reuters. "It is a willful killing." The scene of the slaying

The video shows a youth being killed at about noon by a man in Nigerian military fatigues. Images posted later on social media show what appears to be the youth's body laid out along the road with other bodies.

Even if the young man had been a Boko Haram fighter at some point – something Reuters could not determine – people who have ceased to take part in hostilities are protected from violence and mistreatment under the Geneva Conventions, including murder, the experts told Reuters. Nigeria is a signatory.

"Whether or not this young man was taking part in hostilities is irrelevant," said Melanie O'Brien, president of the International Association of Genocide Scholars. "It is still a war crime to shoot him in the way that they did."

The Nigerian government and military – including the presidency, Ministry of Defence, defence headquarters and army leaders – did not respond to detailed questions for this story.

Mounting Allegations of Atrocities

Ocampo said a question for an ICC prosecutor in this case would be whether the killing was an isolated incident, resulting from the actions of a single member of the Nigerian security forces, or part of a pattern of wartime abuses that can be linked to the broader military leadership. The ICC would likely not intervene in an isolated case, but if a pattern was established and the Nigerian authorities did not investigate it, the court would have grounds to look into the responsibility of the chain of command, he said.

The video comes to light as allegations of atrocities by Nigerian defence forces are mounting – some of which have already caught the attention of the ICC.

In a series published in December, Reuters described dozens of killings over years by the army of children and teenagers throughout the northeast. The news organisation also exposed a secret, military-run program in which thousands of women and girls underwent abortions after being freed from sexual slavery under Boko Haram and its now-dominant offshoot, Islamic State West Africa Province. Many of the terminations were carried out without the person's prior knowledge or consent, according to dozens of witness accounts.

At the time, Reuters' findings were categorically denied by the Nigerian government and top military officials. They are now being investigated by the country's state-funded National Human Rights Commission, which did not respond to a request for comment for this story. General Christopher Musa, then the top commander of the counterinsurgency campaign in the northeast and now Nigeria's defence chief, told Reuters last November that the army complies with international laws prohibiting attacks on civilians and noncombatants. In cases where suspected collaborators are unarmed, Musa said: "We capture them, we hold them, and then we take them for the legal system to take its course."

Musa said the military also adheres to its own rules of engagement and to training on human rights provided by the United States, Britain and the United Nations. He did not respond to questions for this story , but he said a panel set up by the human rights commission was investigating "all allegations."

In a series of messages on Twitter in 2019, the Nigerian Army condemned a "gory video" that it said reportedly depicted its personnel engaged in the extrajudicial killing of a Boko Haram suspect. It said it warns troops against such unprofessional conduct, adding that when these kinds of incidents are confirmed, perpetrators are usually punished immediately.

In June, Reuters reported on a January airstrike in central Nigeria that killed dozens of Fulani herders, citing it as an example of repeated aerial attacks over years by the military that have claimed the lives of people not actively involved in armed conflict.

The government and military did not reply to Reuters' requests for comment at the time. In the wake of the bombing, the Nigerian Air Force told the U.S.-based nonprofit Human Rights Watch that it carried out the strike based "on credible intelligence," specifically surveillance footage showing the movement of "suspected terrorists," the nonprofit said.

Various entities have accused Nigerian security forces of other abuses in connection with killings of civilians and captives.

In a report published in 2015, five months after the attack on Biu, Amnesty International found that Nigerian forces had extrajudicially executed more than 1,200 people since the insurgency began.

The Nigerian government ultimately dropped an investigation into these accusations, finding insufficient evidence to support any abuses by its officers.

In 2020, after a decade of preliminary examination, the Office of the Prosecutor of the ICC said there was "a reasonable basis to believe" that war crimes and crimes against humanity had been committed in the conflict by Nigerian security forces, as well as by Islamist insurgents. The ICC has yet to open a formal investigation.

In response to a request for comment, the office said it was engaging with the new Nigerian government that took office earlier this year about the "next steps to be taken regarding accountability for the alleged crimes committed in Nigeria, and to find ways to deepen cooperation in addressing these crimes."

With respect to the killing depicted in the 2015 video, the office said it could not comment on specific incidents "at this stage."

The United States has been among the staunchest allies of the Nigerian military in its fight against Islamist insurgents, but the relationship has proved fraught when allegations of human rights abuses surface. The U.S. State Department routinely flags reports of "arbitrary, unlawful, or extrajudicial killings" by government forces in Nigeria, including the army, in annual human rights reports.

In a statement, the department said it was only made aware of the Biu incident recently through the Reuters inquiry and was seeking more information about it.

"We urge Nigerian authorities to investigate these allegations in a timely and transparent manner, and to hold those responsible to account," the department said. All military operations must be carried out in accordance with international humanitarian law, it said, and any foreign security unit credibly implicated in "a gross violation of human rights" would be ineligible for U.S. military assistance.

To shed light on the 2015 killing of the unarmed young man, journalists interviewed eight people – Nigerian security force members and residents – who said they witnessed or participated in the battle against Boko Haram that day. Five said they were at the barracks gate where the youth was killed and recognised photos of the scene posted on social media. Some were part of a government-allied militia called the Civilian Joint Task Force (CJTF), formed the previous year to protect the community against Boko Haram.

Four security force members said the commander who led the battle that day was M.O. Agi. Two independent regional security experts who researched the matter for Reuters said his full name is Michael Oluoha Agi, now the brigadier general in charge of the 3 Division garrison. He could not be reached for comment.

Reuters and Bellingcat could not ascertain who took the video. The journalists took extensive measures to identify the shooter – through sources in Biu, internet postings and image searches, army announcements and social media networks – but were unable to confirm his identity. The reporters also sought to identify the youth by showing multiple sources photos of what was likely his body, among others, on the ground, as well as a frame shot of his face from the video. No one recognised him.

But sources were able to provide context for the fighting that day and its aftermath, with some suggesting the youth was not the only one to be slain in custody.

Two security force members told Reuters they saw multiple prisoners brought out of the barracks and shot after the fighting ceased. Both said the captives, who were shot at a different location from where the youth was killed, were not part of the day's hostilities: They had been detained days or weeks before because they were suspected of having ties to Boko Haram. The commanding officer ordered us to go and sweep them; that means 'take them to the killing ground,'" said one of the security force members, explaining how he and his comrades removed the prisoners in a group from the barracks.

"They gave me one person to kill, and I shot him," he said.

Attack on Biu

On Jan. 14, 2015, Boko Haram fighters entered Biu just before sunrise – between about 5:30 a.m. and 6 a.m., witnesses said. From their motorbikes and vehicles, the militants sprayed bullets and hurled grenades.

"They came shouting 'Allahu akbar' (God is greatest) and shooting everywhere," Yahaya Mshelliza, a resident, told Reuters at the time. Reuters could not reach him for this story.

How the attack unfolded

Residents posted prayers on social media as the attack proceeded.

CJTF members immediately reported for duty alongside regular soldiers, according to security force sources.

Boko Haram fighters attacked a police headquarters in the east of Biu, and some headed south to the main military base, according to five sources, including one who participated in the fighting at the barracks.

Witnesses to the battle said security forces fought back hard, overwhelming the Boko Haram fighters with their greater numbers and superior firepower. The battle was over after several hours – some social media posts said well before 11 a.m. Defence headquarters in Abuja declared victory at 11:17 a.m. (10:17 GMT) on a military-run Twitter account, saying a "terrorist attack" had been "repelled" by the military.

A tweet from headquarters at 11:23 a.m. said troops were pursuing "fleeing terrorists" and carrying out a "mopping up operation."

"Mopping up" after battle

Some social media posts suggest that the attack on Biu had already concluded before 11 a.m. local time…

Tweets from Nigerian defence headquarters in Abuja show the military declared the hostilities over shortly after 11 a.m.

Soldiers picked up people they suspected of being or having links to militants and transported them to the barracks, according to security force witnesses. Three witnesses, who were in various locations at various times, said they saw from three to 18 captured insurgents among those transported.

A security force member who was in the field said some of those transported to the base were alive, though hurt.

"There were around three vehicles that transported Boko Haram to the military base," he said.

"There was a mix of dead and injured."

Another security force member, who was at the base after the fighting was over, said "jubilant" government soldiers and militia fighters returned to the barracks. "We saw people who had been arrested, and some were injured," he said.

At around noon, the youth in blue shorts was led from a truck just inside the wall around the barracks, according to a Bellingcat analysis of solar data and shadow angles in the video. The time is an estimate, accurate to within about an hour. The slaying likely occurred around the same time or after defence headquarters said the attack had been repelled, Bellingcat found.

Determining the time of the slaying

An analysis of solar data by Belllingcat found that the video of the youth's killing was filmed around noon, likely around the time hostilities concluded or afterward. The shooter in the video fired nine shots at the youth, according to analyses done for Reuters by three forensic audio experts. "Morale!" shouted a voice on the video, a rallying cry often used by the Nigerian Army on the front lines.

Nine shots fired

A uniformed security force member shot nine rounds at the young captive, pulling the trigger at least seven times, according to forensic audio experts who listened to the recording at Reuters' request. Afterward, one of the people at the scene shouted "Morale!" a cry common on the battlefield among Nigerian soldiers.

Bodies at the Barracks

By early afternoon, photographs of a group of bodies began circulating on social media purporting to show the aftermath of the attack.

At least 17 bodies, lined up in two rows, were displayed just inside the outer wall, according to photos posted online and verified by Reuters and Bellingcat. Some of the corpses were laid out with genitals in view.

No international law specifically prohibits taking photographs of those killed in war. The Geneva Conventions were drawn up before the existence of social media, which makes the public display of such images easier and more commonplace. However, two experts in humanitarian law said that displaying and photographing the bodies in this way, and posting the images on social media, could constitute "outrages upon personal dignity," which is a war crime. Such cases have been successfully prosecuted, they said.

Soldiers taking photos

Photos posted on social media show at least eight uniformed personnel taking pictures of the laid-out bodies.

Visual analyses by Bellingcat and two forensic pathologists suggested that some of the bodies had been transported from a different location and dragged into position next to the youth. The finding was based in part on social media posts showing some of the bodies in pickup trucks, as well as physical evidence of dragging, such as the position of clothing, injuries to the bodies and disturbance of rocks nearby.

The day after the battle, more images from the scene were posted on Twitter by Nigeria's director of defence information at the time, Major General Chris Olukolade. The images remain there today. Defence headquarters published the same photos on its website, however the link is no longer available.

Aftermath of the Biu operation

Using satellite imagery, Bellingcat confirmed that the photos of the lined-up bodies posted by defence headquarters and other social media users were taken just inside Abogo Largema Military Cantonment – at the same spot where the video of the youth's killing was filmed.

Determining the location

Frames of the video stitched together give a wider view of where the shooting occurred. An overlay shows that the foliage and terrain match one of many pictures posted on social media of bodies laid out just inside the barracks wall.

One photo posted online by defence headquarters and on the former spokesman's Twitter account shows the body of a young man in blue shorts laid out alongside the others. He is too far away for his wounds to be seen.

In pictures of the same bodies posted by others on social media, however, the young man bears wounds and other marks that match those visible in the video, Bellingcat found.

Pictured among the dead

A Bellingcat analysis found that the youth's injuries match those visible in the video of the slaying.

Reporters were unable to identify the other bodies in the pictures. They also were unable to confirm the name of the shooter in the video. The shooter is likely the same man who appears in several social media photos, standing among other military personnel by the dead bodies, easily recognizable by his light-coloured uniform, green camouflage jacket and green cap.

Zeroing in on the shooter

Social media posts show dozens of men in uniform next to the bodies. Among them is a man who is likely the shooter in the video, wearing the same garb. Reuters was unable to confirm his identity.

Soldiers on the front lines that day came from the 231 Tank Battalion and the 331 Artillery Regiment, both based in Biu, according to security force members and social media posts. The identification marks on the rifle held by the shooter in the video appear consistent with those seen on other rifles from the 331 Artillery Regiment, Bellingcat found.

Some Nigerian troops called attention to themselves, boasting online about the military conquests that day.

One was a soldier who identified himself on Facebook as Emmanuel Emeka. He could not be reached for comment.

On Feb. 12, a month after the battle, Emeka posted two photos of himself at the site in front of the bodies. Both appear to depict the youth who was slain on video: In one, his blue shorts are visible; in the other, just his upper body can be seen. The battalion number 231 is stamped on the butt of his rifle.

Emeka, who describes himself in his Facebook profile as a rifleman in the Nigerian Army, included a comment in Nigerian English.

"Am proud to be war guro," he wrote, referring to someone good at warfare. "Killing more on my mind."

"They forgot we're tougher and more ruthless than de are," he said. "This is just de beginning."

Pride in conquest

Facebook posts by a Nigerian soldier show a youth who appears to be the same one slain in the video. This image was posted on Feb. 12, 2015, a month after it was taken at the cantonment.

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Mali

Mali rebels say they have taken base vacated by UN peacekeepers (CNN) November 1, 2023

> **Mali's northern Tuareg rebels said they have seized a base in Kidal vacated by the United Nations on Tuesday, potentially leading to a showdown in the strategic city where Mali's army is hoping to wrest back control.**

The UN mission, known as MINUSMA, has until Dec. 31 to pack up after Mali's military junta ordered it to leave in June. Its withdrawal from other bases has already prompted fighting between Mali's army and the rebels, who are vying for control of areas vacated by the peacekeepers.

Kidal is the eighth MINUSMA base to close in central and northern Mali and is one of the most important. It lies in a zone historically controlled by the rebels that Mali's junta wants to take back.

MINUSMA confirmed its departure in a statement in which it said that it had destroyed equipment before leaving.

"The conditions for departure from all of these bases were extremely difficult," it said.

The rebel movement, the Permanent Strategic Framework for Peace, Security and Development (CSP-PSD) said in a statement it "now has control of areas abandoned by MINUSMA in Kidal."

Security analysts said that fighting could now break out in Kidal, adding to insecurity in the West African country where Islamist militants linked to al Qaeda and Islamic State also operate.

The exact situation surrounding the base is unclear. One source with knowledge of events said that the rebels took control of the runway next to the camp shortly after the UN left. A local resident said the rebels had taken the camp, without providing details.

The UN said that it did not know what happened after it departed.

Mali's military authorities have expressed concern that the UN has left bases without handing them over to the army.

"We note once more with regret that this retreat was not the subject of a handover" to the military, the junta said in a statement on X.

MINUSMA has operated in Mali since 2012 when Islamist militants took control of the north. Violence has persisted ever since.

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Liberia

Liberian Opponent Calls For War Crimes Court Ahead Of Runoff Vote (Barron's) October 27, 2023

> **A prominent Liberian opposition figure told AFP on Friday that his support in the country's presidential runoff was conditional on the creation of a war crimes tribunal, long called for by the international community.**

Incumbent President George Weah will face Joseph Boakai on November 14, after neither candidate scored an absolute majority following October 10 polls.

The vote was the first to be held since the UN ended its peacekeeping mission in Liberia in 2018, created after more than 250,000 people died in two civil wars between 1989 and 2003.

While the bloody conflicts resulted in massacres, mutilation, rape, cannibalism and the forced recruitment of child soldiers, no trial has yet been held, but several have taken place abroad.

A Truth and Reconciliation Commission (TRC) in 2009 recommended the establishment of a war crimes tribunal, but this has largely gone unheeded, particularly in the name of peacekeeping as a number of accused warlords remained influential in their communities.

"We believe it is important to help Liberia move forward, to heal the nation, to put behind us this era of impunity," said Alexander Cummings, who came fifth in the first round of the October presidential vote.

"If we should put the past behind us, the establishment of a war and economic crimes court is the beginning of that process," he added.

Cummings told AFP that the establishment of the court was one of the 12 conditions he had relayed to Weah and Boakai for his possible support.

The two candidates for the November runoff are stepping up their negotiations to forge alliances with the 18 other candidates who had contested the first round.

Cummings said the creation of a tribunal was "still relevant precisely because we have warlords and others who it is alleged committed war crimes and are in government... (and who) were never brought to justice".

One of the most prominent of these is current senator Prince Johnson, who was shown in a video sipping beer while his men tortured then-President Samuel Doe to death in 1990.

Johnson has forged an electoral alliance with Boakai.

"That alliance is something that gives us a bit of pause and it is something we have to consider," Cummings said, adding that it was just one of many to take into account.

As president, Weah spoke about but never set up a war crimes tribunal, despite international and domestic demand.

"That is just one of many things the president did not follow through on and this is why this is a difficult decision," Cummings said.

Liberia: CSO Coalition Decries Election of Warlords and Economic Crimes Accused to Legislature, Fearing a Setback in Pursuit of Accountability (Front Page Africa)
By Gerald C. Koinyeneh
October 31, 2023

Liberia: CSO Coalition Decries Election of Warlords and Economic Crimes Accused to Legislature, Fearing a Setback in Pursuit of Accountability (Front Page Africa) By Gerald C. Koinyeneh October 31, 2023 https://frontpageafricaonline.com/politics/liberia-cso-coalition-decries-election-of-warlords-and-economic-crimes-accused-to-legislature-fearing-a-setback-in-pursuit-of-accountability/ While Liberia's legislative elections, a part of the 2023 general elections, concluded without major disruptions, the choices made in some constituencies have elicited disappointment and concern among a group of pro-justice campaigners.

> **While Liberia's legislative elections, a part of the 2023 general elections, concluded without major disruptions, the choices made in some constituencies have elicited disappointment and concern among a group of pro-justice campaigners.**

The Coalition for the Establishment of War and Economic Crimes Court in Liberia (CEWAECCL) has expressed strong disapproval of the election of several individuals accused of war and economic crimes to the Liberian Legislature following the general elections on October 10.

CEWAECCL comprised of more than 30 human rights, civil society, religious, and development organizations that have persistently advocated for accountability for crimes in Liberia.

In a statement released after the elections, CEWAECCL asserted that the election of alleged warlords and individuals accused of economic crimes could exacerbate the challenges in seeking justice for past crimes committed during and after the Liberian civil war. The group emphasized that such elections would perpetuate a culture of impunity and hinder the rule of law in Liberia.

"The CSO-coalition – CEWAECCL sees the elections of these individuals as a recipe for the continual promotion of the culture of impunity in Liberia, and the determinant root cause that undermines the rule of law in Liberia," the group said.

Meet the Alleged Culprits

Despite the recommendations of the Truth and Reconciliation Commission (TRC), which called for the establishment of a court to try certain Liberians accused of serious war and economic crimes, no accountability has been pursued by the government for these crimes since the end of Liberia's brutal civil war. Although several Liberians have been tried and convicted for crimes related to Liberian civil war in Europe and the United States.

The successive governments led by former President Ellen Johnson Sirleaf and the incumbent President George Weah have failed to implement the TRC's recommendations. Human rights groups and advocates for a war and economic crimes court have attributed this failure to the election and appointment of major warlords and individuals accused of war and economic crimes to legislative and other prominent positions.

One such controversial figure elected to the legislature is Senator Prince Y. Johnson, a former warlord known for ordering his Independent National Patriotic Front of Liberia (INPFL) troops to torture and murder former Liberian President Samuel Kanyon Doe during the civil war in 1990. Johnson, first elected in 2005, has secured re-election for three consecutive nine-year terms. At the end of his upcoming tenure, he will have served for a staggering 27 years.

Another former warlord, Thomas Yaya Nimely, who led the now-defunct rebel group, the Movement for Democracy in Liberia (MODEL), was also elected to the legislature. Like Senator Johnson, Nimely is listed by the TRC.

Other controversial figures include Nathaniel McGill, former Minister of State for Presidential Affairs and Chief of Staff for President George Weah, who was elected as Senator of Margibi County, and Bill Tweahway, former Managing Director of the National Port Authority (NPA), who was elected as Senator of Rivercess County. Both McGill and Tweahway have been sanctioned by the United States Treasury Department under the Global Magnitsky Act for alleged public corruption in Liberia.

'Fight for Justice continues despite setback'

CEWAECCL expressed its disappointment in some Liberian voters who elected these individuals to public offices. The coalition described this situation as a continuing obstacle faced by previous legislatures that have undermined the pursuit of justice, accountability, and the establishment of a war and economic crimes court in Liberia.

CEWAECCL said it represents the embodiment of the "April 2023 National Convening of Justice Campaigners, Civil Society Organizations, War Victims, and the Human Rights Community" Resolution, which outlines the "Path to Achieving Accountability for Past Crimes in Liberia."

This resolution was presented to the U.S. Ambassador for Global Criminal Justice (War Crimes) in Washington, D.C., and senior members of U.S. Congressional Staffs in Washington, D.C. It was also endorsed by the U.S.-based Liberian Diaspora group, the "Coalition for Justice in Liberia" (CJL), which further galvanized support for the pursuit of justice in Liberia.

CEWAECCL noted that the election of these individuals runs counter to the July 2018 United Nations Human Rights Committee Concluding Observations, which called on Liberia to ensure the implementation of the International Covenant on Civil and Political Rights (ICCPR). The UN Committee expressed regret that very few steps had been taken to implement the bulk of the recommendations issued by the Truth and Reconciliation Commission in 2009.

The committee also emphasized the need for Liberia to establish a process of accountability for past gross human rights violations and war crimes that aligns with international standards. It urged that all alleged perpetrators of gross human rights violations and war crimes be impartially prosecuted and, if found guilty, convicted and punished in accordance with the gravity of the acts committed, regardless of their status or any domestic legislation on immunities. The committee also called for the removal of individuals proven to have been involved in gross human rights violations and war crimes from official positions.

Despite this setback, CEWAECCL said it remains determined to pursue justice and accountability for war victims, survivors, including women and youth who endured heinous crimes committed by warlords and fighting groups in Liberia.

The coalition called on the Liberian government, regional bodies, human rights organizations, and the international community to strengthen democracy and the rule of law while advancing the cause of accountability for past crimes and the promotion of justice in Liberia.

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EAST AFRICA

Uganda

Uganda starts rehabilitation process of former LRA fighters repatriated from CAR (News Ghana) November 9, 2023

> **Uganda has begun the rehabilitation, resettlement, and reintegration process of former fighters of the Lord's Resistance Army (LRA) repatriated from the Central African Republic (CAR), a military spokesperson said Friday.'**

At least 137 ex-combatants, and their wives and children, are receiving rehabilitation and psychosocial support at the Migyera military transit camp in the central district of Nakasongola, said Deo Akiiki, Uganda's deputy military spokesperson.

"They (fighters and their families) are undergoing rehabilitation and psychosocial support under the Ministry of Defense, which will later hand them over to the Office of the Prime Minister which is mandated to handle reintegration and resettlement processes," Akiiki told Xinhua by telephone.

The former fighters who denounced the rebellion and abandoned LRA top leader Joseph Kony will be resettled and reintegrated into their local communities in the Acholi Sub-region, the epicenter of the two-decade insurgency, according to the department in charge of the Northern Uganda Rehabilitation program, under the Office of the Prime Minister.

Uganda received three batches of ex-rebels who surrendered to the armed forces of CAR in July, August and September.

Kony, who is wanted by the Hague-based International Criminal Court for committing war crimes and crimes against humanity, remains at large.

The LRA is a notorious Ugandan rebel group that waged a 20-year-long insurgency, killing tens of thousands of civilians, abducting more than 20,000 children as soldiers, porters and sex slaves, and displacing over 1.8 million people in northern Uganda, until it was driven out of the country by the military in 2006 after failed peace talks.

The ex-combatants will receive their amnesty certificates and resettlement package, the Amnesty Commission said last month.

Since the setting up of the Amnesty Commission in 2000, over 30,000 ex-rebels who took arms against the state have been granted amnesty, according to the commission.

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Kenya

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US pushes, again, for revived Rwanda-DRC talks, as SADC force prepares to enter the fray (News 24) By Lenin Ndebele
November 7, 2023

> **The United States has for the umpteenth time engaged the presidents of Rwanda and the Democratic Republic of the Congo (DRC), with the hope of easing tension between the neighbours.**

The United States has for the umpteenth time engaged the presidents of Rwanda and the Democratic Republic of the Congo (DRC), with the hope of easing tension between the neighbours.

US Secretary of State Antony Blinken spoke to Rwanda's president, Paul Kagame, and his DRC counterpart Felix Tshisekedi on Tuesday, according to a note sent to the media by State Department spokesperson Matthew Miller.

"With both presidents, the secretary discussed the volatile situation and worsening humanitarian crisis along the border between Rwanda and the DRC.

"The secretary advocated for a diplomatic solution to the tensions between the two countries and urged each side to take measures to de-escalate the situation, including removing troops from the border," he said.

After the call with Blinken, the Rwandan presidency said it was firmly in agreement with "the need for de-escalation of hostilities and a political resolution to the conflict".

The Rwandan presidency said Kagame was in support of the ongoing regional processes to bring peace and stability to the DRC and the region.

There are two processes that seek to find a solution for the crisis in the eastern part of the DRC. The Nairobi process is an East African Community (EAC)-led roadmap for ending inter-DRC hostilities involving more than a hundred militia groups known as the "mai mai" as well as the bigger M23 rebels.

The instability in the eastern part of the country, particularly North Kivu, could affect the smooth running of elections due on 20 December.

Already, there are reports that more than a million locals failed to get voting cards ahead of the polls, effectively disqualifying them from voting.

There's also the Luanda Process, which seeks to end the hostility between Rwanda and the DRC.

Rwanda is accused, not only by the DRC but by numerous rights groups and the United Nations, of sponsoring the M23 rebels.

Meanwhile, Rwanda also accuses the DRC of working with the Forces Démocratiques de Libération du Rwanda (FDLR), made up of mostly people who took part in Rwanda's 1994 genocide and then fled to the eastern DRC.

Blinken's revived interest in finding a solution between Kagame and Tshisekedi comes against the backdrop of the Southern African Development Community's (SADC) likely arrival in the DRC on a peacekeeping mission after the complete withdrawal of the UN Organisation Stabilisation Mission in the DRC's projected end-of-year departure.

On Saturday, SADC heads of state met in Luanda, Angola, and discussed modalities around their DRC mission.

But while a peacekeeping force is a top priority, SADC leaders also emphasised the need for talks between Rwanda and the DRC to go ahead if the rebel crisis were to be ended.

U.N. prosecutor confirms death of Rwanda genocide fugitive (Reuters) By Stephanie van den Berg
November 14, 2023

> **The U.N. war crimes prosecutor tasked with finding the remaining fugitives sought by a U.N. tribunal over their alleged role in the 1994 Rwandan genocide, on Tuesday confirmed the death of genocide suspect Aloys Ndimbati.**

That leaves just two fugitives still wanted by the court.

In the last three years, the International Residual Mechanism for Criminal Tribunals (IRMCT) has arrested two Rwandan genocide suspects and confirmed the deaths of four other fugitives, including Ndimbati.

In a statement, U.N. prosecutors concluded Ndimbati had died in 1997 in Rwanda.

"While the exact circumstances of his death have not been determined owing to the confusion and absence of order at the time, the evidence gathered by the office of the prosecutor demonstrates that Ndimbati did not leave the Gatore area, and that he was never seen or heard from again," the statement said.

Ndimbati, a Rwandan public official at the time, was accused of having personally organised and directed the killings of thousands of Tutsis and faced multiple genocide charges.

In all, more than 800,000 Tutsis and moderate Hutus were slaughtered by Hutu extremists, led by the Rwandan army and a militia known as the Interahamwe, in 100 days in 1994.

In Rwanda, genocide survivor Eric Nzabihimana told Reuters Ndimbati played a role in the deaths of his mother, many siblings and extended family members.

"It shouldn't end like this; it would have been better to see him held accountable for his actions," Nzabihimana said, adding he was not surprised by the death because he'd already heard unconfirmed reports.

The former U.N. tribunals for war crimes in Rwanda and Yugoslavia have been rolled over into a successor court that has offices in The Hague, Netherlands, and in Arusha, Tanzania.

There are no remaining fugitives from the Yugoslavia tribunal and now only two outstanding suspects for the Rwanda tribunal.

Rwanda genocide: Former doctor on trial in France (BBC) By Will Ross
November 14, 2023

> **A former doctor from Rwanda has gone on trial in France on charges of genocide and crimes against humanity.**

Sosthene Munyemana was a 29-year-old gynaecologist living in the south of Rwanda at the time of the 1994 genocide in which 800,000 people were killed.

He has lived in France for 29 years and is accused of organising torture and killings.

In 1995, a year after the Rwandan genocide, a complaint was filed against Mr Munyemana in the city of Bordeaux.

It took French prosecutors 28 years to bring the case to trial.

The key to an office in a place called Tumba will strongly feature during his trial in Paris.

Mr Munyemana, who admits he had the key, said people from the Tutsi population sought refuge in the office, with his defence lawyer arguing he worked to prevent the genocide.

But prosecutors say he locked them inside in inhumane conditions before they were taken away to be killed.

One thing that both sides in the case agree on is that it is unacceptable it has taken so many years for it to come to court.

Mr Munyemana, who denies the charges, faces life in prison if convicted.

The genocide was sparked by the death of Rwandan President Juvenal Habyarimana when his plane was shot down above Kigali airport on 6 April.

Mr Habyarimana was from Rwanda's Hutu ethnic majority, and while exactly who killed the president has not been established, the presidential guard in Rwanda's capital Kigali immediately initiated a campaign of retribution.

Leaders of the political opposition were murdered, and almost immediately, the slaughter of Tutsis and moderate Hutus began.

Within hours, recruits were dispatched all over the country to carry out a wave of slaughter.

Between April and June 1994 an estimated 800,000 Rwandans were killed in the space of 100 days.

Somalia

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Ethiopia

Blinken Urges Eritrea Pullout Year After Tigray Peace Deal (Barron's) November 2, 2023

> **A year after a peace deal halted the bloody Tigray war, US Secretary of State Antony Blinken called Thursday for Eritrean troops to pull out and for diplomacy to resolve conflicts elsewhere in Ethiopia.**

Blinken praised the "significant progress" since the Ethiopian government and the Tigray People's Liberation Front (TPLF) reached the deal on November 2, 2022 in Pretoria but acknowledged "challenges that remain."

"More actions are needed to bring lasting peace and stability to Tigray," Blinken said in a statement.

"Eritrean forces must fully withdraw. Both Ethiopia and Eritrea must refrain from provocation and respect the independence, sovereignty and territorial integrity of all countries in the region," he said.

He noted the "continued human rights abuses" and voiced alarm that bloodshed in Amhara, Oromia and other parts of Africa's second most populous nation "threaten Ethiopia's fragile peace."

"We also urgently call for dialogue to address the conflicts in Amhara and Oromia," Blinken said.

The two-year conflict badly degraded Washington's once close relationship with Ethiopia, with Blinken saying that Ethiopian troops as well as Eritrean and Tigrayan forces committed war crimes.

The United States estimates that half a million people died, a far higher death toll than the ongoing wars in Ukraine and between Israel and Hamas.

Blinken visited Ethiopia in March, but President Joe Biden's administration has kept in place one key countermeasure that has angered Prime Minister Abiy Ahmed's government -- the country's removal from a major US trade pact.

The Tigray conflict pitted Ethiopia's government forces -- backed by Eritrea's army and forces from the neighboring region of Amhara -- against the TPLF.

7.6 mln children out of school in Ethiopia: UNICEF (Big News Network) November 11, 2023

> **The United Nations Children's Fund (UNICEF) said Friday that some 7.6 million children are out of school in Ethiopia as the country encounters natural and manmade calamities.**

The agency, in its latest Ethiopia humanitarian situation report, said that the ongoing conflict in different parts of the East African country is negatively contributing to children's access to education.

"The ongoing conflicts in Amhara and Oromia have significantly contributed to an increase in children dropping out of school. Altogether, there are 7.6 million out of school children across Ethiopia," it said.

It said the ongoing conflict in the Amhara region remains tense and volatile as movement restrictions remain in place leading to ongoing difficulties in the provision of humanitarian assistance.

UNICEF, citing the Amhara regional education bureau, said that 28 schools in different parts of the troubled region were reportedly damaged and looted due to the conflict, posing a challenge to the resumption of education for the academic year.

Additionally, 254 schools were reportedly damaged due to heavy rain, windstorms and flooding in other parts of the region, affecting over 92,600 children.

Meanwhile, UNICEF warned that funding shortfall is hampering its humanitarian response in Ethiopia amid mounting humanitarian needs across the country.

According to UNICEF, its 674.3 million U.S. dollars Humanitarian Action for Children 2023 Appeal for Ethiopia remains 72 percent unfunded, as humanitarian needs persist among vulnerable populations across the country, particularly those in hard-to-reach locations.

"UNICEF continues to appeal for critical funding to meet the humanitarian needs of children, adolescents, women, and men in Ethiopia," it said.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Bosnia Clears Serb Ex-Officer of Crimes Against Humanity (Balkan Insight) November 14, 2023

> **The Bosnian state court in Sarajevo on Tuesday acquitted Miladin Trifunovic, wartime commander of the Bosnian Serb Army's Vogosca Brigade, of issuing orders for detained civilians to be taken away and used them as forced labourers on the frontlines even though he knew that fighting was ongoing there and that the prisoners would not be safe.**

He was also cleared of allowing commanders of units subordinate to him to issue similar orders. "After analysing the evidence, the judging panel did not establish beyond reasonable doubt that the defendant Trifunovic committed the criminal offence with which the indictment charges him," said presiding judge Braco Stupar.

Stupar said that, based on the evidence, the court established that there had been a widespread and systematic attack by the Bosnian Serb Army Ilijas and Vogosca area, and that the accused, due to his position, knew about f the attack.

"However, the judging panel could not establish beyond reasonable doubt that the accused undertook actions that were part of that attack," said Stupar.

The civilian detainees allegedly used as forced labour were being held at the Planjina Kuca prison in Vogosca. The court said that the existence of the Planjina Kuca jail, where Bosniak civilians from Ilijas and Vogosca were imprisoned, is indisputable. However, Stupar said that after analysing witness statements and evidence, it could not be determined that Trifunovic gave consent for the prisoners to be taken away.

Stupar said that in the two orders that Trifunovic sent to the prison management, which were filed as evidence by the prosecution, it was clearly stated that the reasons for taking the prisoners were related to construction work. But he added that it was not possible to clearly determine who assigned the prisoners to the work site. "The judging panel's opinion is that the casual relationship between the accused's actions and the consequences has not been proven," concluded Stupar.

This was a first-instance verdict and can be appealed.

Croatian Ex-General Glavas Flees to Bosnia After War Crimes Conviction (Balkan Insight) November 15, 2023

> **The Bosnian state prosecution said in statement that an exhumation is continuing on Monday at a grave site in Okolista, a village by the Drina river near the city of Visegrad in eastern Bosnia, after the remains of at least five war victims were found there.**

A forensic pathologist, a representative of the Bosnian Institute for Missing Persons and officers from the State Investigation and Protection Agency are at the scene of the exhumation, and the location is being secured by police officers from Visegrad.

After the exhumation, the remains will be transferred to the Miljevici City Cemetery in East Sarajevo for forensic processing and identification through DNA analysis.

Emza Fazlic, spokesperson for the Bosnian Institute for Missing Persons, said the DNA analysis will determine the ethnicity of the victims.

"What can be said for sure is that these are victims who disappeared in that area in 1992," said Fazlic. "Some clothes were also found with the victims, and according to the pathologist at the exhumation site, they are the remains of women," she added.

The Visegrad municipality lies in Bosnia's Republika Srpska entity. Many war crimes were committed in the area in 1992, including killings and the widespread ethnic cleansing of Bosniaks.

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Domestic Prosecutions In The Former Yugoslavia

Unidentifiable Genocide Victims' Remains to be Laid to Rest in Srebrenica (Balkan Insight) November 14, 2023

> **Imasa Salihovic has already held two burials for partial remains of her brother Abdulah, who was killed in July 1995. But the rest of his body hasn't been found yet, and she is aware that it may never be.**

It's the same with the three uncles she lost during the Srebrenica genocide.

"Some are missing a little [of their bodies], others a little more, my brother perhaps the most," she said. In 2008, some of his remains were found in a mass grave in Cancari near Zvornik. Thirteen years would pass before Salihovic would learn that several more bones and her brother's shorts had been found.

Salihovic shares the fate of around a thousand people from Srebrenica who still haven't found all the remains of their loved ones.

Around a hundred kilometres from Srebrenica, at the Podrinje Identification Project in the city of Tuzla, there are thousands of white bags and boxes containing the partial remains of genocide victims that have not yet been matched to people's names.

They will soon be returned to the Srebrenica Memorial Centre, where a repository is being built to store the remains of genocide victims that cannot be identified, along with their personal effects and clothes, in a dignified and respectful environment.

Salihovic is comforted by the hope that the unidentified remains of her brother and uncles will finally have a resting place in Srebrenica.

"It would personally mean a lot to me if those missing parts find their way here. I think that there is no better place for them to be. When their remains are returned here, it is the same as if they had returned to the cemeteries at the Srebrenica Memorial Centre," she said.

'They can be close to the others'

Hague Tribunal verdicts established that more than 7,000 men and boys from Srebrenica were killed in July 1995. Their bodies were buried in several mass graves and then the remains were dug up again and reburied as Bosnian Serb forces attempted to cover up their crimes. In the process, bodies were broken up and parts of the same person were buried in different locations.

"What happened was very typical for the Srebrenica area and a large part of eastern Bosnia — the mixing of the remains, considering that in most cases it's about relocated graves, once or twice, during which there was mixing and breaking-up of the remains. Our colleagues really encountered a forensic puzzle," says Samira Krehic, the deputy head of the International Commission on Missing Persons, ICMP's Western Balkans Programme.

With the help of the ICMP, around 7,000 victims have been identified so far. Most of them are buried at the Srebrenica Memorial Centre in the village of Potocari.

Krehic said that the Podrinje Identification Project in Tuzla was conceived as a facility for identification, but not for keeping unidentified remains for a longer period. In 2017, the ICMP proposed that remains that cannot be matched to names should be permanently stored in Srebrenica.

Associations representing the mothers of Srebrenica victims have backed the proposal."We always wanted those unidentifiable bones to be where they belong — we say 'a place that's well-known' — and that is the Srebrenica Memorial Centre, so at least they are close to those who are buried there," said Suhra Sinanovic, head of the Zene Podrinja (Women of Podrinje) Association.

Sinanovic lost 23 family members in the genocide, including her husband Muriz.

"Even after 28 years, my husband is lying at the Srebrenica Memorial Centre, but to this day, his remains are not complete. But I assume that among these bones that are coming to Potocari, maybe there will be some of his as well," she said.

The repository in Srebrenica should be built in the spring of 2024 in a large concrete hall within a former Battery Factory complex. The funds for its construction come from the Srebrenica Memorial Centre and USAID, through their 'PRO-Future' peace project, implemented by Catholic Relief Services.

Dzennana Memisevic-Panjeta from Catholic Relief Services, who is part of the project implementation team, said particular care was taken because the human remains are sensitive and "inadequate humidity, temperature or room lighting could destroy the last traces of someone's existence forever".

Apart from the permanent storage of unidentified victims' remains and belongings, one of the goals of the project is to contribute to remembrance.

"Through this repository — that is, through these personal items and these remains — it will help visitors... to somehow connect with the victims, to try to imagine a life behind each and every one of those bones," said Salihovic.

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Turkey

Turkey recalls envoy to Tel Aviv, Israel accuse Erdogan of siding with Hamas (ThePrint) November 5, 2023

> **The Israeli Foreign Ministry has criticised Turkish President Recep Tayyip Erdogan for his stance in the raging war between Israel and Hamas, following Turkey's announcement of the recall of its ambassador to Israel, The Times of Israel reported.**

The ministry accused Erdogan of aligning with the Gaza-based terror group, Hamas.

In a statement, the Israeli Foreign Ministry defended Israel's military operations in Gaza as a "war of self-defence" and described Hamas as "the true enemy of the Palestinian people."

Erdogan said Saturday that Turkey has "crossed out" Israeli leader Benjamin Netanyahu and will strive to bring Israel before the International Criminal Court for its actions in Gaza, CNN reported, citing Turkish state media outlet Anadolu.

Erdogan has been an outspoken critic of Israel's actions in Gaza, accusing Israel of exceeding its right to self-defence and characterising its actions as "oppression," "atrocity," and "massacre."

Furthermore, Erdogan expressed his commitment to bringing Israel before the ICC for alleged human rights violations and war crimes committed in Gaza. He announced Turkey's support for initiatives aimed at holding Israel accountable for these actions. He said, "Our relevant authorities, especially our Foreign Ministry, will carry out this work," CNN reported, citing Anadolu.

It is worth noting that Israel is not a member of the ICC, an international body established in 2002 to address crimes against humanity and genocide.

In the midst of these developments, President Erdogan is scheduled to meet with US Secretary of State Antony Blinken, who recently added a stop in Turkey to his Middle East diplomacy tour.

A total of 9,425 individuals have lost their lives in Israeli offensives in Gaza since October 7, CNN reported on Saturday citing the Palestinian Ministry of Health in Ramallah. An additional 24,000 people have been injured, according to the ministry's data, which originates from sources within the Hamas-controlled enclave.

The report from the ministry reveals that nearly 73 per cent of the casualties belong to vulnerable groups, including children, women, and the elderly.

The latest figures indicate a stark increase in the death toll, with 270 more deaths reported on Saturday compared to the previous day, while the number of injured has risen by about 1,000.

The Israeli military continues to maintain a blockade and launch airstrikes on the Gaza Strip in response to a cross-border terrorist attack initiated by Hamas on October 7.

Despite calls for a ceasefire from Hamas, humanitarian organisations, and a substantial portion of the global community, Israel's government has firmly rejected such appeals. They have committed to eliminating Hamas following the brutal attack last month, which claimed the lives of over 1,400 Israelis, the majority of whom were civilians, CNN reported.

Blinken arrives in Turkey for another key meeting amid Israel-Hamas war (Business Standard) November 6, 2023

> **Hours after an unannounced stop in Iraq, US Secretary of State Antony Blinken arrived in Turkey in the early hours of Monday (local time) to hold a key diplomatic meeting, CNN reported.**

Turkey happens to be his last stop in the region before heading to Asia.

Blinken is expected to meet with Turkish officials on Monday morning to discuss the Israel-Hamas war.

Notably, Turkish President Recep Tayyip Erdogan has been immensely critical of Israel's offensive in Gaza, calling the actions "crimes against humanity" and saying this weekend he was suspending communications with Israeli Prime Minister Benjamin Netanyahu.

Turkey has also recalled its ambassador to Israel for "consultation".

Blinken has travelled to Israel, Jordan, the West Bank, Cyprus, and Iraq so far as part of his whirlwind diplomatic trip, CNN reported.

Earlier on Sunday, Blinken reached Iraq in an unannounced visit and held discussions with Iraqi Prime Minister Mohammed Shiaa al-Sudani about the need to prevent the spillover of the Israel-Hamas conflict.

The two leaders discussed the conflict between Israel and Hamas and the need to prevent the conflict from spreading, including in Iraq, US State Department spokesperson Matthew Miller said in a statement.

"In Iraq, I met with Prime Minister @MohamedShiato underscore that we must prevent the conflict from spreading. I urged him to hold accountable those responsible for attacks on U.S. personnel in Iraq and discussed our work to deliver humanitarian assistance to civilians in Gaza," Blinken posted on X (formerly Twitter).

Speaking to reporters after the meeting, Blinken said his discussion with the prime minister was "good and productive", and added that he made clear that attacks by Iranian-backed militias against US personnel are "totally unacceptable".

Regarding the situation in Gaza, Blinken said negotiations on a humanitarian pause in the fighting are a "process," but that US and Israeli teams are meeting Sunday to "work through the specifics, the practicalities of these pauses."

"Israel has raised important questions about how humanitarian pauses would work. We've got to answer those questions. We're working on exactly that," CNN quoted him as saying.

Turkey Bombs the Kurds in Iraq and Syria (Modern Tokyo Times) By Lee Jay
November 6, 2023

> **The armed forces of Turkey unleashed fresh military air strikes against the Kurdistan Workers' Party (PKK) in North Iraq. This comes on top of recent air strikes in Syria in recent weeks by the armed forces of Turkey.**

It is further evidence that Turkey can launch military air strikes and ground troops in North Iraq and North Syria — while continuing to occupy North Cyprus.

Hence, further evidence of non-Arabic speaking nations (America, Iran, Israel, the Russian Federation, and Turkey) dominating the essential military skies of West Asia (the Middle East) outside the Gulf Alliance bombing Yemen (Iran also heavily involved in Yemen). Therefore, Arabic-speaking nations — including Bahrain, Egypt (the Coptic Christian minority is indigenous), Kuwait, Saudi Arabia, and the United Arab Emirates — need to address this issue along with other regional nations.

The armed forces of Turkey launched fresh air strikes this weekend against 15 PKK locations deemed a threat to Turkey. Attacks occurred in the region of Hakurk in Northern Iraq.

ABC News reports, "Turkey often launches strikes against targets in Syria and Iraq that it believes to be affiliated with the PKK, a Kurdish separatist group that has waged an insurgency against Turkey since the 1980s. Meanwhile, security agencies in Iraq continue to crack down on Islamic State group sleeper cells."

AFP reports, "Since 2016, Turkey has carried out successive ground operations to expel Kurdish forces from border areas of northern Syria, and has made threats of a new incursion."

Mazlum Kobane (Commander-in-Chief of the Syrian Democratic Forces) said, "The Turkish president's statement naming the war that leads to cutting off water, electricity, and roads and destroying infrastructure, places of worship and schools as 'massacres' is exactly what his government is doing in northeast Syria. Turkish occupation commits 'massacres' and war crimes every day."

Voice of America reports, "Turkey regularly carries out airstrikes in northern Iraq and has sent commandos to support its offensives as part of a long-running campaign in Iraq and Syria against militants of the Kurdish PKK and the Syrian Kurdish YPG militia. Ankara regards both as terrorist groups."

The conflict between Kurds and the central state of Turkey goes back many decades.

President Bashar al-Assad of Syria said, "Terrorism in Syria is made in Turkey."

The conflict between Turkey and the Kurds internally — and externally — will continue militarily, politically, and based on utilizing forces opposed to the Kurds in Iraq, Iran, and Syria for the foreseeable future.

Lee Jay Walker says, "However, unlike the Palestinian Question, the Kurdish Question (the Kurds are the largest stateless people in West Asia) doesn't receive the same international attention. Hence, Turkey is boosted by this dynamic."

Criminal complaint sent to Turkey justice ministry to open criminal case against Netanyahu (Armenia News) November 15, 2023

> **The General Prosecution Office of Istanbul has sent a criminal complaint to the Ministry of Justice of Turkey to open a criminal case against Israeli Prime Minister Benjamin Netanyahu, reports CNN Turk.**

The criminal complaint demands that Netanyahu be tried at the International Criminal Court (ICC).

The criminal complaint against the prime minister of Israel was filed by Metin Kulunk, a former MP of the ruling AKP party, and lawyers Mucahit Birinci and Burak Bekiroglu.

The criminal complaint, which is intended to be sent to the ICC, demands that Netanyahu be tried for "war crimes," "crimes against humanity," and "genocide."

The criminal cases opened against Netanyahu by the General Prosecution Office of Istanbul since October 7 have been forwarded to the Ministry of Justice of Turkey, too.

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Kosovo Specialist Chambers

Allies of Kosovo's Thaci Raided in Obstruction of Justice Probe (BalkanInsight) By Xhorxhina Bami
November 3, 2023

> **The Kosovo Specialist Chambers in The Hague confirmed it ordered several raids in Kosovo this week as part of investigations by prosecutors into possible obstruction of justice.**

During the week, there were raids on the houses of several allies and advisers of former President Hashim Thaci, who is currently on trial in The Hague on war crimes and crimes against humanity charges.

The Specialist Prosecutor's Office said in a statement released late Thursday night that it is "conducting ongoing operations in Kosovo in an investigation focusing on offences against the administration of justice". It did not specify who is being targeted by the investigation or give any details about the suspected wrongdoing. The raids were carried out by officers from the EU rule-of-law mission EULEX and Kosovo Police.

On Friday morning, the mayor of the municipality of Malisheve/Malisevo, Ekrem Kastrati, said in a statement that the municipality "received information that EULEX last night arrested the former mayor, Isni Kilaj". One of the raids conducted on Thursday on the orders of the Specialist Prosecutor's Office was reported to have been carried out at the home of Kilaj, a former Kosovo Liberation Army, KLA unit commander and former head of the Malisheve/Malisevo branch of the opposition Democratic Party of Kosovo, PDK, which was previously led by Thaci.

Kastrati's statement condemned the operation against Kilaj. "As a municipality, we believe and are deeply convinced that the Kosovo Liberation Army's war was a just war and above all else, it was a liberation war," Kastrati said, demanding that the Specialist Chambers "halt this type of persecution of the liberation" and deal instead with killings of civilians by Serbian forces in the Malisheve/Malisevo municipality in 1998-99.

BIRN contacted the Specialist Prosecutor's Office for confirmation of Kilaj's arrest and the charges against him but did not receive any more information by the time of publication.

On Wednesday, there was also a raid at the house of Ismail Syla, a former adviser to Thaci.

Syla's lawyer, Artan Cerkini, criticised the operation, saying = that "there isn't any person of average intelligence who would keep something incriminating in their house knowing they could easily be a target for raids".

On Tuesday, the house of Thaci's former adviser Artan Behrami was also raided on the orders of the Specialist Prosecutor's Office. Lawyer Cerkini, who represents Behrami too, told media that the raids were unconstitutional, in particular because "the houses of family members of Behrami were raided although this was not [written] in the order".

Behrami accused the Specialist Prosecutor's Office of conducting political operations and of creating the analogy between Serbian forces' "genocide" in Kosovo and the actions of the KLA, "as if the Kosovo Liberation Army committed a similar thing".

On Monday, there were also raids at the houses of two other former advisers to Thaci, Blerim Shala and Bashkim Smakaj, who is the former director of the Kosovo Intelligence Agency.

Cerkini, who is also Smakaj's lawyer, told media after the nine-hour operation that "the court should be very careful when issuing an order for raids because it can violate human rights".

He said that the raid was part of "an investigation the court has been conducting for some time on obstruction of justice". But he argued that it violated his client's constitutional rights and privacy.

In February this year, the Specialist Prosecutor's Office also ordered a raid in the house of another former adviser to Thaci, Adil Behramaj.

The Kosovo Specialist Chambers were set up in 2015 by the Kosovo parliament, acting under pressure from Kosovo's Western allies, who believed that Kosovo's own justice system was not robust enough to try KLA cases and protect witnesses from intimidation. Previous trials at the Yugoslav war crimes tribunal were marred by witness-tampering.

In May 2022, the Specialist Chambers convicted the leader of the KLA War Veterans' Organisation, Hysni Gucati, and his deputy Nasim Haradinaj of obstruction of justice.

Last month, two other men, Ismet Bahtjari and Sabit Januzi, pleaded not guilty to intimidating witnesses in proceedings against KLA ex-guerrillas at the Specialist Chambers.

Witness Admits Giving 'Exaggerated' Evidence Against Kosovo Guerrillas (BalkanInsight) By Xhorxhina Bami
November 8, 2023

> **Over three days of hearings, prosecution witness Gjergj Dedaj, Kosovo's former ambassador to North Macedonia, told the Kosovo Specialist Chambers war crimes court in The Hague that he "exaggerated" his previous testimony to investigators in the case of former President Hashim Thaci and three co-defendants.**

"I am telling the truth now, these [previous statements]... do not count," Dedaj told the court on Wednesday, responding to the judge's questions about whether he lied in statements given to EU rule-of-law mission in Kosovo, EULEX investigators in 2014.

According to the indictment, Thaci and co-defendant Rexhep Selimi, together with others, "participated in and led the arrest, detention, and intimidation of 13 members of a parliamentary delegation who were on a humanitarian visit to Qirez/Cirez" in Kosovo in September 1998.

Thaci and his co-defendants were high-ranking Kosovo Liberation Army, KLA figures during the war. The Kosovo MPs in the delegation were political opponents of the KLA.

After being detained by KLA fighters, members of the delegation were then sent to Baice/Banjica and "beaten and interrogated", the indictment claims.

Dedaj was the head of the delegation. On Monday, he told the court that "this was not an interrogation [by Thaci], I would like you to rectify this. These were conversations, these were normal conversations between leaders."

Dedaj also told the court on Monday that he had "exaggerated" his previous testimony to EULEX investigators about the incident.

The indictment alleges that the delegation members were "badly beaten, and had visible injuries". Going back on the testimony he gave to EULEX in 2014, Dedaj repeated throughout his three days in court in The Hague that he was "not beaten".

On Tuesday, during questioning by Thaci's lawyer Luka Misetic, the court was shown video footage of a press conference held by Dedaj and others from the delegation in Pristina. The prosecution has claimed that the video showed Dedaj's hand was bruised from the beating.

Misetic claimed however that dark area on Dedaj's hand was shadow and not the result of violence. The court was told by the prosecution and defence that Dedaj had provided a photo of his injuries to EULEX, as well as a list of the people involved in assaulting him.

In his previous testimony to EULEX, Dedaj claimed that the injuries "were very serious, my entire arm became black to the fingernails, when the weather changes my arm hurts from my shoulder to my fingernails and this is a permanent injury I got".

However, Dedaj told the Hague court that he "did not show any photograph" and that he had fallen several times. "If it rained, you want to blame the KLA for that too," he said.

"Nobody beat me and nobody can beat me," he also told the court on Wednesday.

Thaci and Selimi, along with co-defendants Kadri Veseli and Jakup Krasniqi are all former senior KLA figures during wartime who later became senior politicians.

They are accused of bearing individual and command responsibility for crimes including 102 murders that were mainly committed against prisoners held at KLA detention facilities in Kosovo and neighbouring Albania.

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Azerbaijan

Armenians Deserve the Right to Return to Nagorno-Karabakh (Newsweek) By Karena Avedissian
November 7, 2023

> **For months, Western mediators seemed satisfied to sponsor sham "peace talks" between Armenia and Azerbaijan—while on the ground, ethnic Armenians in the disputed enclave of Nagorno-Karabakh were being starved by an Azerbaijani blockade. In late September, Azerbaijan attacked and killed scores of people, beginning an ethnic cleansing in which essentially the entire population of more than 100,000 Armenians fled.**

Since then, in a reflection of our benighted times, an even deadlier war has erupted in the Middle East, sparked by a bigger massacre. The world is riveted, just as for most of the past year it was occupied with Russia's assault on Ukraine. Azerbaijan's dictator, President Ilham Aliyev, is surely expecting to get away with his crimes. As things stand, the United States and the European Union were essentially bystanders, indifferent or impotent, to one of the largest expulsions of a civilian population since World War II. This kind of impotence will have devastating effects next time the United States or the Europeans expect endangered people to place their faith in world institutions or Western power and ideals.

But there is still a way forward that salvages something from the situation.

As a foundation, Western nations should own up to the futility of appeasing a dictatorship and accept that allowing Azerbaijan to escape unchastised will encourage more crimes by bad-faith actors elsewhere.

They should categorically demand that the residents of Nagorno-Karabakh should have a right of return to the properties and land that the Azerbaijanis now doubtless plan to plunder. Those who don't return should receive full compensation for their lost property, with international arbitration to determine fair value.

As the stick, the West should put Azerbaijan on notice that the attack on and exodus from Nagorno-Karabakh are being investigated—which will mean visits by fact-finding teams lasting more than the few hours a United Nations mission devoted in September.

Following the precedents set in the trials of Serb warlords and ultranationalists in the former Yugoslavia in the 1990s, Azerbaijan will likely be found liable for the war crime of ethnic cleansing.

Even before the final attack in September, the blockade caused widespread malnutrition and school closures, endangered hospital patients and brought normal life to a halt in a region ethnic Armenians call Artsakh. The scarcity of wheat reached critical levels, forcing families to subsist on a single slice of bread per day. Baby formula was in such short supply that new-borns were forced to drink animal milk without proper sanitary treatment.

Several experts and organizations have declared this abomination a genocide attempt. The former chief prosecutor of the International Criminal Court, Luis Moreno Ocampo, issued a report in August determining that Azerbaijan's actions qualify as genocide under Article II(c) of the Genocide Convention—and on Sept. 6 he warned in testimony to the U.S. Congress that state actors who are signatories to the pact, including the U.S., risk complicity by virtue of inaction.

Incredibly, there continues to be a peace process, although it is on life-support. In any new talks, mediators must assertively hold Azerbaijan accountable for its actions, and stand up for the rights of the people of Artsakh. And economic sanctions against Azerbaijan must be considered unless it agrees to end its outrageous behavior, including ongoing threats against Armenia.

A sustainable peace must be a just peace. It cannot be imposed through starvation and displacement. It cannot ignore what happened to more than 100,000 people while the world averted its gaze.

Western mediators would do well to set aside timidity before a despot and deploy the leverage they most certainly possess. That's because tomorrow's oppressors are not distracted by the Hamas war. They know that what happened in the South Caucasus is a far more classic case of the democratic world abandoning an ally for fear of upsetting a dictator and losing access to Azerbaijan's oil and gas resources. Don't let that lesson stand.

First Karabakh Armenian convicted in Azerbaijan (Eurasianet) November 9, 2023

> **On November 7, the Baku Military Court convicted a Karabakh Armenian man of committing "genocide" and illegal deportation and sentenced him to 15 years in prison.**

Vagif Khachatryan, 68, is thus the first of a handful of Karabakh Armenians in Azerbaijani detention to be convicted. He is the only one that is not a former high-ranking official of the self-proclaimed Nagorno-Karabakh Republic. He was also the first to be arrested. Khachaturyan was detained by Azerbaijani border guards in July at the newly constructed Lachin checkpoint. At that time, Nagorno-Karabakh was still inhabited by Armenians and was under Azerbaijani blockade. Khachatryan was due to have a heart operation in Yerevan and was one of a limited number of people being allowed passage through the checkpoint with the help of the International Committee of the Red Cross (ICRC).

Khachatryan was accused of committing war crimes against Azerbaijanis during the First Karabakh War, specifically during Armenian forces' seizure of the village of Meshali in Nagorno-Karabakh's Khojaly District on December 22, 1991. In that incident, 25 Azerbaijanis were reportedly killed and more than 350 were expelled. Several survivors from Meshali were brought in as witnesses to Khachatryan's trial, and most claimed to recognize him. "They attacked civilians. Vagif, his brother, and others were also there. They hated Azerbaijanis. They said that the land and the village belonged to them and told us to leave. They poisoned and slaughtered our cattle in the meadow," one former Meshali resident told the court.

Khachatryan denied his involvement in the Meshali events and claimed that he only worked in provisions in the rear during the war. "I didn't participate in events in the Meshali village, but I'm sorry for whatever happened to the Azerbaijani people from our side," he said.

Khachatryan is a native of the village of Patara, which is about six kilometers from the site of the alleged atrocity. The 15-year sentence was the maximum possible. Azerbaijani law envisages a maximum sentence of life in prison for war crimes but prohibits life sentencing for those over 65.

Armenia's Foreign Ministry said the trial was a mockery of justice that went against the norms of international humanitarian law.

Khachatryan was the only Karabakh Armenian to be arrested and charged prior to Azerbaijan's lightning offensive to retake all of Nagorno-Karabakh on September 19-20. That operation, followed by the surrender of the Karabakh army and the dissolution of its government structures, triggered the flight of the region's Armenian population.

During that exodus, Azerbaijan arrested eight former high-ranking officials of the Nagorno-Karabakh Republic, including its last three presidents.

They face various charges including terrorism and separatism. Their trials have yet to start.

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Russia

Ukraine: UN condemns latest wave of Russian attacks (UN News) November 3, 2023

> **UN Spokesperson Stéphane Dujarric strongly condemned "the latest wave of attacks against critical infrastructure in various parts of the country, which reportedly resulted in injuries among the civilian population, including children, and caused damage to civilian residential and commercial buildings."**

He told reporters in New York on Friday that the UN was concerned about escalation and the threat it posed to civilians across the country, as the harsh winter weather approaches.

Attacks prohibited

"We reiterate in the clearest terms that attacks against civilians and civilian infrastructure are prohibited under international humanitarian law and they must stop immediately."

UN humanitarians have reported that the attacks destroyed energy facilities, schools, hospitals and other public buildings. The Kherson region in the south and the Donetsk region in the east were particularly affected.

Kharkiv City also came under attack on Thursday night. Partner NGOs based in the city provided psychological support and shelter materials to people whose homes were damaged, said Mr. Dujarric.

Aid to frontline civilians

"We and our partners continue to provide critical aid to frontline communities. Today, an inter-agency humanitarian convoy delivered vital aid to about 1,600 people who remain on the front-line town of Orikhiv in the Zaporizhzhia Region", he added.

This year alone, the UN and partners have delivered 14 convoys to front-line communities in the Zaporizhzhia region, providing essential support to more than 30,000 people living near the southern front.

There have been 96 humanitarian convoys to frontline areas since the beginning of the year, said the UN Spokesperson.

Ahead of winter, humanitarian workers are distributing vital items, such as thermal blankets, mattresses and portable heaters. The UN and partners are appealing for some $435 million to deliver winter assistance to more than 1.7 million people across Ukraine through March next year.

Russia hits Donetsk Oblast's Avdiivka with missiles, artillery (The Kyiv Independent) By Daria Shulzhenko
November 5, 2023

> **Russian troops launched a missile attack and "massive" artillery strike against Avdiivka in Donetsk Oblast on the morning of Nov. 5, acting Governor Ihor Moroz reported.**

He did not provide further details on the attack.

However, Moroz wrote that over the past day, Russian attacks had killed one person in the town of Zalizne, not far from Toretsk. According to Moroz, six houses were damaged there.

Russian troops also launched two airstrikes at a non-working infrastructure facility in the Illinivka territorial community.

More residential and industrial buildings were damaged in the Kostiantynivka and Chasiv Yar communities, as well as in the village of Serebrianka, Moroz said.

Russia has been intensifying its attacks against Avdiivka for several weeks. Moscow has reportedly thrown in extensive force in an effort to encircle the town, suffering heavy losses in manpower and equipment in the process.

In a Nov. 4 assessment, the Institute for the Study of War (ISW) said that Russian troops had made confirmed gains on Avdiivka's northern flank in Donetsk Oblast.

Geolocated footage published on Nov. 3 indicates that Russian forces advanced southwest of Krasnohorivka, some four kilometers north of Avdiivka, towards the railway line north of the city.

Kyiv initiates criminal proceedings against the Patriarch of Moscow (Orthodox Times) November 6, 2023

> **Ukraine announced that it is initiating criminal proceedings against Patriarch Kirill, head of the Russian Orthodox Church, for "justifying" the Russian invasion of its territory.**

Patriarch Kirill, a staunch supporter of President Vladimir Putin, described Russia's attack on Ukraine as a battle against the "forces of evil".

Ukrainian authorities said in a statement that they "collected evidence against the head of the Russian Orthodox Church, Vladimir Gudyaev (known as Kirill)."

He is "a member of the inner circle of senior military and political leaders in Russia and (…) one of the first to publicly support the war against Ukraine".

Patriarch Kirill undermined Ukraine's territorial integrity by justifying the armed attack, according to Ukrainian authorities.

"Measures will be taken to bring him to justice for the crimes committed against our state," they added.

Ukraine, a predominantly Orthodox country, severed ties with Orthodox institutions linked to Russia after the war began.

In October, the Ukrainian parliament voted to ban the Moscow-linked Ukrainian Orthodox Church (UOC), accusing its members of collaborating with Russia.

Zelensky says safety rules 'violated' in Ukrainian military ceremony hit by deadly Russian strike (CNN) By Christian Edwards, Daria Tarasova, Maria Kostenko and Mariya Knight
November 7, 2023

> **Ukrainian President Volodymyr Zelensky said safety rules had been "violated," leaving soldiers and civilians exposed to a deadly Russian missile strike on a village in the Zaporizhzhia region, which he described as "a tragedy that could have been avoided."**

A Ukrainian military brigade said Monday that 19 of its soldiers had been killed last week in an air strike during an award ceremony near the frontlines in Zaporizhzhia.

"The whole situation is being analyzed minute by minute," Zelensky said Monday in an address to the nation. "It will be found out who exactly violated the rules on the safety of people in the area accessible to enemy aerial reconnaissance. There will be no avoidance of responsibility."

Ukrainian Defense Minister Rustem Umerov on Sunday ordered a criminal investigation into the attack. "We must make every effort to protect our people and give honest answers to the relatives and friends of the fallen soldiers," Umerov said in a statement on Facebook.

The strike occurred as Ukraine marked the Day of Missile Forces and Artillery on Friday, a celebration of what Zelensky described as "those warriors who are the backbone of all the Defense and Security Forces of Ukraine."

In a separate ceremony on Friday not related to the missile strike, Zelensky presented awards to Ukrainian soldiers at an unspecified location, according to a statement from his office.

Ukraine's State Investigation Bureau (DBR) said it had launched the investigation "into the actions of military officials who organized the event dedicated to the Missile and Artillery Forces Day near the frontline."

"Criminal proceedings have been initiated in response to this tragedy," Zelensky confirmed in an address to the nation on Monday evening. "The investigation must provide honest answers to the families of the fallen soldiers and the society about how this tragedy occurred and whether any improper orders were issued."

According to Ukraine's Armed Forces, Russian forces launched an Iskander-M missile at troops from the 128th Separate Mountain Assault Brigade, killing soldiers and injuring local residents.

In the immediate wake of the strike, Ukrainian parliamentarian Mykhailo Volynets said 28 people died and 53 were injured as a result of the missile attack. He did not specify how many of the casualties were civilians and how many were soldiers.

In a statement on Telegram Monday, the brigade said 19 of its soldiers were killed. CNN could not independently verify the number of casualties.

Zelensky said the brigade commander had been suspended and would remain so during the ongoing investigation.

"The main thing is to establish the complete truth about what happened and prevent such incidents from happening again. Every soldier in the combat zone — in the enemy's line of fire and aerial reconnaissance — knows how to behave in the open, how to ensure safety," Zelensky said.

The 128th brigade has been used in combat operations in eastern Ukraine since 2014, and has been fighting in the south of the country since Ukraine launched its counteroffensive in early June, as it seeks to reclaim territory taken by Russian troops in the February 2022 invasion.

Ukrainian forces said they had penetrated the "first line" of Russian strongholds in Zaporizhzhia region in September, but the progress of the counteroffensive has been slow, as Ukraine's forces have been rebuffed by heavily fortified Russian defenses.

Russian War Crimes In Ukraine A Step Closer To Being Prosecuted (Religion Unplugged) By Ewelina U. Ochab
November 11, 2023

> **In October 2023, the Clooney Foundation for Justice, a nongovernmental organization founded by Amal and George Clooney, filed three cases with the German Federal Prosecutor's Office, requesting an investigation into crimes committed in Ukraine.**

The CGJ represents 16 survivors and families of victims. The filings concern crimes perpetrated by Russian soldiers in Ukraine, following Russia's full-scale attack on Ukraine on Feb. 24, 2022. Since the beginning of the war, CFJ's Docket initiative, consisting of international lawyers and investigators, has been collecting evidence and preparing submissions detailing crimes committed by Russian forces in Ukraine.

Their work included multiple field investigations in Ukraine as well as extensive analysis of open-source data. The collected evidence has then been used to bring proceedings in Germany under the principle of universal jurisdiction.

Over the years, German courts have been leading globally in the efforts to prosecute international crimes under the principle of universal jurisdiction, including crimes perpetrated by the Islamic State group, a nonstate actor, against the Yazidis, an ethno-religious minority community in Iraq.

As indicated by CFJ, all three cases were filed against high- and mid-level commanders identified as likely suspects.

The first case concerns an indiscriminate missile attack carried out by Russian Tu-22 bombers, which launched Kh-22 supersonic missiles on a resort in the Odesa region in the summer of 2022. The Kh-22 supersonic missile is one of the least precise and most destructive missiles in the Russian weapons arsenal. The attack resulted in 22 civilians being killed and 40 seriously injured.

The second case relates to the commanders of Russian ground forces who unlawfully detained, tortured and executed four men in the Kharkiv region between March and September 2022. The crimes are said to have been committed as part of a widespread and systematic pattern and amounting to crimes against humanity. CJF filed the case jointly with Truth Hounds, a leading Ukrainian human rights organization working on documenting atrocity crimes.

The third case concerns the commanders of Russian units involved in executions, torture, sexual violence, looting and other violations committed during the occupation in the Kyiv region in March 2022. According to the local administration, the crimes resulted in 177 civilians killed, 266 houses completely destroyed and 2,400 civilian objects, including 17 schools and kindergartens damaged or partially destroyed.

In relation to all three cases, the Docket represents survivors and families of victims.

As CFJ explains, "If German authorities find the evidence presented against specific perpetrators convincing, they can open a criminal investigation and issue arrest warrants for the suspects, which would enable their arrest, extradition, and prosecution. The arrest warrants can be enforced in countries outside of Germany through the Europol and Interpol systems. The ICC can also issue arrest warrants against key suspects. ... Once the investigation is open, The Docket will continue to provide additional evidence to the German prosecutors, coordinate with the Ukrainian Office of the Prosecutor, and provide all necessary support to the survivors and families involved in the proceedings."

Involving courts outside of Ukraine is crucial. As Maryna Slobodianiuk, the head of the Investigations Department of Truth Hounds, explained, "While Ukrainian law enforcement agencies are doing their best to cover the unprecedented scale of war crimes committed in the country, they are overloaded and have limited options under Ukrainian for pursuing the commanders and masterminds of the crimes. We believe that by opening these proceedings, Germany can significantly contribute to the efforts of ensuring justice for all Ukrainian survivors."

While the three cases are the first cases filed in Germany under the principle of universal jurisdiction, the Docket team is building further cases.

CFJ has also shared the evidence with the Office of the Prosecutor of the International Criminal Court to support the ICC's efforts to bring Russia's top leadership to justice for crimes committed in Ukraine. On March 2, 2022, after receiving State Party referrals from over 40 countries, the prosecutor announced an investigation into the situation in Ukraine (on the basis of the referrals).

The scope of the investigation encompasses any past and present allegations of war crimes, crimes against humanity or genocide committed on any part of the territory of Ukraine by any person from Nov. 21, 2013, onwards.

Ensuring justice and accountability for the atrocities perpetrated by Russia in Ukraine requires engaging numerous actors, including domestic and international bodies. No stone should be left unturned in this pursuit.

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MIDDLE-EAST

Iraq

Roadside blast hits global coalition troops in Iraq (Arab News)
November 10, 2023

> **An explosive detonated as a convoy of American and other troops belonging to the anti-jihadist coalition passed through northern Iraq on Thursday, a US official told AFP.**

The forces encountered an IED (improvised explosive device) blast near the Mosul dam, the military official told AFP, speaking on condition of anonymity. No casualties were reported.

This is the latest in a growing series of attacks on US personnel in the region, following the outbreak of the war between Israel and Hamas on October 7.

US and coalition forces in Iraq and Syria have been targeted by drone or rocket attacks at least 40 times since October 17, injuring dozens of US personnel, according to a tally given by a US official.

Authorities in the autonomous Iraqi region of Kurdistan said Thursday evening that a drone attack targeted the Harir military airport in Irbil province, causing a fire in a fuel depot.

The coalition had troops at the site until October 20, according to a statement from the counter-terrorism services in Iraqi Kurdistan, in northern Iraq.

The coalition did not immediately respond to a request for comment on the incident.

In the night of Wednesday into Thursday, "two drones" targeted a military airport where coalition troops of the US-led anti-jihadist coalition were based, the service said.

There were no injuries, according to the local authorities.

The attacks came around midnight, it said, without specifying whether the drones had been shot down. Photos accompanying the statement showed metallic debris on the ground.

Most of the recent attacks have been claimed by a group known as "Islamic Resistance in Iraq," according to Telegram channels affiliated with Iraqi factions close to Tehran.

Around 2,500 American troops are deployed in Iraq and another 900 in Syria, as part of the international anti-jihadist coalition that was established in 2014.

In Iraq, the coalition says its role is limited to advising and supporting local counterparts.

In a visit to Baghdad on Sunday, US Secretary of State Antony Blinken said the attacks, which Washington has linked back to Iran, were "totally unacceptable."

Iraqi Prime Minister Mohammed Shia Al-Sudani, who was appointed by pro-Iran parties, has condemned the attacks and promised investigations to uncover the perpetrators.

On Wednesday US warplanes carried out a strike on an Iran-linked weapons storage facility in eastern Syria, in response to attacks against American personnel, US Defense Secretary Lloyd Austin said.

Syria

France issues international arrest warrant for Syria's Assad, citing war crimes (The Hill) By Nick Robertson
November 15, 2023

> **French prosecutors issued an arrest warrant for Syrian President Bashar Assad and other senior Syrian leaders Wednesday on war crimes charges related to the country's bloody civil war.**

Authorities charged the president, his brother, Maher Assad, and two senior generals, Ghassan Abbas and Bassam al-Hassan, with war crimes and crimes against humanity, The Associated Press reported.

The Syrian civil war has raged since 2011, killing more than half a million people and displacing more than 12 million, half of whom left the country, according to the United Nations, sparking a migrant wave in the Middle East and Europe.

The alleged war crimes include the use of chemical weapons in a 2013 attack on civilians in Ghouta and Douma, opposition-controlled areas near the capital of Damascus. More than a thousand people are estimated to have been killed.

United Nations inspectors found "clear and convincing evidence" of the use of sarin gas on civilians in the attack at the time of the 2013 attack, which the Syrian government denied. Sarin gas is banned by international law.

Attorney Jeanne Sulzer, who represents the plaintiffs and nongovernmental organizations behind the complaint, hailed the decision.

"It marks a crucial milestone in the battle against impunity," she told the AP. "It signifies a positive evolution in case law recognizing the grave nature of the crimes committed."

The Paris prosecutor's office did not confirm the arrest warrants, which are kept secret by law.

"Legally speaking, this is a procedural act as the investigation into the 2013 attacks in Eastern Ghouta and Douma continues," Sulzer said. "The four individuals named in the arrest warrants "can be arrested and brought to France for questioning by the investigative judges."

The criminal investigation was sparked by a complaint from survivors of the attack in March 2021 filed by the Syrian Center for Media and Freedom of Expression.

The Ghouta attack brought widespread backlash to the Assad regime in Syria but did not result in an escalation of the conflict. President Obama called the use of chemical weapons a "red line" but chose not to intervene in the conflict during the ongoing Middle Eastern wars in Iraq and Afghanistan.

After the 2013 attacks, the U.S. negotiated an agreement for Russia to help destroy the country's chemical weapons stockpile. Despite that agreement, however, there have since been reports of chemical weapon attacks in Syria, including a second attack on Douma in 2018.

Authorities in Germany and Sweden have also pursued war crime charges related to the use of chemical weapons, mostly on lower-level Syrian military leaders.

German authorities found a Syrian intelligence officer guilty of war crimes last year as part of its investigation, in addition to the prosecution of a Syrian doctor the year before.

The Netherlands and Canada argued for war crimes charges against Syrian leaders at The Hague in June, alleging a systemic and widespread torture operation.

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Yemen

Houthis launch missile attack on Yemen's Marib city (Arab News) By Saeed Al-Batati
November 2, 2023

> **A Houthi-fired missile landed near a refugee camp for internally displaced persons in the central Yemeni city of Marib on Thursday morning, the most recent in a series of similar Houthi drone and missile attacks on government-controlled regions of the country.**

Residents of Marib reported hearing an explosion north of the city, outside a sizable refugee camp, where the missile impacted. The missile did not cause any human or property losses.

Although the UN-brokered truce that went into effect in April 2022 has significantly reduced hostilities, the Houthis have continued to launch missiles and explosive-laden drones at Marib, Taiz, and other government-controlled areas in Yemen, killing dozens of civilians.

The Houthi missile assault on Marib came hours after the militia proclaimed it launched a salvo of drones against Israel, the second such announcement in two days.

Yemenis have condemned the Houthis for attacking civilian gatherings in Marib and other Yemeni cities and demanded that they be shielded from the lethal attacks.

Abdullah Ismael, a Yemeni commentator, said the Houthis launched missile and drone assaults against Israel to whitewash their image and the atrocities they have committed since the first day of their military seizure of Yemen.

"Houthi missiles, drones, mines, and crimes are designed to murder and injure Yemenis exclusively. Their unsightly visage cannot be whitened or erased by empty bellicose rhetoric, deceptive statements, or the combined efforts of all the world's cleansers," Ismael said on the social media platform X.

Walid Al-Rajhy, a Yemeni journalist and director of the Sheba Media Centre in Marib, estimated that 1,000 Houthi missiles were fired at displaced people and other civilian neighborhoods over the past several years, with 200 being intercepted and the remaining 800 landing in the city, killing and injuring a large number of people, including children and women.

"Just as Palestinians resist Israeli occupation, which kills them with missiles and aircraft, Yemenis resist Iranian occupation, which also kills them with missiles and aircraft," Al-Rajhy said on X.

U.S. Sen. Daines seeks to designate Yemen's Houthis as a foreign terrorist organization over Israel attacks (Homeland Preparedness News) By Chris Galford
November 6, 2023

> **Following missile attacks on Israel by the Houthis of Yemen – also known as Ansarallah – and more intercepted by U.S. military units in the region in recent days, U.S. Sen. Steve Daines (R-MT) introduced a bill last week to redesignate the group as a foreign terrorist organization (FTO).**

The Houthis are an Islamist organization derived from the Shia sect of Islam and the Houthi tribe from the northern reaches of the country. They have been fighting a civil war in Yemen since 2014, when they seized control of the capital and much of the north and have largely held onto their gains in the face of a Saudi Arabian-led intervention force fighting on behalf of the internationally recognized government. Backed by Iran, they have centered Saudi Arabia as one of the major focuses of their ire, but since Israel invaded Palestine's Gaza Strip last month, they also launched missiles at Israeli cities.

Many of those were intercepted by the U.S.S. Carney and Israeli defenses, but experts on both sides have viewed the assaults with trepidation, fearing a regional escalation to the Israeli-Palestinian conflict.

"The Biden administration needs to send a strong, decisive message to the Iranian regime that the U.S. will not stand idly by and watch Iran's proxies try and destroy Israel," Daines said. "The unspeakable horrors that we have witnessed over the past several weeks have been at the hands of Iranian-backed terror groups. As the situation in Israel escalates and the Houthis insert themselves in the conflict, the U.S. must immediately redesignate the Houthis as a foreign terrorist organization and enforce sanctions that will help strengthen our national security and weaken terrorist organizations."

While the Houthis were designated as an FTO on Jan. 19, 2021, by the Trump administration, upon assuming office the Biden administration revoked the decision. Now, the Standing Against Houthi Aggression Act would about-face again.

Supplementing this, Daines also joined a letter from U.S. Sen. William Hagerty (R-TN) written to Secretary of State Antony Blinken calling for the same thing. Hagerty joined 12 other senators in supporting Daines' bill as well.

Yemen's Houthi rebels claim new drone attack on Israel (Arab News)
November 7, 2023

> **Yemen's Iran-backed Houthi rebels said they had launched on Monday a fresh drone attack against Israel as they step up a campaign of disruptive strikes during Israel's war with Hamas.**

The Houthis, who claim large swathes of the impoverished country on the south of the Arabian Peninsula, asserted that the latest strike has temporarily halted activity at Israeli military bases and airports.

Israeli authorities did not immediately confirm the attack, which is the latest in a series of Houthi drone launches in recent days.

Houthi military spokesman Yahya Saree said on X, formerly Twitter, that "the Yemeni armed forces... launched a batch of drones during the past hours at various sensitive targets of the Israeli enemy in the occupied territories."

"As a result of the operation, the activity at the targeted bases and airports stopped for several hours."

Last week, the Houthis claimed a drone attack and said they had carried out three earlier strikes with drones and ballistic missiles.

They have said they are acting as part of the "axis of resistance" against Israel, which includes Iran-backed groups in Lebanon, Syria and Iraq.

Houthi forces "continue to carry out more qualitative military operations in support of the Palestinian people... until the brutal Israeli aggression against our brothers in Gaza stops," Saree posted on Monday.

The ongoing war erupted when Hamas militants crossed from Gaza into southern Israel on October 7, killing some 1,400 people, mostly civilians, according to Israeli officials.

More than 10,000 people, most of them children or women, have been killed in retaliatory Israeli strikes unleashed to crush militants in the Gaza Strip, the health ministry in the Hamas-run Palestinian territory says.

Since the conflict began, there have been a string of attacks on US forces in Iraq and Syria as well as almost daily exchanges of fire across the Israel-Lebanon border between Hezbollah and the Israeli army.

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Special Tribunal for Lebanon

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

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Israel and Palestine

The Burden Women Bear, Israel-Hamas War Sheds Light on Conflict-Related Sexual Violence Experienced by Israeli and Palestinian Women By Sarah Morgan
November 15, 2023

> **The war outbreak between Israel and Hamas introduces a grim development in the ongoing Israeli-Palestinian conflict. The October 7th attack heightened existing tensions and brought pertinent conversations to the forefront – namely, the disproportionate impact security crises have on women. As of 2022, over 600 million women and girls reside in conflict zones. This is particularly evident in the Middle East and Northern Africa, where armed conflict reaches millions. These crises place a unique burden on women,[1] and the frequently overlooked role of gender in crisis zones often exacerbates existing inequalities.**

Women are more vulnerable to sexual violence during wartime, a concept known as conflict-related sexual violence (CRSV). Feminist perspectives help contextualize how and why sexual violence manifests during armed conflict. By examining how gender roles and inequality are created and maintained in the international system via systemic oppression through patriarchy or colonialism, feminist perspectives present valuable insights into centering the role of gender in analyzing conflict-related sexual violence.

Analyzing Israel and Palestine within a feminist framework ultimately reveals a male-dominated culture that tends to neglect women's security concerns. Given this context, the outbreak of the Israel-Hamas war makes Israeli and Palestinian women more susceptible to CRSV. In turn, existing inequalities women face in the region are heightened amid increased threats of violence and are critical in considering CRSV.

Conflict-Related Sexual Violence The United Nations refers to CRSV as "rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict" and notes that women are disproportionately vulnerable to it. In 2021, the UN reported 3,293 cases of CRSV and estimated a staggering amount of unreported cases somewhere between 32,930 and 65,860.

CRSV is often used as a weapon of war. While international criminal law recognizes many types of sexual violence as war crimes, little is done to address the social factors and environmental conditions that allow sexual crimes to occur. As a result, gender-based violence remains prevalent.

The Hamas attack was no exception. Members kidnapped, raped, and sexually assaulted Israeli women during its attack on Israeli communities. Although they were widely condemned, it will be challenging to hold Hamas responsible – terrorist organizations often utilize weaponized sexual violence, but violent nonstate actors' prosecutions for CRSV are rare. Furthermore, officials are already struggling amid the chaos of the war to prioritize protocols and procedures that help collect concrete evidence of sexual assault. These compounding factors will make access to justice for Israeli CRSV deeply challenging.

Palestinian women face increased risks of sexual exploitation and trafficking as a result of increased violence, mass displacement, and insufficient safeguards that followed the outbreak of the Israel-Hamas war. These rising tensions only intensify existing threats that have existed throughout the decades-long Israeli-Palestinian conflict.

For instance, Israeli soldiers sexually assaulted Palestinian women in Israeli prisons during the First Intifada to coerce information and discourage resistance efforts. More recently, Palestinian women experienced sexual assault at Israeli checkpoints and sexual humiliation during Israeli Defense Forces (IDF)-led raids: for instance, Israeli newspaper Haaretz reported that Israeli soldiers stripped and humiliated Palestinian women during a raid in July 2023. Local Palestinian activists interviewed for the story noted that such incidents were not "exceptional incidents," but an observed pattern. As the war continues, Palestinian and Israeli women face greater risk of CRSV exacerbated by existing and systemic sexual violence.

Cultural and Political Considerations CRSV encompasses sexual violence occurring both between enemy populations as well as those that occur within a state's armed forces. In the case of Israel, having a strong, central military and military conscription – which Israeli scholar Uri Ben-Eliezer described as "the making of Israeli militarism" – helped Israel navigate persistent insecurity in the region. However, many also note that this approach to governance cultivated a more aggressive male-oriented culture and created further risk for Israeli women, especially those in the military. For instance, approximately one in four women serving in Israel's conscription service have suffered sexual abuse at the hands of Israeli officials.

Political and legal instability exacerbates the increased risk of sexual violence, which most acutely describes Palestinian women's struggles with CRSV. In a system where legal processes and government

Political and legal instability exacerbates the increased risk of sexual violence, which most acutely describes Palestinian women's struggles with CRSV. In a system where legal processes and government operations are severely diminished, Palestinian women must grapple with inconsistent law enforcement and little legal safeguards. Even when CRSV crimes are reported, there is inadequate institutional and social support for survivors. Such pre-existing barriers are worsened by the system put in place by Hamas. Since its controversial election victory in 2006, Hamas has cultivated a political system prone to corruption and hostility towards any political opposition. Because cases of CRSV are more likely to occur (and be ignored) in corrupt environments with ineffective rule of law, Palestinian women in Gaza are uniquely at-risk.

CRSV also intersects with barriers to accessing women's healthcare. For instance, Palestinian women located in remote, rural locations must travel long distances while in labor and are often forced to give birth at Israeli checkpoints due to travel restrictions. Additionally, Israeli occupation and the threat of violence impose other restrictions on women's health services through enforced curfews and unreliable access to electricity. Though these examples do not conform to our traditional understanding of direct interpersonal sexual violence, they directly impede women from accessing critical sexual and reproductive health services, which can be a form of CRSV.

The Israel-Hamas war aggravates these healthcare concerns. Currently, 50,000 women are estimated to be pregnant in Gaza. Widespread destruction of homes and hospitals during Israeli airstrikes – coupled with the Israeli government's decision to cut off the supply of food, water, and fuel to Gaza – creates dire conditions for women seeking antepartum, intrapartum, and postpartum care. Additionally, victims of sexual violence are unable to access the immediate medical care survivors require.

Filling Policy Gaps The Israel-Hamas war beckoned renewed conversations regarding women's security in the region. However, sexual violence and gendered experiences typically take the back burner. Paying specific attention to how CRSV intensifies on top of existing inequalities can help assess the threat of CRSV against Israeli and Palestinian women.

A feminist perspective can orient us to policy solutions that address the institutions that inhibit and exacerbate sexual violence. Establishing specific objectives targeting issues like CRSV and encouraging legislation with specific and consistent funding requirements for counter-CRSV initiatives may help bridge the gap between policy goals and implementation. Research shows that despite underrepresentation and systemic marginalization, women spearhead human rights and gender equality policymaking. Therefore, including more diverse female voices is vital to successful policymaking. The ongoing Israeli-Palestinian conflict offers an insight into how political, social, and cultural conditions in an ongoing conflict produces CRSV. More closely examining these distinct sociopolitical elements in conjunction with gender is a crucial step in alleviating the burden women in conflict zones bear.

By Sarah Morgan November 15, 2023

The heavy burdens of war for Gaza's women and girls (Washington Post) By Miriam Berger and Hajar Harb
November 15, 2023

> **JERUSALEM — Salma Tarabin is eight months pregnant, praying the war ends before her third child is born into a "poisoned" world. The 30-year-old is exhausted, hungry and sick from drinking dirty water. For a month now, she has been sleeping on a sheet on a hard classroom floor with more than 80 other women and children, she told The Washington Post by phone. The men and older boys sleep outside in the courtyard of what was formerly a school run by UNRWA, the U.N. agency for Palestinian refugees, in the southern Gazan city of Rafah.**

Dirt cakes every surface and crevice, she said. There's no water for washing up. Navigating a bathroom in such close quarters is a nightmare for women in this socially conservative society. To cope, some go to the bathroom only once a day, they told The Post.

Tarabin had Caesarean sections for her first two children and fears having to endure a third in these conditions, possibly without hard-to-find anesthesia — that is, she said, if she even makes it through the next month.

"I am afraid I will die before the baby is born," she said.

Across central and southern Gaza, U.N. facilities, family homes and makeshift camps are overflowing with some of the 1.5 million Gazans displaced by Israel's war against Hamas militants. Thousands more families continue to pour in daily from the besieged north, where Israeli forces are steadily advancing.

After five weeks of intense bombardment and a near-total siege, electricity is almost nonexistent. There is not enough food to go around, and no regular access to clean water or basic sanitation. Airstrikes continue to kill and maim people in what the Israeli military has described as "safer areas" in the south.

The weight of war and displacement is especially hard to bear for Gazan women and girls.

Noura Atta, 47, and her five daughters sleep in the same cement room as Tarabin. They survive off small portions of cheese and bread that UNRWA provides. As winter approaches, they burn fabric for warmth some nights.

Menstrual cycles have become a constant stress.

UNRWA distributes sanitary pads at the school — but not nearly enough, Atta said. She's taken to cutting up dirty cloths for her daughters. Without water or privacy, they have no way to clean themselves or their underwear.

"I cannot bear my girls' tears and pain when they get their period," Atta said. "I do not know how to alleviate their burden."

Nahid Abdel Hamid, 26, a mother of three, sleeps nearby. She has started to take birth control to prevent her from getting her period. Other women at the school provided the pills, she said.

She worries about negative side effects, but is grateful. "They have provided a safe space to spare myself from exposure to the lack of hygiene here," she said. Nadia Abdel Nabi, 14, stays in the same room. She just had her period for the second time, surrounded by strangers. She's confused by what's happening to her body, she told The Post by phone, sharing her story with her family's consent. "I feel an urgent need for my mother to always be my side," she said.

"I wish I could return to our house," she added, though she thinks it has been destroyed or damaged in the fighting. "I am incredibly tired."

More than 11,100 Palestinians have been killed in the weeks since, according to Gaza's Health Ministry, which said Friday that it could no longer provide updated figures, citing damage to communications infrastructure and the intensity of the fighting.

Even before the war, the small, tightly packed coastal enclave faced numerous compounding economic and health crises after 16 years under an Israeli-led blockade. Hamas, the U.S.-designated terrorist group that runs the strip, imposed an extreme form of Islamist rule that restricted women's rights.

UNRWA has tried to address "overcrowding and the particular challenges for women and girls," spokeswoman Tamara Alrifai told The Post. Across U.N. facilities, women and young children sleep in one section and men in another to adhere to social codes and guard against harassment.

But the numbers are staggering. Some 778,000 Gazans are sheltering in at least 154 UNRWA sites, the majority in the center and south, the agency said.

So far, Alrifai said, UNRWA has not seen a rise in gender-based violence, but she expects that to change: "Both sexual harassment and domestic violence tend to increase in prolonged periods of displacement."

The humanitarian aid that has trickled into Gaza — described by the U.N. secretary general as "completely inadequate" — has included just two trucks containing supplies for baby deliveries and Caesarean sections, according to the U.N. family and planning agency. UNFPA estimates there are about 50,000 pregnant women in Gaza, and 5,500 of them are due to give birth over the next month — amounting to more than 180 births a day.

Fatima Hamed's 25-year-old daughter is five months pregnant. On Tuesday, she was trying to find a tarp for her, to offer some measure of privacy and protection.

"We lack the minimum requirements for life — neither water nor food," Hamed, 55, told The Post by phone from Rafah. "We postpone getting food until the evening hours so that we do not have to go to the bathroom, and so that we do not go to bed hungry."

Five days into the war, a strike hit Hamed's house in Beit Hanoun, in northeast Gaza. The family of 12 fled first to a UNRWA school in Deir al-Balah, part of the area that Israel has urged civilians to go to for safety. When strikes hit neighboring houses, she said, they fled again.

The family made it to Rafah, finding shelter in a small government-run school that does not provide food or aid. When it rained on Monday, the men slept outside while the women and children crowded together in a classroom.

She and her daughter spent the night worrying about losing the baby.

"We now live in the Stone Age," Hamed said. "Whoever does not die by murder will die of hunger, disease, fear and pollution."

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Gulf Region

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ASIA

Afghanistan

Australian who blew whistle on alleged Afghan war crimes stands trial (Al Jazeera) By Lyndal Rowlands
November 12, 2023

> **David McBride, a former army lawyer who revealed information about alleged Australian war crimes in Afghanistan, could be facing a "life sentence" if found guilty in a trial that starts on Monday.**

While Australia has established an independent special investigator into alleged war crimes committed by Australian troops in Afghanistan, supporters of McBride point out he is facing a criminal trial before any of the perpetrators of the alleged wrongdoing he helped reveal.

"It seems strange that when clearly so many things went wrong in the wars of Afghanistan and Iraq, that I am the first person to [face trial]", McBride told Al Jazeera in an interview before his trial began. "It's extremely likely that I will be facing prison and not just short term but for quite a long time," the defence whistleblower added.

McBride is open about the fact he leaked documents to the ABC, Australia's public broadcaster, leading to a series of articles called the Afghan Files.

"I've been charged with leaking documents," McBride said. "I've never made a secret of that."

Instead, he wants the conversation to be about whether it was right to speak out.

"What I want to be discussed is whether or not I was justified in doing so," the whistleblower says.

Although McBride, a former lawyer for the Australian and British armies, sees the information he revealed as being in the public interest, his ability to claim a whistleblowing defence has been limited by claims of national security.

He is going on trial "without the benefit of being able to rely" on a whistleblower defence, Kieran Pender a lawyer with the Human Rights Law Centre, an Australian organisation based in Melbourne, told Al Jazeera.

McBride's trial will be heard by both a judge and jury and will begin in the Australian Capital Territory's Supreme Court at 10am Canberra time on Monday (23:00 GMT on Sunday).

'Wrongs of the past'

McBride has not been the first or only person to reveal information about alleged Australian war crimes in Afghanistan.

Dramatically, an Australian judge found earlier this year that journalists had not defamed one of Australia's most highly decorated soldiers Ben Roberts-Smith by saying he was "complicit in and responsible for the murder" of three Afghan men.

That case was a notable moment that came more than seven years after the Australian government established an inquiry, led by Supreme Court Justice Paul Brereton, into allegations that Australian troops had committed war crimes in Afghanistan.

In 2020, Brereton handed down findings that there was credible evidence to support allegations war crimes had been committed. As a result, the Australian government established a new Office of the Special Investigator, as an independent executive agency within the attorney general's portfolio.

"We should be proud that Australia set up this process as a meaningful way to address these allegations," Rawan Arraf, the executive director of the Australian Centre for International Justice, told Al Jazeera.

But while Arraf notes that McBride's trial is separate from other processes related to justice for alleged war crimes in Afghanistan, she questions what it says about the Australian government's priorities that his trial is proceeding first.

"Where is their priority in this?" Arraf asked. "Prosecuting a whistleblower or prosecuting those alleged crimes?"

Although one former soldier was charged earlier this year, McBride is still the first to stand trial.

Arraf adds that the Australian government has been "slow" to implement a recommendation to provide "compensation, or as we would say, reparations to Afghan victims and their families impacted" by alleged Australian crimes.

"Australia still has a long way to go to adequately address the legacy of its military involvement in Afghanistan," Kobra Moradi, from the Afghanistan Human Rights and Democracy Organisation, told Al Jazeera, adding that "while some progress has been made" the trial of McBride was a setback.

"People should not be punished for telling the truth," Moradi said.

For McBride, despite the trial going ahead, he still thinks revealing the information he did was important.

"It's important for me to show that there are people in the West, especially people in the Western war machine who do get [that] we are not above the law," he told Al Jazeera.

"We cannot have this kind of colonial mindset where we're always right without ever having some sort of insight into our own actions and accountability for those activities we carry out overseas, especially involving violence and imprisonment," McBride said. He wants people to know "there are people who are working to right the wrongs of the past," he added.

Despite acknowledging he is concerned about his trial going ahead, McBride says he has people contacting him from Afghanistan and around the world "and that always lifts my spirits".

Journalists and whistleblowers

McBride's case is just one of several examples of whistleblowers and journalists in Australia facing consequences for speaking out.

In June 2019 the Australian Federal Police raided the offices of the ABC, with a warrant to search reporters' notes, emails and story drafts in relation to the so-called Afghan Files. Police later dropped the investigation in 2020.

McBride is also not the only whistleblower currently, or recently, facing prosecution in Australia.

But he is going on trial "without the benefit of being able to rely" on a whistleblower defence, Pender, his lawyer, says.

"David McBride tried to argue that he was protected under whistleblowing law," says Pender, "The government made a last-minute national security claim in relation to that argument that ultimately meant it was never decided by the court."

Instead, supporters of McBride have been calling for the Australian attorney general to intervene in his case.

In 2022, Attorney General Mark Dreyfus did intervene in the prosecution of another Australian lawyer, Bernard Collaery, leading to the case against him being dropped.

Collaery had been charged with conspiring to release classified information about alleged Australian spying on the then newly formed nation of East Timor during negotiations over oil and gas boundaries in the Timor Sea.

Asked about whether the attorney general would consider a similar intervention in the case of McBride, a spokesperson told Al Jazeera: "The attorney general's power to discontinue proceedings is reserved for very unusual and exceptional circumstances."

The spokesperson also said that the Australian government is currently planning to pursue further whistleblower reforms, though it seems unlikely these will be applicable to McBride's trial this week.

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Bangladesh International Crimes Tribunal

BNP leader Mirza Abbas sent to jail again; Court fixes 8 Nov for defence argument (The Business Standard) November 5, 2023

> **A Dhaka court on Sunday fixed 8 November for recording the defence argument in a case filed against BNP Standing Committee Member Mirza Abbas for concealing information about his assets and amassing wealth beyond his known income.**

During the hearing, Mirza Abbas sought permission from the court to speak.

He said, "Mirza Fakhrul and I were arrested last year. We were kept in a condemned cell. Now, I have been kept on the floor. I have come here on foot. Maybe next time I'll have to come in a wheelchair."

Dhaka Special Judge's Court-6 Judge Manjurul Imam fixed the date of recording the defence argument after a hearing.

Mirza Abbas' lawyer Md Aminul Islam said the case was scheduled today for presenting the arguments.

"We filed a bail petition for Mirza Abbas. After the hearing, the court recorded the bail petition and fixed November 8 for recording the defence argument," he said.

On October 31, the same court cancelled the bail of Mirza Abbas and issued an arrest warrant in the case.

Meanwhile, Mirza Abbas was sent to jail again today after the end of remand in a case filed with Shahjahanpur Police Station in the capital in a sabotage case.

DB police, the investigation agency of the case, produced Mirza Abbas before the court on Sunday and requested him to keep him in jail.

Metropolitan Magistrate Saiful Islam sent him to jail.

Earlier on November 1, the court placed him on a five-day remand in the case.

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War Crimes Investigation in Myanmar

Myanmar's military commanders responsible for rape and torture — war crimes report (The Guardian) By Thaslima Begum
November 9, 2023

> **New research into alleged war crimes in Myanmar has concluded that the majority of senior commanders in the Myanmar military, many of whom hold powerful political positions in the country, were responsible for crimes including rape, torture, killings and forced disappearances carried out by units under their command between 2011 and 2023.**

The research, by the Security Force Monitor (SFM), a project run by Columbia Law School's Human Rights Institute, states that 64% — 51 of 79 — of all Myanmar's senior military commanders are responsible for war crimes. It claims that the most serious perpetrator of human rights violations is Gen Mya Tun Oo, Myanmar's deputy prime minister, former defence minister and a member of the ruling military council.

SFM says its research is an attempt to investigate and hold perpetrators to account for human rights violations carried out by government forces in Myanmar against protesters and civilians.

Tony Wilson, lead researcher and SFM director, said: "This is one of the pieces of the jigsaw that has up until now been missing in terms of accountability — demonstrating how the system works and that these alleged abuses are not just the result of rogue units or individual soldiers.

"Ultimately, this research aims to support efforts to deliver international accountability for alleged war crimes committed by Myanmar's military by shining a light on one of the most secretive and opaque militaries in the world," he said.

It has been six years since a murderous crackdown in Rakhine state forced more than 750,000 Rohingya Muslims — half of them children — across the border into refugee camps in Bangladesh.

The violence carried out by the Myanmar military, which has been described as a "textbook example of ethnic cleansing" by the UN, saw entire villages razed, tens of thousands killed and women and children gang-raped.

Among the survivors was Fatima Khatun, 24, who has been living in the squalid Kutupalong camp in the Bangladeshi port of Cox's Bazar ever since. She still has nightmares about what happened to her in the summer of 2017.

Khatun had been hiding in the forest after her house was burned down by the Myanmar military when two soldiers found her. One pinned her down while the other brutally raped her. "They held a rifle against my face," she recalls. "I lay there on the ground, my face turned to the side."

Widespread sexual violence perpetrated by Myanmar's soldiers has been a hallmark of the culture of abuse and impunity in the country's decades-long civil wars with its ethnic minorities. A Human Rights Watch report in 2017 found that security forces raped and sexually assaulted countless women and girls before and during major attacks on villages and that, in every case described to them, the perpetrators were uniformed members of Myanmar's armed forces.

But, despite being widely documented, there has never been a realistic path to hold the perpetrators to account for women such as Khatun.

In 2019, the international criminal court (ICC) approved a full investigation into alleged crimes against humanity committed by Myanmar but progress has been slow.

"It has been six years but we haven't seen any justice," says Khatun. "The world may have moved on, but it has been difficult for us to forget."

SFM has supported a range of global investigations, including exposing US support for the Saudi-led coalition airstrike campaign in Yemen, a submission to the ICC on alleged crimes against humanity committed by Mexican forces, and reporting on the killing of protesters by the Nigerian army.

The Myanmar authorities did not respond to a request for comment. The junta has previously denied atrocities against civilians, saying that its actions are in the interest of stability and tackling terrorism.

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AMERICAS

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Truth and Reconciliation Commission

Colombia: When Seeking the Truth Leads to Forced Exile By Andres Bermudez Lievano
November 6, 2023

> **In June 2022, Colombia's Truth and Reconciliation Commission unveiled its ten-volume final report and closed its doors two months later. For one of its investigators, Eduardo Andrés Celis, who agreed to speak to Justice Info, that solemn act was not a turning point between a four-year dream job coming to an end and new opportunities, but the beginning of a never-ending turmoil that forced him into exile.**

Just as the Truth Commission was finalizing the report meant to be its legacy in Colombia's history, Andrés Celis underwent an unexpected metamorphosis. He went from being one of the hundreds of public officials who, with care and empathy, interviewed thousands of survivors and former combatants to being a victim himself, like those he listened to for hours. During the last thirteen months, Celis has lived with an acute depression, an insomnia that pushed his body to its limits and the loneliness of exile, after two information thefts and a barrage of death threats forced him to leave the country in September 2022.

Celis's case illustrates a dramatic reality for several transitional justice operators in a country which has tried to close its armed conflict by chapters but where dozens of criminal structures fiercely opposed to truth, the empowerment of victims, or both, still survive. His story - and that of at least two Truth Commission colleagues - underscore questions for one of the most innovative transitional models. How could it have teams of psychologists at the service of victims and perpetrators, but not of its own officials? And who protects a dedicated public servant to the transitional justice's mission once the institution he worked for ceases to exist?

"FEELING DROWNED WITH AN OXYGEN MASK ON" Celis, a 31-year-old journalist and political scientist, just completed a year away from Colombia, a forced exile that he describes in the blog he has been keeping as "feeling drowned with an oxygen mask on".

Working as a researcher at the Colombia's Truth and Reconciliation Commission (TRC) was his dream. It was also the opportunity to bring together his two professions after working for five years at Verdad Abierta, an innovative online media outlet focused on understanding the armed conflict's dynamics. He also worked at Rutas del Conflicto, another news outlet born from a mobile application that educated Colombians about the tragedies that occurred in each part of the country where they passed through.

That's why, when a United Nations agency opened a call for applications to be part of the TRC's preparation team, he didn't hesitate. "With a group of friends, we thought a Truth Commission was the moment we'd be able to contribute a grain of sand to everything that had already been investigated before," he confides to Justice Info by videoconference from a European country that granted him a humanitarian visa.

With the TRC underway, he joined a team of six, dedicated to conducting in-depth interviews with key figures. They weren't necessarily high profile, but exceptional political or military witnesses of the decades of violence in the country and of the mechanisms that allowed it to be recycled over and over. If the interviewee was in jail, they could take months to complete.

Celis was assigned the former paramilitaries and drug traffickers. He worked hand in hand with Commissioner Alejandro Valencia Villa, a human rights lawyer who had worked in several Latin American truth commissions. It was a joyful period for him. "I lived very happily for a long time working there," he recalls.

"OPERATION LEMON" OVER A DRUG BARON Celis's ordeal began just after his last visit to one of these interviewees. Over 13 sessions he'd met with Dairo Usuga, better known as 'Otoniel,' a recently arrested commander of the Gulf Clan. The TRC considered that he might know important truths about the armed conflict because, before leading of one of the largest drug trafficking rings in the country, he was a member of the Maoist guerrilla group the People's Liberation Army (EPL) and the extreme right-wing paramilitary United Self-Defense Forces of Colombia (AUC). He was emblematic of wartime defections, or what Colombians term 'shirt-switching' between armed groups.

It was, in Celis's words, an "interrupted interview". In a dozen visits to his heavily guarded cell in Bogota, they met plenty of inconveniences. Once they were told they couldn't record, or that pens were forbidden. Another time they were told Valencia wasn't registered in the National Police divisions' database and, therefore, couldn't go in. In one session, the recorder abruptly stopped twice and in another it left only white noise. Obstacles that, added together, meant they had less quality time with Usuga. They felt, Celis says, that they were being given what he calls "operation lemon": being squeezed until they gave up.

During the last session, on February 17 2022, a group of policemen suddenly entered while they were talking and instructed them to evacuate the room for security reasons. The Police warned about a flight risk. It was the last time they saw Usuga. Two months later, Ivan Duque's government extradited him to the United States, where he was convicted and now serves a 45-year sentence. As with other Colombian kingpins, he was convicted on drug charges and not on human rights violations, and the possibility of persuading him to make contributions to truth vanished.

FLAT VISITED AND RECORDINGS STOLEN Two days after his last interview with Otoniel, Celis appeared in the national news. That morning, his apartment in Bogota's Teusaquillo neighbourhood looked as if a hurricane had blown through. The two tape recorders safekeeping the conversation with the Gulf Clan boss had disappeared, as well as his personal computer, a work folder and two cell phones.

But the policemen who inspected the apartment that morning concluded that this was a "street dweller motive". Their theory was that it had been an opportunistic petty thief, even though only work items had been stolen. This hypothesis did not convince Celis, especially since neither he nor his roommate felt the intruder's presence even though they were asleep a few meters away. He believes that they could have been drugged as a prelude to the theft.

On a second inspection, Celis noticed that several books were also missing: two photo anthologies by Federico Ríos and Stephen Ferry, two of the country's leading conflict photojournalists, as well as a series of pamphlets on the National Liberation Army (ELN) guerrillas and the Bolivarian movement that he'd collected as part of his reporting and that - Andrés believes today - the thief may have deemed useful to undermine his credibility.

His scepticism multiplied when, on April 7, 2022 the Attorney General's Office summoned Andrés and Valencia to a meeting. That day, prosecutors showed them videos from CCTV cameras. They showed a man in a black jacket and cap folded down to cover his face, walking straight to his building and athletically climbing up to the second floor window. He stayed in the flat for an hour and 32 minutes, until he jumped out and boarded a cab with an illegible license plate. But the authorities insisted on their street dweller hypothesis. Valencia, upset, told them to come up with something more believable. The prosecutors promised that they'd continue their investigation and that the missing equipment would appear within 24 hours.

Celis didn't hear from the Attorney General's Office in the year and a half that followed. The last he knew, from an email he received in July of this year, is that several of the inquiries on threats were closed due to the "impossibility of finding or establishing the active subject" and that the one for robbery in his house remained "inactive".

His case isn't the only one of threats against transitional justice operators. The most visible was perhaps that of Special Jurisdiction for Peace (JEP) justice Alejandro Ramelli and his law clerk Hugo Escobar, who were threatened in May 2023 - presumably by the Gulf Clan - while investigating extrajudicial executions in the Dabeiba cemetery. They were "digging up a past that is already buried," said the text message they received.

CELIS'S "COLOMBIAN SUITCASE" Shortly after the robbery, Celis began receiving anonymous calls implying there was a price on his life. They were short conversations in which the caller presented himself as a hitman or a member of some paramilitary group - sometimes with implausible titles such as "the commander of the main block" - but which sought to show that he was being followed exhaustively, with exact addresses and times, descriptions of his clothes or his companions.

Similar messages were conveyed via whatsapp, emails and Twitter. In total, he received four rounds of calls over a year and a half, including several from the Netherlands and at least four the week the TRC released its final report. A second robbery happened in March 2022, when two armed men accosted him in Santa Marta - the Caribbean city where he'd taken temporary refuge - demanding that he hand over "his mobile phones".

The physical and emotional exhaustion led him to request a humanitarian visa and leave towards exile. Another tragic irony, given that one of the innovations of the Colombian TRC was to document the plight of those forced into exile, a diaspora that Commissioner Carlos Martín Beristain - who led that work - estimated at a million persons.

In his second refuge, among migrants and asylum seekers who'd mostly reached Europe by crossing the Strait of Gibraltar, Celis relived the testimonies of a group of Colombian exiles whom he had interviewed at a TRC hearing he'd been asked to support. From the uncertainty of not having a support network, a salary or a space of one's own to the nostalgia for his food, language or climate. "What I heard from them I could now tell," he says. Celis suddenly felt that this chapter of the TRC's report - titled 'A Colombian Suitcase' - condensed his current fate.

"I had a thing here in my chest for years. I called it my homeland pain, because it was something that didn't allow me to breathe," says a passage that he transcribed in his blog.

WHEN TRANSITIONAL JUSTICE CLOSES ITS DOORS The doctor and psychologist who led that TRC work on exile, with whom Celis never worked, became his greatest protector and moral support. So did two fellow researchers and journalists, Ivonne Rodríguez and Tatiana Navarrete, and criminologist Camilo Umaña, who led the investigation into victimisation of the judiciary and is currently deputy minister for criminal policy. Father Francisco de Roux, who chaired the TRC, hosted Celis for a month at the Jesuit seminary and helped him obtain a humanitarian visa.

But, beyond three sessions with one psychologist and long friendly conversations with pychosocial team leader Dora Lancheros, Celis felt that there was no institutional decision to accompany him, neither from the TRC nor from most of its senior officials, including two commissioners who'd been his bosses. When in March 2022, he asked those in charge of administration, human talent and security at the TRC if there was a route planned to accompany researchers after the final report, they responded that they were considering it.

On June 8, three weeks before the report's launching, Celis wrote a letter to the TRC warning that the promised route didn't exist. He asked three questions: "What will happen after the publication of the final report with those of us who presented this type of [security] inconveniences? Has any type of contingency plan been thought of in case any eventuality occurs to any former official of the institution? What will happen with those of us who, on behalf of the TRC, spoke face to face with various armed actors, legal and illegal, and former state agents?"

Celis wasn't the only TRC official who had to leave Colombia. At least one other person, who asked not to be named, was forced to wander around several universities in another continent for almost a year – "suitcase over my shoulder" - after receiving intimidating messages for two years, including upwards of 80 calls from different numbers in one day. Father de Roux helped this official leave the country for a period after the report was launched.

Another former TRC investigator, who also asked not to be named because she works for an international agency, relayed us three episodes of harassment. Once, a cloaked man took pictures of her with a telephoto lens while she ate lunch and then ran away. Then, at the peak of her investigation, her phone calls began to present voice distortions and once an outside conversation in English crept in. Finally, a car visibly followed her as she walked with her daughter. "Of the three complaints I filed [with the TRC's security team], I never got a response," she says.

RESEARCHERS' MENTAL HEALTH NOT SUPPORTED In his letter, Celis touched upon another key issue: the researchers' mental and emotional health, or what he called "the human costs of the genuine and disciplined work on the final report". Neither he nor his colleague received psychosocial support from the Commission. The psychologist Celis has seen for the past two years, with whom he's even talked every day, he pays for out of his own pocket.

When a group of transcribers, overwhelmed by the cruelty of the testimonies they worked with, asked for accompaniment the institution provided it. But it didn't extend the offer to the rest of its employees, who also heard heart-wrenching stories every day. "The psychosocial team was in charge of accompanying hearings, victims and also perpetrators, but not inwardly," says Celis. "We had our support networks, to take care of each other," says his colleague, "but we did have a widespread need for it."

Justice Info reached out to Father de Roux to ask about these cases and the psychosocial care available to TRC officials, but he did not respond to messages left on his phone.

In late August, Colombia's TRC closed its doors and shortly thereafter was liquidated as a public entity.

"I HAD TO REPEAT TO MYSELF WHO I AM" With exile and its longings also came sensations that Celis had never experienced before. The cold, damp autumn brought back an asthma attack the likes of which he hadn't suffered since he was twelve years old. Anxiety has left him with a continuous, painful bruxism. An insomnia crisis triggered what doctors diagnosed as a major depression.

He could only sleep one, two or maximum three hours per night. Sleep deprivation had a domino effect on his body, affecting his mood, motor skills and central nervous system. A single block on foot left him exhausted. He lost interest in keeping his room tidy or brushing his teeth. A local psychiatrist prescribed a treatment consisting of a hypnotic and an anxiolytic pill, but his body reacted terribly to the chemical cocktail. He suffered what doctors call depersonalization, a disorder where he felt outside his body. "I had to repeat to myself who I am, what I am doing here, who the person next to me is," he recalls.

In those extreme circumstances, what comforts one most can also turn against you. "I'm a massive music lover and there came a time when I couldn't stand it. My refuge became torture," Celis says. He didn't understand why his beloved Pink Floyd's 'Hey you' or post-punk bands like Bestiario hurt him, until he read a book by British neurologist Oliver Sacks and understood that, when a person is in an altered state, memories can hurt. A song could reinforce negative thoughts, a pathological repetition that Sacks calls 'brain worms' and an image that Andres adopted in his writing. He gave up music for a while.

The "infinite loop of pain," in Andrés's words, worsened. Thoughts of suicide multiplied. Seeing no clear future, one day he tried to die. Immediately his brother arrived from another continent to accompany him. He was able to see his parents later on. His Colombian therapist changed the therapy he was receiving and focused on one that could regulate his sleep. "When I started sleeping, I began to balance myself," he says.

He finished his master's thesis in sociology of law, precisely on the Gulf Clan he studied for years. He applied for a doctorate in human rights and was just admitted. He wants to direct it towards continuing his research and writing a book on the criminal structure led by Otoniel.

As Celis says in his most visceral blog entry, "they didn't win. Here I am".

New law sidesteps British culpability in Northern Ireland's Troubles (The Conversation) By Samantha Twietmeyer
November 9, 2023

> **The Northern Ireland Troubles (Legacy and Reconciliation) Act became law in the United Kingdom on Sept. 18. It is an attempt to resolve the many open investigations into murders committed during the 30-year armed conflict in Northern Ireland known as the Troubles.**

The new law calls for setting up an independent commission to deal with the hundreds of killings that remain unsolved to this day. It would offer conditional amnesty to those who co-operate with the commission's investigations.

The act was passed despite widespread condemnation from the communities of Northern Ireland and broader international parties. The British government says the act will "draw a line under the Troubles" and achieve reconciliation. But this claim is questionable and the act raises concerns regarding colonial legacies and the government's culpability.

Opponents of the act argue that it violates the Good Friday Agreement by putting "victims' rights at risk" in ceasing all open criminal investigations. Sinn Fein, the largest party in the Northern Ireland Assembly, said the act is a "denial of human rights of victims and their families." Critics also say it will not achieve its purported goals of reconciliation and may actually "deepen divisions" between the communities of Northern Ireland.

A "Legacy and Reconciliation" Act: The act seeks to promote reconciliation through a loosely defined "Independent Commission for Reconciliation and Information Recovery." This language of reconciliation and independent commissions appears on the surface to be based on notions of transitional justice and reconciliation. Supporters note that the 1998 Good Friday Agreement, which brought an end to the Troubles, also declared a goal of reconciliation.

Truth and reconciliation commissions are a key component of peace processes, helping societies transition out of conflict and into peaceful relations. Despite their varying effectiveness, they are generally seen as a positive step forward.

However, three factors reveal how the U.K. government's agenda is disingenuous: the definition of justice, the dilemmas of colonial legacies and the government's own culpability.

The people should define justice: Opposition to the act's amnesty provision reflects a wider debate in peace processes between retributive and restorative justice and the role of amnesty. Retributive justice reflects the idea that perpetrators of crimes should be punished accordingly under the law. In Ireland, criminal justice for perpetrators — or retributive justice — is frequently described as inherent to victims' rights.

Restorative justice emphasizes shared dialogue between the perpetrator and victim. However, offering perpetrators amnesty — or what some critics label impunity — to garner their participation is often criticized for not always delivering justice to victims.

South Africa, for example, selected a restorative justice process of truth-telling, with amnesty, to encourage perpetrator participation. But while dialogue occurred, action to implement the recommendations that followed was never taken, leaving many feeling justice had not been served.

The U.K.'s legislation suggests it is using amnesty to encourage perpetrators to come forward with the truth. However, one of the act's other controversial moves includes shutting down existing investigations to shift all cases over to the new framework.

British military personnel are subject to a number of open investigations for their role in over 3,500 deaths of the Troubles. In simultaneously applying amnesty and closing investigations, the act clearly serves the interests of the British government. The legislation's claims to restorative justice become a way to prevent the truth of government's culpability coming out.

Reconciliation and colonial legacies: Northern Ireland faces another issue similar to Canada's truth and reconciliation process. There has been no transition of the imperial or colonial institutions. Simply put, the colonial state's that perpetrated violence are still in power. The problems of non-transition, colonialism and structural violence are widely critiqued by scholars of transitional justice in an Indigenous context. These criticisms carry important lessons for Northern Ireland.

The U.K. government that has passed this legislation — without the consent of the Northern Irish people — still claims sovereign authority over the territory. While a transition of sorts occurred with the creation of the Northern Ireland Assembly in 1998, there has been no transition of the Westminster government. Nor any transition of the Crown, whose imperial presence has been felt in Ireland for hundreds of years.

In Canada, despite being forced by legal settlement to co-operate with Indigenous groups, the Truth and Reconciliation Commission's final report noted the government still retained a colonial lens of reconciliation in maintaining its "Crown Sovereignty." The U.K. government is also defining reconciliation in a way that does not respond to the interests or appeals of the people of Northern Ireland.

Historicizing crimes: In seeking to draw a line under the conflict and relegating the issues to history, the act appears even more self-serving. The U.K. government is highly culpable in the Troubles — particularly in the 1972 Bloody Sunday massacre — lending to greater outcry at the notion they may be allowed to absolve themselves of responsibility through legislation.

When former British prime minister David Cameron apologized for Bloody Sunday in 2010, it was made clear that there was a distinction between the two regimes: his, and that of 1972. Records show that ministers as early as 1997 were aware of the impact of such an apology underpinning the liability of the British government and calls for justice.

Proponents of restorative justice processes could argue that an amnesty approach is a possible step toward healing and reconciliation. But such processes must align with the demands of the communities, victims and survivors.

Outcry about the act in Northern Ireland represents the challenge of doing reconciliation without real institutional transition. And of ignoring the legacies of history without addressing the demands for justice in the present day.

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