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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 warcrimewatch@pilpg.org and type "subscribe" in the subject line.

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AFRICA

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Central African Republic

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Sudan & South Sudan

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

10 aid workers in South Sudan freed a week after abduction

Longview Times

By Sam Mednick

April 30, 2018

Ten aid workers have been released after being abducted in South Sudan almost a week ago, said the U.N. on Monday.

Three U.N. staff and seven aid workers, all South Sudanese nationals, went missing last week when their convoy traveling in Central Equatoria province was hijacked.

The aid workers, employed by a variety of organizations including the South Sudanese Development Organization, ACROSS, Plan International and Action Africa Help, were flown back to Juba by the International Committee of the Red Cross.

This is the second kidnapping of aid workers in less than a month. Seven aid workers were abducted earlier this month and later released in the same area.

The U.N. says it's "outraged" at the deteriorating situation for aid workers in the country. Last week a humanitarian was killed in Leer County, bringing to 100 the number of aid workers killed since the onset of South Sudan's five-year civil war.

"I am deeply concerned by the insecurity faced by aid workers in South Sudan, who are risking their lives to save others," said the U.N.'s humanitarian coordinator for South Sudan, Alain Noudehou.

Opposition forces loyal to former Vice-President Riek Machar have claimed responsibility for the most recent abductions saying that the U.N. is sending humanitarians into rebel-controlled areas without clearance.

"This is undermining the leadership of the (opposition) and it has to stop immediately as it has resulted into misunderstandings and endangering of lives of the workers and our displaced population," opposition spokesman, Lam Paul Gabriel said in a statement. The opposition's leadership found out about the detained aid workers two days ago and immediately ordered their release, Gabriel told The Associated Press.

But the U.N. says it never enters into an area to deliver aid until negotiations with all parties are completed.

South Sudan's government says the opposition is executing a "mass starvation" strategy for people in the Equatoria region and wants rebel commanders to be held to account by the East African regional bloc leading the upcoming peace talks, the government's army spokesman Lul Ruai Koang told AP. He added that the opposition should also be condemned by Norway, Britain and the United States, countries that helped South Sudan reach independence.

Right groups are calling on all warring factions to stop targeting aid workers and for South Sudan's authorities to investigate the attacks and hold those responsible to account.

"Attacks on aid workers have become the norm in South Sudan with dozens killed, injured or have disappeared since the conflict began. This flagrant violation of international law must come to an end," said Seif Magango, Amnesty International's deputy regional director for East Africa, the Horn and the Great Lakes.

Gunmen kill civilian in South Darfur area

Sudan Tribune

May 3, 2018

A civilian was killed and two others were injured following an attack by gunmen targeting returnees to the village of Abu Jabra south of Nyala, capital of South Darfur state.

A local leader told Sudan Tribune on Thursday that gunmen attacked the returnees late on Wednesday and shot them on the grounds that the area belongs to the Falata tribe while the returnees are from the Mahadi tribe.

Last April, a group of armed men attacked a voluntary return village in Katila, southwest of Nyala, killing and wounding six returnees, including Native Administration leaders.

The returnees complained from the lack of security and call for drastic measures against the gunmen.

Such attacks force the returnees to renounce their plans and regain displacement camps but the authorities seek to encourage them to stay. Local police tasked with their protection say they do what they can but point to the lack of means.

South Darfur, despite the sporadic violence, is witnessing a large voluntary return operation of the civilians displaced who left their areas of origin 15 years ago after the improvement of the security situation.

The state of South Darfur is witnessing a large voluntary return movement of displaced persons to their villages of origin for agriculture, especially after the relative stability of the security situation in Darfur.

Delayed verdict in South Sudan's deadly hotel rampage

Fox News

By Sam Mednick

May 4, 2018

Months have passed since the trial of a dozen South Sudanese soldiers accused of gang-raping foreigners and killing a local journalist in a July 2016 rampage, and both the defense and prosecution say they are frustrated by the indefinitely postponed verdict said to be waiting in the office of President Salva Kiir.

Victims say they feel forgotten, while the lawyer for the detained soldiers says his clients' rights are being violated while the verdict is delayed without apparent reason.

"It seems that the international community, South Sudan's government and the organizations involved have forgotten about this horrible incident," the Italian aid worker who was the only foreign survivor to testify in person told The Associated Press. "I had hoped this trial could have created a precedent for these types of horrific crimes." She spoke on condition of anonymity for fear of retribution.

The trial began a year ago in military court for the soldiers accused of raping five foreign aid workers, assaulting others and killing the journalist while forcing the foreigners to watch during an attack on the Terrain hotel compound in July 2016 while renewed fighting erupted in the capital, Juba. The attack was detailed in an AP investigation, with the United States and others expressing outrage.

The trial ended in January, with the verdict expected a month later.

If convicted of rape, the soldiers could face up to 14 years in prison. If found guilty of murder, they could be sentenced to death. They have pleaded not guilty.

South Sudan's government, long criticized by the United Nations and human rights groups for a lack of accountability during the country's five-year civil war, has pointed to the Terrain trial as a sign of its "commitment to human rights, the rule of law and the transparency of the legal system," as deputy army spokesman Santo Domic Chol said last year.

The test of accountability, however, has stalled without explanation.

"We have no information for why it's not moving forward and I'm worried that it's taking so long," the lawyer for the victims, Phillips Anyang Ngong, told the AP.

The lawyer for the accused, Peter Malual Deng Lual, called the delay a violation of his clients' right to a speedy trial. "It would be good if we had a verdict as some of them might be freed," he said.

Throughout the trial, conditions inside the military prison have been questioned by both the prosecution and the defense. In October, one of the accused soldiers died in custody. The army said it was due to illness.

South Sudan's army says former military chief James Ajongo Mawut signed off on the verdict before he died in April. The paperwork is sitting with the office of the commander-in-chief, said army spokesman Lul Ruai Koang. He said he couldn't confirm whether the president had seen it.

The president's spokesman, Ateny Wek Ateny, said he had no idea about the status of the verdict.

South Sudan's criminal procedure code says every accused person has the right to a fair trial where justice shall not be delayed.

"The delay is unconstitutional," local human rights lawyer Taban Romano told the AP.

The defense lawyer said his hands are tied because as a military lawyer he has to abide by the chain of command, which means he speaks only to the army spokesman who relays the message to the president.

Meanwhile, the victims of the Terrain rampage are calling on the international community to apply pressure to move things forward.

The United States, which provided technical and logistical support for the trial, said it remains committed to seeking justice for the victims.

The U.S. continues to "call on the government of South Sudan to hold accountable all those individuals responsible for the violent attacks that have killed and displaced thousands of South Sudanese," U.S. Embassy spokesman Mark Weinberg said.

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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

U.N. experts say Congo obstructs probe of U.N. monitors' killings

Reuters

By Michelle Nichols

May 1, 2018

Congolese security officials are interfering with the investigation into the killings of two U.N. sanctions monitors last year in central Democratic Republic of Congo, U.N. experts deployed to assist the investigation said.

The charge came in a confidential note by the United Nations' Department of Political Affairs that was dated April 18 and circulated among Security Council members on the progress of a team of experts sent to Congo in November by U.N. Secretary-General Antonio Guterres to support Congolese officials' investigation into the killings.

The note was seen by Reuters on Tuesday. A Congo government spokesman could not be immediately reached for comment.

U.N. sanctions monitors Zaida Catalan, a Swede, and Michael Sharp, an American, were killed in March 2017 in the central Kasai region while investigating violence there between government forces and a local militia.

The note said that the team, led by Canadian lawyer Robert Petit, attempted "to develop a productive working relationship with the DRC prosecuting and national authorities but has faced difficulties in gaining full cooperation."

"Several key arrests have taken place, but progress in the investigation continues to be hampered by the continued interference of the security apparatus," it said.

The U.N. note did not say who specifically was obstructing the probe.

Congolese officials say they are determined to bring to justice the perpetrators. They have blamed the killings on the Kamuina Nsapu militia, which rose up in August 2016 after government forces killed a local chief who had demanded that they withdraw from Kasai.

Congolese authorities have arrested 12 suspects who are on trial and 14 more are being tried in absentia. However, the trial was indefinitely suspended in October, and the court has not said when proceedings will resume.

The note said that the experts were not granted access to key witnesses and interrogations, including of two suspects arrested in March, nor to the whereabouts of another key witness who acted as an interpreter to Catalan and Sharp at a meeting the day before they were killed.

Reporting by Reuters and Radio France Internationale (RFI) in December found that at least one other participant in that meeting, during which the following day's fatal trip was organized, was an informant for the national intelligence service (ANR).

The year-long insurrection in Kasai killed up to 5,000 people and forced about 1.5 million from their homes. The United Nations and advocacy groups accused government forces of widespread human rights violations, charges the government has denied.

Sex Slavery Conviction Shows Progress Towards Justice — Rights Groups

All Africa

By Nellie Peyton

May 2, 2018

A military court sentenced Lieutenant-Colonel Maro Ntumwa, nicknamed "Marocain", for crimes he committed as head of a local militia from 2005 to 2007

Democratic Republic of Congo's jailing of a warlord for sexual slavery shows it is cracking down on a longstanding culture of impunity, rights groups and lawyers said on Wednesday.

A military court in the central African country sentenced Lieutenant-Colonel Maro Ntumwa, nicknamed "Marocain", to 20 years in prison on Saturday for crimes he committed as head of a local militia from 2005 to 2007.

The prosecution was one of several that suggest the state is making a greater effort to hold people accountable for sex crimes after being pegged the "rape capital of the world", said Geneva-based legal group Trial International.

"I feel that concretely there has been a change of heart or at least more determination on the part of the government," said Daniele Perissi, head of the Congo programme at Trial International, which helped Ntumwa's victims build their case.

"This kind of trial sends a message to all the actors committing crimes in the country that impunity is not the rule," he told the Thomson Reuters Foundation.

The Mai-Mai rebel group which Ntumwa commanded in Congo's South Kivu province often took women and girls as sex slaves after it attacked their villages, said Trial International.

The verdict came several months after Congo jailed 11 militia fighters for raping girls in the same province between 2013 and 2016, which campaigners hailed as a landmark decision.

In both cases Congo used domestic courts to prosecute people for crimes under international law, said Karen Naimer, who heads a programme on sexual violence in conflict zones for the U.S.-based group Physicians for Human Rights.

"I think we can say there's sort of a quiet revolution happening where key players are being held to account for sexual violence crimes during their reign of terror," said Naimer.

"The challenge of these cases is that they're few and far between."

Ntumwa's victims were glad to see him jailed, but only eight the 98 victims were awarded compensation, said Sylvestre Bisimwa, a spokesman for their lawyers.

Millions died in eastern Congo in regional wars between 1996 and 2003, most from hunger and disease, and dozens of armed groups continue to fight for control of the area's rich natural resources.

ICC prosecutor in DRC to probe alleged crimes against humanity

News24

May 2, 2018

The International Criminal Court's chief prosecutor arrived in Kinshasa on Tuesday, the ICC said, following requests to investigate deadly violence in the Democratic Republic of Congo.

Prosecutor Fatou Bensouda is due to meet with government officials and judicial institutions and hold a press conference on

Thursday, the court said.

In January, a European Parliament resolution urged "the ICC and the UN to investigate allegations" of crimes against humanity in Kasai in the centre of the Democratic Republic of Congo.

On March 1, the Congolese citizen movement Debout (Arise) also asked the ICC to investigate the crackdown on peaceful protests.

Sixteen people have been killed since December 31 as three marches, organised by the Catholic Church, were met with deadly force.

The marchers called on President Joseph Kabila to declare publicly that he would step down.

Kabila, in power since 2001, refused to leave office when his term expired in December 2016.

Elections, twice delayed, are due to be held on December 23, but opposition groups say they have little hope that the vote will be fair and credible.

Public rallies have been banned since September 2016, when dozens of demonstrators were killed.

Last year, at least 47 people were killed, according to a UN report seen by AFP last month.

Set up in 2002 in The Hague, the ICC is the world's only permanent war crimes court and acts to prosecute the worst abuses including genocide in places where national tribunals are unwilling or unable to act.

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Burundi

**Official Website of the International Criminal Court
ICC Public Documents - Investigation: Burundi**

Talks remain ineffective as Burundi's crisis continues

Daily Maverick

April 25, 2018

[In early December 2017, a new round of talks led by the EAC (East African Community) was initiated in Arusha, Tanzania, with the aim of reaching an agreement to end the Burundian crisis.

[The country has, since early 2015, experienced political instability marked by violent clashes between government and opposition forces as well as the suppression of civil society, media and opposition groups — following President Pierre Nkurunziza's decision to seek a third term in office.

However the mediation process still shows signs of being highly fractured and is yet to achieve tangible results. It has highlighted the EAC's weaknesses in responding to conflicts, and questions its capacity to design viable mediation processes and its capability to get member states to commit to peace efforts.

The current talks are aimed at mediating and promoting dialogue among Burundians in order to find a solution to the crisis that has now lasted more than three years. Over this period, Nkurunziza's government has shown an increasingly intransigent and uncooperative position towards resolving the crisis. The EAC's attempt to mediate the conflict follows extensive earlier initiatives by the AU (African Union).

Working at times in concert with the Common Market for Eastern and Southern Africa (Comesa), the International Conference on the Great Lakes Region (ICGLR) and the AU, the EAC has emerged as the primary de facto regional actor. Given that it has had relatively little historic mediation and conflict prevention experience, the reasoning behind this development must be more deeply considered.

Some answers can be found in the early initiative of regional leaders, particularly Ugandan President Yoweri Museveni, who may have acted out of interest with regard to their own national security. A common concern would be the potential spill-over effects of the Burundian crisis, especially in relation to the historical influx of Burundian refugees to neighbouring countries — and the consequent potential for greater regional instability.

Regardless, several EAC initiatives have tried to establish a formal mediation process building on a number of previous conflict prevention efforts. For instance in 2014, the EAC and Comesa jointly deployed an AU Panel of the Wise mission, which consulted with various stakeholders in Burundi over a period of three months.

This was followed by the submission of a legal opinion by the EAC Attorneys General to the EAC summit in 2015 which found Nkurunziza's bid for a third term unconstitutional. Following this, Nkurunziza rejected Museveni's 10-point exit plan. This resulted in Museveni withdrawing from the process, and Benjamin Mkapa, Tanzania's former president, assuming a leading role.

Another issue that has soured regional relations — and has led to Burundi's subsequent scepticism of the EAC — is that the 2015 coup that occurred shortly after the country's elections, took place during an EAC summit in Dar es Salaam, Tanzania. The EAC was already divided on how to deal with Nkurunziza — the non-attendance of various EAC summits by Rwanda, Kenya and Uganda was indicative of this. The EAC was criticised for its lack of cohesion in responding to the 2015 coup.

Also, despite the fact that leaders like Museveni and Mkapa have attempted to engage throughout the crisis, these efforts have been largely undermined by insufficient consensus and initiative from EAC member states to effectively implement some of the regional body's key decisions.

More recently, in April 2018, the United Nations Security Council expressed concern over the lack of progress made by the EAC-led inter-Burundian dialogue. It called on key Burundian stakeholders to renew their commitment to the process by actively and unconditionally engaging in the process. Despite this, however, reports suggest that the Burundian government won't engage at all before the country's constitutional referendum, expected to be held on 17 May.

The EAC's recent engagements concerning Burundi highlight the growing significance of Regional Economic Communities in conflict prevention initiatives, while marking a new phase for the EAC in mediation processes. But they also show how conflict prevention efforts (in line with the principle of regional subsidiarity) have to be better designed in order to promote greater political will, consensus and buy-in of the mediation process by the parties. The lack of capacity and strategic coherence displayed in and among EAC member states in initiating and sustaining an effective mediation process for Burundi has made this clear.

If the EAC is to continue engaging in mediation processes, internal reflection is important. This should critically identify how its own structures, approaches and internal mechanisms for reaching consensus can effectively assist countries in preventing conflict and sustaining peace. More importantly, with so many challenges and contradictions, a key question is whether the EAC is in fact fit for purpose to play such a central role in developing conflict prevention initiatives.

Burundi jails official for saying president's foes should be thrown in lake

Reuters

April 30, 2018

An official of Burundi's ruling party was sentenced to three years in jail on Monday for urging government supporters to throw opponents into a lake ahead of a May 17 referendum on extending President Pierre Nkurunziza's term in office. =

Authorities in Burundi arrested Melchiade Nzopfabushe after he made the comments on Sunday at a party rally in his native village.

Nzopfabushe was summarily convicted of making a "verbal threat against the population, inciting people to revolt against the administration and the spreading of rumors" in a rare punishment for a ruling party official.

His lawyer told reporters his client would appeal against the judgment. The incident came amid increased political jitters in Burundi, whose modern history has been marred by ethnically-charged civil war.

The Justice Ministry spokesman did not immediately reply to a request for comment. Nearly 430,000 people, including opposition politicians, have fled the East African nation of 10.5 million people since Nkurunziza won a third term in a 2015 election that led to violent clashes. His foes said he had no right to run again.

"We said that we have ordered boats. We will send them (opponents) into Lake Tanganyika," Nzopfabushe said in a video clip of his comments, which have been circulating online, to the party members in Kabezi, near the capital Bujumbura.

"He who has the president's support successfully achieves his endeavors. That is the message we are giving either here or nationwide," said Nzopfabarushe, a former senior official in the president's office.

The ruling CNDD FDD party sought to dissociate itself from Nzopfabarushe's comments, saying on Twitter it rejected "any subversive message which may jeopardize unity and cohesion among the Burundian people".

The party also said it had asked the justice ministry to investigate all cases of divisive language used by politicians ahead of the May vote.

The referendum would extend the presidential term to seven years from five, allowing Nkurunziza to run again in 2020. It would limit the president to two consecutive seven-year terms, but would not take into account previous terms, potentially extending his rule to 2034.

Human rights groups say they doubt the vote will take place in a free and fair climate.

Nkurunziza came to power in 2005 after a peace deal ended a decade of civil war between the Tutsi-dominated army and Hutu rebels, in which 300,000 people were killed.

He ran for a third term in 2015, which opponents said violated the terms of the peace deal, sparking clashes that resulted in hundreds of deaths.

Burundi kicks off campaign for controversial referendum

Daily Nation

May 2, 2018

Burundi on Tuesday launched the official campaign for a referendum on constitutional change that could enable President Pierre Nkurunziza to stay in power for another 16 years.

Twenty-six parties, most of them aligned with the ruling CNDD-FDD party, have been authorised to campaign for the May 17 plebiscite in the politically tense central African nation.

The vote is taking place in tightly-controlled conditions, and parties which advise electors to abstain — rather than cast a Yes or No ballot — risk up to three years' jail.

ARUSHA ACCORDS

Burundi's exiled opposition, gathered in an alliance called CNARED, has called for a boycott of the referendum, which it describes as the "death knell" to a 2000 agreement that helped end a bloody civil war.

Nkurunziza, a 54-year-old former rebel leader, has ruled the small, densely populated central African nation since 2005.

No president can govern Burundi for more than 10 years under the 2000 Arusha peace accords, which helped to end a 1993-2006 conflict that killed more than 300,000 people.

But if the amendment is approved, Nkurunziza would be entitled to stand for two more seven-year terms from 2020.

CRISIS

In 2015, Burundi was plunged into a deep political crisis when Nkurunziza ran for a third term in office.

At least 1,200 people were killed and 400,000 fled the country.

The International Criminal Court (ICC) has begun an investigation into widespread abuses that took place at this time.

More than five million people have signed up to vote, the Independent National Electoral Commission (CENI) says.

DRAFT CONSTITUTION

Opposition leaders accuse the government of stifling debate and failing even to issue the official draft of the proposed change. "The government has not even officially communicated to us the draft of the revised constitution so that we can examine it and know for sure which text will be submitted for public approval or disapproval," Georges Nikiza, the spokesman for the National Rally for Change, RANAC, told AFP.

Even the Amizero y'Abarundi coalition, which has five members in the government, said it was still unaware of the final text.

"When the time came to discuss the constitutional amendment in the cabinet, the text was handed out to ministers and it was taken away from them shortly afterwards... The risk is that we are called out to vote without knowing officially what is going to change," a coalition leader said, speaking on condition of anonymity.

On April 20, police said eight people had been arrested with "the goal of disrupting the next referendum with the use of firearms."

Two automatic weapons and ammunition were seized at the home of a suspect in the west of the country, they said.

Burundi bans BBC, VOA two weeks before referendum

Reuters

May 4, 2018

Burundi suspended operations by the British Broadcasting Corporation and Voice of America on Friday, two weeks before a referendum that could extend the president's rule for at least a decade.

The National Communication Council said it had suspended the international media organizations for six months, accusing them of breaching press laws and unprofessional conduct.

The regulator said in a statement the BBC had invited a Burundi national on its program whose remarks were "inappropriate, exaggerated, non-verified, damaging the reputation of the head of state, to ethnic hatred, to political conflict and civil disobedience."

VOA was suspended for broadcasting on a frequency banned by the regulator, according to the statement.

The French broadcaster Radio France International and the local station Isanganiro were also cited in the statement and warned about employing more rigorous verification of sources. VOA said it was dismayed by the ban but that its content will continue to be available in Kirundi and Kinyarwanda via shortwave channels, on the Internet and on FM transmitters located in neighboring countries.

"Our audience members count on VOA to provide factual, unbiased and objective coverage of current events, so this ban deprives the citizens of Burundi of a trusted news source during a critical time in that country," VOA Director Amanda Bennett said in a statement. There was no immediate comment from the BBC.

"This falls in line with the repression in Burundi as we head closer to the referendum," said Lewis Mudge, a senior researcher in the Africa Division at Human Rights Watch. "The banning of two major sources of information for the Burundian people is worrying. This is happening in the context of journalists getting threatened, those reporting on some of the oppression are being muzzled."

Burundi ranks 159th out of 180 countries on the World Press Freedom Index compiled by the advocacy group Reporters Without Borders, which says "journalists find it hard to work freely and are often harassed by security forces."

The country is scheduled to hold a referendum on May 17 that would extend the presidential term to seven years from five. If the measure passes, President Pierre Nkurunziza, now 54 years old, would be free to run for office again in 2020.

The amendment would limit the president to two consecutive seven-year terms, but it would not take into account previous terms, potentially extending Nkurunziza's rule to 2034. "Conditions for holding a credible referendum deteriorate as days go by ... the regime is now afraid of the media's force, which can derail their plan for the upcoming referendum and the 2020 elections," said Léonce Ngendakumana, deputy chairman of the opposition party FRODEBU, the Front for Democracy in Burundi.

On Tuesday, the U.S. State Department condemned recent political violence in Burundi and expressed concern that the vote could hurt the country's institutions. Human rights groups say they do not think the vote will take place in a free and fair climate. Nearly 430,000 people, including opposition politicians, have fled the East African nation of 10.5 million people since Nkurunziza won a third term in a 2015 election that led to violent clashes. His foes said he had no right to run again.

'Castrate the enemy': Violence grips Burundi ahead of vote

Tampa Bay Times

May 9, 2018

One ruling party official urged supporters "to castrate the enemy." Another called for

drowning the regime's opponents in a lake.

Such hate speech spells trouble in Burundi, which is still reeling from President Pierre Nkurunziza's decision in 2015 to seek a disputed third term that provoked street protests and led to an estimated 1,200 deaths. Now Nkurunziza's government is pressing ahead with a May 17 referendum that could further extend his rule and usher in a new wave of bloodshed. "We are shocked by such kinds of speech," said Gerard Hakizimana, president of a Burundian civic group known as Folucon-F. "All Burundians must live together in peace."

Burundians are being asked to vote yes or no to a proposal to extend the president's term from five years to seven, which would allow Nkurunziza to rule for another 14 years when his current term expires in 2020. His opponents are desperate to avoid that scenario, but they also seem powerless to stop him in the face of murderous threats.

Even before campaigning on the referendum officially started on May 1, tensions had been rising in this East African nation amid alleged detentions and killings of its perceived opponents. Human Rights Watch has noted "widespread impunity" for authorities and their allies, including the ruling party's youth wing, as they try to swing the vote in the president's favor. Two men recently died after beatings allegedly at the hands of state agents, the rights group said. The violence is an "expression of fear" on the government's part and the "last recourse" for Nkurunziza, said Frederic Bamvuginyumvira, a former vice president who leads the opposition party Sahwanya-FRODEBU.

The United States last week denounced "violence, intimidation, and harassment" against those thought to oppose the referendum and expressed concern about the "non-transparent process" of changing the constitution. Burundi's Catholic bishops issued a statement expressing concern about the referendum's timing, citing "some problems in the democracy process" and urging unity.

Burundi's government strongly denies allegations it targets its own people, saying the charges are malicious propaganda spread by exiles. Last week it suspended BBC broadcasts in the country for six months, accusing it of spreading ideas that discredit the president. Voice of America broadcasts also were suspended.

The international community, however, has long expressed alarm over alleged abuses. International Criminal Court judges last year authorized an investigation into allegations of state-sponsored crimes in Burundi, a country that the U.N. human rights chief has called one of "the most prolific slaughterhouses of humans in recent times." Concerns have risen in recent days. Last week Burundi's government arrested a party official who told a crowd he wanted the referendum's opponents thrown into Lake Tanganyika. Melchiade Nzopfabarushu, who once worked as a counselor in Nkurunziza's office, was swiftly convicted on charges of threatening state security and sent to prison for three years. But rights activists were not impressed by the punishment, noting that many others who have made similar comments are still at large.

Members of the Imbonerakure, the ruling party's youth wing that has been accused by rights groups of perpetrating serious crimes on behalf of the government, have urged supporters in the past to harass opposition members, even to "impregnate" them.

"We have to castrate the enemy," Cyprien Sinzotuma, provincial secretary of the ruling party in rural Muyinga province, said during a recent march by Imbonerakure members. "It is total determination and we will fight up to the last."

SOS Medias Burundi, a network of independent journalists, has reported the arrests over a single week last month of more than 50 members of the opposition coalition Amizero y'Abarundi, whose leader Agathon Rwasa is the first vice president of the National Assembly. At least 10 of those were arrested while celebrating a colleague's successful defense of his university thesis, a meeting the authorities deemed subversive, the group said.

Late last month one human rights defender, Germain Rukuki, was sentenced to 32 years in prison on charges that included rebellion, a sentence Amnesty International called "an insult to justice." U.N. experts last year urged Rukuki's release, saying they were "concerned by the seemingly arbitrary detention."

Many in Burundi, a poor country that still relies heavily on foreign aid, worry that a new round of bloodshed will follow the referendum no matter its results. Already more than 400,000 people have fled the country since April 2015, according to the U.N.

Nkurunziza, a former rebel leader, rose to power in 2005 following the signing of the Arusha accords that ended Burundi's civil war that killed about 300,000 people. He was re-elected unopposed in 2010 after the opposition boycotted the vote. He said he was eligible for a third term in 2015 because lawmakers, not the general population, had chosen him for his first term. Critics called his pursuit of a third term unconstitutional.

"Nkurunziza is determined to capture the country's institutions and rule as an absolute monarch," activist group iBurundi said. "Of course this will not end well for him and for the country."

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

Official Website of the International Criminal Court
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Lake Chad Region – Chad, Nigeria, Niger, and Cameroon

Tackle Lake Chad environment to stop Boko Haram

News 24

May 09, 2018

Revitalising Lake Chad will stop Boko Haram from gaining a long-term foothold in the region, experts said on Wednesday, as four countries wrapped up talks aimed at ending in the conflict.

[The insurgency began in 2009 and has killed at least 20 000 in northeast Nigeria alone, spreading to neighbouring Cameroon, Chad and Niger, prompting a regional military response.

But 11 governors from four countries surrounding the lake plus local and international aid agencies were told that fighting alone would not stop the conflict.

"The whole of the Boko Haram problem has its roots in the drying of the lake, which has left millions with no means of livelihood," said Mamman Nuhu, executive secretary of the Lake Chad Basin Development Commission.

"Poverty has no frontier, the people around Lake Chad face the same challenges," he told AFP on the sidelines of the Lake Chad Governors' Forum in Maiduguri, northeast Nigeria.

"Once the lake is restored, the Boko Haram problem will permanently be taken care of."

Mohamed Ibn Chambas, the UN secretary-general's special envoy for West Africa and the Sahel, said the shrinking of most of the lake's surface was one of the main causes of poverty.

"It is a major factor for the lack of jobs and other employment opportunities for young people, which makes the region a fertile recruitment ground for terrorists," he added.

'Huge task'

The freshwater lake and its fertile hinterland once provided a living for fishermen and farmers but in the last 40 years has seen a staggering 90% of its surface area shrink.

Climate change and mismanagement have been blamed.

Loss of employment opportunities, a lack of access to education, poor governance and corruption has fostered resentment, anger and a desire to fight back.

Boko Haram tapped into such disaffection with the promise of financial rewards in a largely lawless region where drugs and arms flowed through porous borders.

In February, Cameroon, Chad, Niger and Nigeria met in Abuja to discuss with international experts and development agencies how to salvage the lake.

One plan mooted was the revival of a project to dig a 2,600km canal from the Democratic Republic of Congo across the Central African Republic.

The canal would meet the Chari River that feeds into the lake.

Proponents say it also could attract back cattle herders whose migration further south because of desertification has led to clashes with farmers. The flow of migrants from Africa to Europe could also slow, they argued.

Some estimates put the cost of the project as much as \$14bn but the governor of Niger's Diffa region, Bakabe Mahamadou, said there was a lack of funds.

"We don't have the money to execute this project, it is a huge task that will take years to accomplish," he added.

Security concerns

Efforts to tackle the source of radicalisation in the northeast have been floated before, not least in 2014 at the height of the insurgency under president Goodluck Jonathan.

Then, the government proposed a "soft-power" plan to encourage local communities to shun extremism as well as "de-radicalise" suspected militants.

The plan, widely praised by analysts tracking the conflict, was seen as a recognition that military might alone was not enough, particularly against Boko Haram's guerilla tactics.

As the conference opened on Tuesday, two female suicide bombers were shot dead in a botched attack on a mosque in the Jiddari Polo area of Maiduguri.

But even if funding was not an issue, implementation of any environmental scheme for Lake Chad would have to take a back seat initially to security operations.

According to the commander of the Multi-National Joint Task Force, Major-General Lucky Irabor, military action was targeting Boko Haram on the islands of Lake Chad.

"The security situation within the Lake Chad basin is improving... we want to return civil authority to the area so that we can bring concrete development to the people," he said.

Boko Haram not yet defeated

Daily Post Nigeria

By Wale Odunsi

May 9, 2018

United Nations, UN, has declared that the fight against Boko Haram is not over.

UN Special Representative of the Secretary-General for West Africa and the Sahel (UNOWAS), Dr Mohammed Ibn Chambers spoke with newsmen in Maiduguri on the sideline of the two-day Lake Chad Governors' Forum for Regional Cooperation on Stabilisation, Peace-building and Sustainable Development.

"Boko Haram is by no means defeated but certainly weakened. The fight needs to continue," Daily Trust quoted him as saying.

Chambers said the UN and the international community would continue to support the region to get rid of Boko Haram insurgents in the Lake Chad Basin.

"The heads of states of the region, the countries of the region came together and created a joint force, a MNJTF that took the fight to Boko Haram.

"They pushed Boko Haram out of the territories in which it was operating and generally demonstrated that if countries stand together, collaborate and join forces together, they can defeat Boko Haram.

"This effort is supported and will continue to receive the support of the United Nations and the international community.

"The fight needs to be pursued. We are very encouraged by what we have heard from the force commander of the MNJTF.

"We want to assure MNJTF of the UN and the international community support in this legitimate fight to rid the Lake Chad of Boko Haram.

"Today's initiative on the part of the government is to see how at the local level they can.

"One of the important efforts is bringing back life to the people, creating livelihood for the people and the best way to do that is through the governors of the Lake Chad region," he said.

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Mali

Sexual violence used as a weapon

The Whig

By Geoffrey Johnston

May 3, 2018

It is an infuriating and tragic reality that sexual violence — most often in the form of sexual assault, rape and sexual abuse — permeates every society. It is a scourge that afflicts every race, creed, colour and economic class around the globe.

Even in the best of times and in the safest of countries, the targets of sexual violence and abuse tend to be, in the vast majority of cases, women and children. However, they are at even greater risk of becoming victims of brutal and systematic sexual violence during times of war and in civil conflicts or when the state fails and the rule of law breaks down.

Last month, United Nations Secretary General Antonio Guterres briefed the UN Security Council on the use of sexual violence as a weapon of war. In the April 16 briefing, he presented a summary of his comprehensive report on the subject.

According to the document, which is entitled "Report of the Secretary General on conflict-related sexual violence," sexual violence was a contributing factor to the world's rising migrant crisis during the reporting period that covered January to December 2017. "In the context of the mass migration crisis, sexual violence continued to serve as a driver of forced displacement and a factor inhibiting the return of uprooted communities to their places of origin," the ninth secretary general of the United Nations writes.

In addition, the report states that "sexual violence was also used by belligerent parties to attack and alter the ethnic or religious identity of persecuted groups." Sexual violence was employed "as an integral component of strategies to secure the control of land and resources, conflict-related sexual violence has devastated the physical and economic security of displaced and rural women and women belonging to minority groups."

Definition

Guterres defines "conflict-related sexual violence" 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."

According to the secretary general, acts of conflict-related sexual violence are often perpetrated by combatants linked to state actors and non-state actors, including terrorist organizations. Conflict-related violence tends to be unleashed when the state collapses and perpetrators can act with impunity. In addition, a "climate of impunity" is also associated with human trafficking that often arises from the massive displacement of people in times of conflict and state collapse.

Guterres points out that the "profile of the victim" is "frequently an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of actual or perceived sexual orientation or gender identity."

According to the report, the United Nations currently has 21 women's protection advisers deployed in the field to enhance the

quality of the information the UN is gathering on sexual violence in conflict situations. These advisers are "responsible for convening the monitoring, analysis and reporting arrangements on combating conflict-related sexual violence in the field."

In addition, UN peacekeeping mission with mandates to protect civilians set up monitoring arrangements to detect the early warning signs of conflict-related sexual violence. According to Guterres, "two special political missions have also established such arrangements."

Working with the world

During the reporting period, some conflict zones were liberated from terrorists, and women and girls were freed from captivity. In other cases, women and girls escaped after being held and sexually abused by armed groups.

These developments have "lent urgency to efforts to alleviate the stigma associated with sexual violence, which can have lifelong, and sometimes lethal, repercussions for both survivors and for children conceived through rape," Guterres writes. And he stresses "the importance of socioeconomic reintegration support aimed at restoring community cohesion in the wake of war."

The secretary general notes that the UN is working with national authorities and civil society to tackle the problem of conflict-related sexual violence. "Efforts include legal reforms, legal assistance programs, community security programs, the development of specialized services for victims and witnesses, awareness-raising campaigns and rehabilitation programs," he writes.

During the reporting period, notes Guterres, the UN Team of Experts "have contributed to achievements of member states, including in the successful prosecutions for rape as a war crime and a crime against humanity in the Democratic Republic of the Congo; the establishment of a specialized police unit for sexual violence in the Central African Republic; the development of strategies for investigating and prosecuting sexual violence perpetrated by Islamic State in Iraq and the Levant (ISIL/Daesh) in Iraq; and the formulation of an action plan with the South Sudanese Armed Forces to strengthen accountability."

Mali

However, it would be a huge mistake to assume that the situation is getting better. The Guterres report provides a long list of countries where conflict-related sexual violence is being committed with impunity.

The scope of the problem is shocking. For example, in Mali, where Canada will soon deploy the Canadian Forces to support the UN peacekeeping mission there, sexual violence is rampant.

"The precarious security situation in the northern and central regions of Mali, where threats continue to be directed against peacekeepers, national security forces and humanitarian actors, impedes efforts to investigate conflict-related sexual violence," the secretary general says of the dangerous UN mission in the war-torn failed state.

The survivors of sexual violence in Mali are not only victimized by their abusers, but also by society. "Many survivors suffer in silence, due to the scarcity of services and the lack of trust in national institutions," Guterres writes. "Cultural taboos, compounded by the fear of stigmatization and reprisal, also perpetuate underreporting" of sexual violence.

According to Guterres, many women and girls were traumatized by the Islamist army that occupied large swaths of Mali in 2012 and 2013. The Islamists carried out a campaign of rape and forced marriage; both forms of sexual violence were common during their reign of terror.

The situation is not much better today. "Impunity prevails in the northern regions, where there is no functioning justice system," the secretary general reports. "In addition to its internal security challenges, Mali has become a transit point for migratory flows, with numerous violations reported along migration routes, as well as in mining zones, where women have been abused by smugglers and forced into prostitution."

To help address the scourge of sexual violence in Mali, the secretary general urges the government of Mali "to sign the joint communique with my Special Representative, which has been pending since April 2016, in order to enable a more structured response to conflict-related sexual violence, to adopt legislation prohibiting all forms of sexual violence, to provide access to justice and services for survivors and to expand socioeconomic reintegration support."

In addition, he calls upon Mali and the community of nations to allocate sufficient resources "to prioritize the investigation and prosecution of cases of sexual violence."

Since the 2015 federal election campaign, the Trudeau Liberals have been promising to re-establish Canada as a significant

global player in peacekeeping. However, the Trudeau government, which boasts of conducting a "feminist" foreign policy, has yet to fulfil that commitment.

Although the Canadian Forces will soon deploy a total of six helicopters to support the United Nations peacekeeping mission in Mali, Canada's paltry contribution to the dangerous mission can best be described as insignificant.

Without a robust Canadian fighting force in Mali, Canada will not have the capabilities to change the facts on the ground or to create safe spaces for women and children.

The Whig-Standard contacted the office of Foreign Affairs Minister Chrystia Freeland and asked a straightforward question: During the upcoming peacekeeping mission, will Canada allocate resources to combat sexual violence and assist survivors in Mali?

Freeland's office acknowledged the Whig-Standard's email but failed to answer the question or offer any comment for this story.

The inconsequential Canadian commitment to the women and girls of Mali stands in stark contrast to Canada's commitment to Afghanistan during the tenure of Prime Minister Stephen Harper. Canadian Forces pacified Kandahar province, built and guarded schools, and created the conditions on the ground that enabled girls to attend school.

In the final analysis, Mali is a failed state and requires a more robust international military intervention to bring order and the rule of law to a land plagued by sexual violence and religious extremism.

Mali ripe territory for ISIS, local militias — and they often clash

USA Today

By Soumaila T. Diarra

May 7, 2018

BAMAKO, Mali — A militia in Mali claims it found the vehicle used by four American soldiers killed in an ambush by Islamist militants in neighboring Niger last fall. The discovery indicates how fighters linked to the Islamic State likely traveled between the two countries.

As the militia of ethnic Tuareg soldiers discuss how to return the vehicle to U.S. authorities, the Islamic State is pushing deeper into this poor, West African country and raising fears of more violence.

Mali's minister of foreign affairs, Tiéman Hubert Coulibaly, said he was concerned that the Islamic State, also known as ISIS, would redeploy to Africa as the U.S.-led coalition quashes the terrorist group in Iraq and Syria.

"The current momentum in the Middle East can have consequences for the stability of Mali" and the surrounding region here, Coulibaly said.

Mali already has an active chapter of al-Qaeda, which drove a car bomb into a military base near Timbuktu on April 14, killing a United Nations peacekeeper and wounding seven French soldiers.

"Three days don't go by without hearing the news of an assassination by the terrorists," said Hamady Touré, a commercial spice salesman. "The worst thing is that vehicles carrying civilians drive on explosive devices that the terrorists place."

Those concerns mount despite an international response to the terrorist threat in Mali. The U.N. sent 15,000 peacekeepers to Mali five years ago. France has 4,000 troops in this former French colony. Five nearby countries — Burkina Faso, Chad, Mali, Mauritania and Niger — created a joint force of 5,000 troops to secure their borders against militants.

The Tuareg militia that claims it found the Americans' four-wheel-drive Toyota in March also said it is an important defense against ISIS.

"The main target of these armed terrorists is none other than the local authorities and religious leaders," said Fahad Almahmoud, a Tuareg militia spokesman.

The Tuareg soldiers are now allies of Mali's government, but until three years ago they fought against the regime for an independent country.

Tiébilé Dramé, an opposition politician, said the government shouldn't depend on militias and needs to do more. He said more terrorists appear to be moving into Mali despite the international help, so ordinary citizens see little reason to believe in their leaders.

"The fault is the current governance is bad," Dramé said. "More than 500 schools are closed in the center of the country because of poor security."

Mali's security situation has been precarious the past several years. In November 2015, heavily armed gunmen stormed the Radisson Blu hotel in Bamako, the Mali capital, killing 20 people. A year ago, several local extremist groups announced they had banded into a bigger organization affiliated with al-Qaeda.

A U.N. report in March said the militias here have too much power. The report said the Tuaregs and another militia allied with the Malian government conducted extra-judicial executions, made illegal arrests, recruited child soldiers and had other human rights violations in northern Mali.

"It is necessary that both the government and the armed groups investigate serious violations and abuses of human rights and international humanitarian law," said Mongi Hamdi, a U.N. special representative in Mali when the report was published. "This is in the interest of victims' rights and for the reconciliation and establishment of a lasting peace in Mali."

In the south, Mali's army and the Dozo — traditional armed hunters who act as an independent defense force — have been accused of similar abuses against the Fulani ethnic community, a Muslim group often loyal to extremists.

"The Malian army is making summary executions of civilians suspected of terrorism," said Nouhoum Cissé, a member of a Fulani defense organization. When a Fulani appears in the central part of the country, "you can be suspected of terrorism," he said.

Maliens and Fulanis lived together in harmony for centuries but are now poised to kill each other, Cissé said. He said terror attacks have also driven the indigenous Dogon people to create self-defense militias. Dogon and Fulani groups have clashed as a result.

"The question is who benefits from this situation. It does not benefit the Dogon. It does not benefit the Fulani," Cissé said. "Those who benefit are the terrorist groups."

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EAST AFRICA

Uganda

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

**Sowing Peanuts, Reaping Ammo in Uganda
The New York Times**

By Megan Specia and Kassie Bracken
May 1, 2018

Just after dawn, Patrick Ogik placed a wooden yoke over the bulging necks of his two oxen and attached a metal plow behind them, the ropes, fraying from wear, tied to the animals.

The 44-year-old farmer guided the oxen to a fallow field, where he was preparing to plant peanuts in a tiny patch of land he owns outside Paicho, a village in northern Uganda.

As the metal plow drove through the soil, it struck something hard. Mr. Ogik reached down and pulled the metal casing of a mortar shell from clumps of soil. He wiped the surface with his hand.

This one was spent, he explained, though he has sometimes come across live ammunition. He tossed it aside and continued his work.

A brutal war once ravaged this place - and altered Mr. Ogik's life. Reminders of the violence are everywhere, even lying just below the surface of the earth.

Northern Uganda was the battleground of a decades-long conflict between the Lord's Resistance Army rebel group, or L.R.A., and the Ugandan government. The village of Paicho was at the center of the fighting.

Mr. Ogik's fields were once the site of barracks for the national army and the remnants of those crumbling brick buildings still stand. Here, the ground is still littered with the uniforms soldiers discarded when they left 10 years ago. The material has become entangled in the tall grass and buried in the earth.

Mr. Ogik dug out a threadbare shirt and held it up, the blue sky visible through its holes. He laughed and tossed it next to the shell casing.

"This used to be a war zone," Mr. Ogik said. "During the war we could do very little farming because you would get so little time in the field because it wasn't safe."

The L.R.A. rampaged through northern Uganda for nearly two decades, beginning in the late 1980s. The armed group is believed to be responsible for at least 100,000 deaths and the abduction of many thousands more. Its fighters mutilated civilians by chopping off their limbs, noses or lips, and kidnapped women for marriage and children to fight.

Farmers like Mr. Ogik were unable to tend to their fields as they feared for their lives. Because of that, his family relied on food aid to get by.

From 1997 to 2007, Mr. Ogik lived in a camp for internally displaced people. In those years, the Ugandan Army ordered villagers from Paicho and the surrounding areas to move into the camps as troops fought to wrest control of the territory from the L.R.A., led by the professed holy man Joseph Kony.

Mr. Ogik, like everyone else in his community, was given just 48 hours' notice that he would have to leave his home and move to the camp.

His memories of that time are strong. And these days they are coming back again as he works with other local farmers who are providing food for yet another group of war victims - a huge influx of South Sudan refugees pouring in to northern Uganda, fleeing war in their home country.

"We were in camps, so we know what life is like there," Mr. Ogik said, describing the affinity he feels for the refugees living in camps dotted throughout northern Uganda.

The harvest had just passed, and, weeks earlier, Mr. Ogik, along with an association of local farmers, had sold his crop of maize to the World Food Program. The grains will be used to feed some of the 1.1 million South Sudanese living as refugees in the nearby camps.

Uganda's new refugee population is one of the largest in the world - driven by conflicts in the Democratic Republic of Congo, to the west, as well as South Sudan, to the north.

The region has been relatively peaceful since 2009, when the military drove the L.R.A. out of Uganda, but the deep scars - both physical and mental - have proved difficult to heal.

And the process of rebuilding has stalled as the government struggles to roll out a comprehensive national program for justice and reconciliation.

Paicho is among the places that were hit especially hard by the conflict, said Okwir Isaac Odiya, a leader of The Justice and Reconciliation Project, a nongovernmental organization that pushes for justice for victims of war crimes, and tries to foster reconciliation in Northern Uganda.

"There is interfamily and intercommunity tensions as one family blames another for their son killing the other's son or daughter," Mr. Odiya said.

Rights groups documented violations on both sides of the conflict. In the barracks at Mr. Ogik's farm, for example, dozens of prisoners, including some members of the local community, were tortured, according to reports by Amnesty International and other groups.

And many of the leaders responsible for the wartime atrocities have yet to be held accountable. In 2015, Dominic Ongwen, a former L.R.A. commander, became the first member of the rebel group to go before the International Criminal Court for war crimes and crimes against humanity. Mr. Kony is still on the run.

The Justice Law and Order Sector, a government body, established a policymaking wing in 2008 to write a national law on transitional justice for Uganda after the war. The group has presented several drafts to the government, but legislation has yet to pass.

The latest draft calls for formal criminal prosecutions, truth-telling and reconciliation programs, reparations payments and amnesty programs.

“The lack of political will, that’s the reason why this is taking so long,” said Mr. Odiya of the reconciliation project. “It’s now coming to 10 years that the policy is being drafted. For how long will we wait for the transitional justice to come to Uganda?”

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Kenya

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

Human Rights Bodies Differ on Proposed Merger

All Africa

By Davis Ayega

May 8, 2018

Three human rights commissions have differed on a renewed push to merge them into one institution known as the Kenya National Human Rights and Equality Commission (KNHREC).

Appearing before the Senate Standing Committee on Justice and Legal Affairs on Tuesday, the Commission on Administrative Justice (CAJ) and National Gender Equality Commission (NGEC) vehemently opposed the idea whereas the Kenya National Commission on Human Rights (KNCHR) supported the merger.

Vincent Chahale from the Justice Commission, who widely presented the opposing arguments before the Samson Cherargeiled committee, argued that the idea would impede the functionality of other commissions.

“Each of the commissions operate independently with totally different roles to execute and it would be unfair to merge the commissions to one institution,” said Chahale.

NGEC commissioner Florence Wachira said that a merger would weaken the watchdog function of the commission on gender equality and affirmative Action as well as water down gains made by the gender commission.

“Our roles are clearly defined and a merger would pose a great danger when it comes to delivering services to Kenyans,” said Wachira.

Wachira told Senators that such mergers have been tried elsewhere such as South Africa Zimbabwe, United Kingdom and Brazil without success especially because issues of gender equality tend to be watered down.

Jedidah Wakonyo, Commissioner of the Kenya National Commission on Human Rights however said the merger would yield many benefits key among them creating a one strong institution that would provide quality services to Kenyans.

“A merger would play a significant role in combating inequality and discrimination as well as ensure the protection, promotion and fulfilment of human rights in Kenya,” she said.

Wakonyo further revealed that another significant advantage would be that the number of commissioners would be reduced from current 13 to five Commissioners including the chairperson being on a full-time basis as this will enhance operational efficiency and effectiveness.

Nairobi authorities must provide alternative housing to forcibly evicted residents

Amnesty International

May 9, 2018

Over 60 heavily armed police officers ambushed residents of the City Carton informal settlement near Wilson Airport, Nairobi, on the morning of 9 May 2018, and oversaw the demolition of the homes of more than 250 families. Bulldozers flattened all houses and left more than 1,000 people homeless.

The residents of the City Carton informal settlement were on 11 April served with a 14-day notice to vacate from their homes. They have since been living in great anxiety with no information whether they would really be evicted, and whether they would be resettled.

Amnesty International Kenya together with the residents has in recent weeks visited numerous authorities to seek more information about the notice. We visited the Assistant County Commissioner of Nairobi West, the Administration Police Commander - Langata Sub-County, the Officer Commanding Station Langata, the Nairobi City Planner, the Nairobi County Executive Committee, the city's multi-agency enforcement authority and the Nairobi County Director of Planning, Compliance and Enforcement, in whose name the eviction order was issued, and they all denied knowledge of the eviction notice. However, none of them assured the residents that the eviction would not take place.

"Nairobi authorities cannot leave City Carton residents in this desperate situation especially at a time of heavy rains and flooding. This is forced eviction which is a gross violation of the right to adequate housing. It will not only severely impact on the livelihoods of the residents, but will also result in children missing school," said Naomi Barasa, Amnesty International Kenya's Campaign Manager for the Right to Adequate Housing.

"In the absence of any consultation or resettlement plans and other safeguards, the eviction has certainly rendered the families homeless, and put their health and safety at risk. We call on the authorities to follow due process as required by law."

For most of the residents, this is their third or fourth forced eviction. Memories of being forcibly evicted by the Kenya Airports Authority in 2011, and by the Moi Educational Centre in 2013 are still fresh in the minds of many.

Kenya has ratified the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and People's Rights, and domesticated these in the Constitution of Kenya 2010 in Article 43. These commitments bind Kenya to respect and protect the right to adequate housing, and against harassing its citizens out from of their homes.

Amnesty International calls on the government to:

Immediately provide all necessary support and assistance to victims of the forced evictions. Such assistance should include access to adequate housing, water, sanitation, education, health care, food and clothing, and support in re-establishing businesses and access to paid work.

The city authorities must consult and engage residents on effective remedies to forced eviction.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Rwandans shocked by discovery of genocide-era mass graves

Miami Herald

By Ignatius Ssuuna

April 26, 2018

Mass graves that authorities say could contain more than 2,000 bodies have been discovered in Rwanda nearly a quarter-century after the country's genocide, and further graves are being sought nearby.

The new discovery is being called the most significant in a long time in this East African nation that is still recovering from the 1994 killings of more than 800,000 people.

Some Rwandans are shocked and dismayed that residents of the community outside the capital, Kigali, where the mass graves were found kept quiet about them for so many years.

"Those who participated in the killing of our relatives don't want to tell us where they buried them. How can you reconcile with such people?" asked a tearful France Mukantagazwa. She told The Associated Press she lost her father and other relatives in the genocide and believes their bodies are in the newly found graves.

The discovery of the graves in Gasabo district came just days after Rwanda marked 24 years since the mass killings of ethnic Tutsi and moderate ethnic Hutus.

"It is very disturbing that every now and then mass graves are discovered of which the now-free perpetrators never bothered to reveal to bereaved families so that they can get closure," the daily newspaper The New Times said in an editorial this week.

"Definitely some very cruel people still live in our midst," it added.

Between 2,000 and 3,000 people are thought to be buried in the graves based on the number of area residents who went missing during the genocide, Rashid Rwigamba, an official with the genocide survivors' organization Ibuka, told AP.

The information leading to the discovery came from a local landlord who at first refused to answer questions about the suspected mass graves until threatened with arrest, Rwigamba said. The landlord was later arrested, suspected of taking part in the killings and accused of knowing where people had been buried all along, he added.

Houses and toilets that had been built on top of the graves have been destroyed to make way for the search. "The exercise is ongoing and we have identified another house we suspect was built on a piece of land where victims were buried," Rwigamba said.

Bodies found so far include those of babies, based on the clothing that has been found, he said.

At least 207 bodies have been exhumed from one of the graves and 156 have been exhumed from another, said Theogen Kabagambire, an Ibuka official from Gasabo district.

It was not immediately clear what would be done with the bodies or the graves.

During the genocide, a roadblock manned by Hutu militias was established meters away from the sites of the mass graves, survivors told the AP.

Authorities have launched investigations and those found to have participated in the killings will be prosecuted, Kabagambire said.

Rwandan embassy in Geneva conducts education programme on 1994 Genocide against the Tutsi

The New Times

By Elisee Mpirwa

May 1, 2018

In line with the commemoration of the 1994 Genocide against the Tutsi, the Embassy of Rwanda in Switzerland has launched an education programme targeting the youth and focusing on the history of the Genocide against the Tutsi.

According to a statement signed by the Amb. François Xavier Ngarambe, one of the main objectives of the programme is to keep alive the memory of Genocide by creating a link between the past, the present and the future.

During the event, held in Geneva, Ngarambe interacted with several youths, all of them students aged between 18 and 20, and made a presentation on the history of Rwanda before, during and after the colonial times.

Explaining the origins of the 1994 Genocide against the Tutsi, Ngarambe said it has its roots in the colonial segregationist ideology which he said was meticulously entrenched and was a major infrastructure for the Genocide against the Tutsi in which over a million people were killed.

"Educating the young generation on genocide is the best way to prepare them for their future responsibility as the leaders of tomorrow, to prevent and fight against genocide and all other forms of mass atrocities and violation of human rights," the statement reads in part.

The envoy also discussed the aftermath of the Genocide and the importance of preservation of memory.

He ended his presentation by introducing the new Rwanda to students touching on a range of socio-political and economic aspects, including justice, peace and security, political stability, good governance, health, education, and doing business in Rwanda, among many others.

The highly interactive discussion did not only attract students, but also their lecturers.

"Most of the recurring questions from students were about reasons why the international community abandoned Rwanda during the Genocide; the origins of divisions among Rwandans; factors behind successful reconciliation; and how other countries can learn from Rwanda on peace, stability and development after conflict," adds the statement.

This programme, which is still ongoing, is being implemented in partnership with key stakeholders including United Nations Institute for Training and Research (UNITAR) as well as the EDUKI Foundation, a Geneva centre for education and awareness in international cooperation for the youth community.

The programme has received support from different Geneva-based schools, including the International School of Geneva, Webster University and the Graduate Institute for International and Development Studies.

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Somalia

Somalia suicide bomber strikes market, kills at least 10

Washington Post

May 9, 2018

A Somali official says a suicide bomber has killed at least 10 people at a crowded market in a southern town.

Security official Ali Mohamed tells The Associated Press that the bomber, thought to be with the al-Qaida-linked al-Shabab extremist group, detonated a suicide vest in the market in Wanlaweyn, 90 kilometers (55 miles) south of Mogadishu.

Fifteen other people were wounded in the attack. Mohamed says most of the victims are civilians.

There is no immediate claim of responsibility for the blast but the Somalia-based al-Shabab has carried out similar attacks in the region.

Despite being ousted from most of its key strongholds in the Horn of Africa nation, the extremist group continues to carry out attacks across large parts of southern and central Somalia.

Daesh executes 13 attacks in Somalia

Middle East Monitor

May 9, 2018

The Daesh group has executed some 13 attacks in Somalia so far this year, a number which is set to outpace their attacks in both 2016 and 2017, the Long War Journal said in a new report. In addition to the confirmed Daesh attacks in the country, there were 32 assaults which the group claimed which could not be confirmed but it is "unclear" if they are legitimate, as "few are reported by local media or proven with visual evidence".

"Of the total 45 claimed operations, 14 have occurred inside Mogadishu and a further three were reported within the city's outskirts or suburbs. At least 12 were inside Afgooye. Other attacks were reported by the group in Bosaso, Baidoa, Bay, and Qandala. Operations also reportedly took place in lesser known towns, like Jarur in Puntland or Quf Jadud in western Somalia," the report stated.

"It is unclear exactly how many claims made by the group are legitimate, as few are reported by local media or proven with visual evidence. Some assassination claims, however, are followed up with photo or video proof. That said, the statements still indicate the types of operations and claimed areas of operation of the organization inside Somalia."

Al-Shabaab versus Daesh

Despite an uptick in attacks, Daesh has not had an easy ride in Somalia over competition faced by the Al-Qaeda affiliate Al-Shabaab. Al-Shabaab has ordered a special unit to hunt down and target any of its members that have defected to Daesh. Any form of pro-Daesh sentiments in Al-Shabaab territory leaves people liable for arrest or death.

Yet, Daesh have executed attacks well away from their stronghold in Puntland, showing that competition has not successfully stopped the group from operating near Al-Shabaab. Daesh has set up splinter cells in central and southern Somalia.

A small section of Al-Shabaab broke off and pledged allegiance to Abu Bakr Al-Baghdadi, the leader of Daesh, in October 2015. The splinter group operates primarily in Puntland, in the north-east of the country. It is led by Sheikh Abdul Qadir Mumin who commands an estimated 300 foot soldiers. Most of Al-Shabaab's members however remain linked to Al-Qaeda.

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NORTH AFRICA

Libya

Official Website of the International Criminal Court ICC Public Documents - Situation in the Libyan Arab Jamahiriya

4068 casualties recorded in Libya in 2017, Human Rights Solidarity reports

The Libya Observer

By Safa Alharathy

May 1, 2018

<https://www.libyaobserver.ly/inbrief/4068-casualties-recorded-libya-2017-human-rights-solidarity-reports>

In a report released Monday, the HRS clarified that the figures of May 2017 were the most alarming due to the armed clashes that broke out in the cities of Tripoli, Benghazi, and Barak Al-Shati.

The human rights group added that the city of Benghazi recorded the largest number of victims, which amounted to 2006, while there were about 400 cases in Sabratha and 314 cases in Tripoli.

The report showed that the number of fighters killed was 3507, while there were 561 cases of civilians, including 61 children.

Drone attacks targeted Derna Monday

The Libya Observer

By Housam Najjair

May 2, 2018

A spokesman for Derna Shura Council, Mohammed Taher, confirmed that their positions in Dhahr al-Hamr and Hila frontlines were targeted by seven air strikes, but no human casualties were reported.

Taher said that these raids occurred at half past ten on Monday night by a drone believed to be of the type (Predator MQ.9 Reaper) belonging to the UAE.

According to a post on his personal page on Facebook, Taher added that this drone took off from Kharuba airbase in eastern Libya in an attempt to target Derna security forces protecting their city.

The raids lasted until one o'clock at night according to Taher.

Three Dignity Operation fighters killed in car bomb explosion

The Libya Observer

By Abdullah Ben Ibrahim

May 8, 2018

A car bomb exploded at a checkpoint run by Dignity Operation in east Sirte leaving two fighters dead and three others wounded on Tuesday.

Military sources said the car bomb exploded at checkpoint 90 where fighters of brigade 115 are stationed.

No group has claimed responsibility for the attack.

It's the second attack on the same checkpoint in three months. On February 10, a suicide bomber blew his car up in the checkpoint killing at least two guards.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Former Bosnian General Dudakovic Arrested for War Crimes

Balkan Insight

By Danijel Kovacevic

April 27, 2018

Former general Atif Dudakovic, along with 11 other officers and soldiers of the Bosnian Army's Fifth Corps, was arrested on Friday on suspicion of having committed war crimes against Serbs and Bosniaks in 1994 and 1995.

The alleged war crimes involve several hundred casualties, including civilians and captured Serb soldiers from Bosnia's Western Krajina municipalities in 1995, as well as crimes against Bosniak civilians from the Autonomous Province of Western Bosnia, a self-proclaimed Bosniak-led wartime breakaway statelet, in 1994.

Media reports said the arrest followed an investigation into Dudakovic that had been conducted for 12 years.

In 2009, media in Bosnia and Serbia broadcast a videotape that apparently showed Dudakovic giving an order of "fire" or "burn it all", referring to a Serbian village in a military operation in 1994.

Dudakovic dismissed the footage as "part of the [Bosnian Serb] propaganda war, that is still ongoing and is nothing new."

After publication of the video, however, a criminal complaint was filed against Dudakovic by the then president of Bosnia's Serb-dominated entity Republika Srpska, Dragan Cavic, and the entity then prime minister, Milorad Dodik.

A popular Bosniak military commander, during the Bosnian war Dudakovic commanded the Bihac enclave in north-west Bosnia. After the war, he became the general commander of the Federation of Bosnia and Herzegovina army.

According to the media, Ibrahim Nadarevic, another wartime commander and former Minister for Veterans' Issues in the Federation entity government, was also arrested in Sarajevo.

Dudaković and the others released from custody **Independent Balkan News Agency**

By Mladen Dragojlovic
April 30, 2018

"Allahu Akbar!" and "Tekbir!" (the local edition of "The God is great), known as "Takbir" in Arabic) echoed on main squares in several BiH cities crowded with several thousand of citizens who were waving the Republic of Bosnia and Herzegovina war flags.

Is it April 1992?

No, it is the last day of April 2018 and gatherings are organised by Bosniaks in support of the Army of the Republic of Bosnia and Herzegovina (A RBiH) 5. Corps commander, Atif Dudaković, and his 12 comrades who were arrested under suspicion of having committed war crimes in West BiH during the 1992-1995 war. The rallies ended in peace, but the "play's" direction was disturbing for Serbs, especially for those who survived the atrocities during war.

The speakers on the gatherings in Tuzla, Mostar, Zenica and Bihać emphasized that A RBiH defended the Bosniak people in BiH from the Serbian aggression. For them, Dudaković is a hero, not a war criminal. Dudaković and the others were arrested on Friday early morning, but the cold shower for the Serbs came a day later. The BiH Court did not accept the BiH Prosecution Office suggestion to order one month custody for all the arrested members of 5. Corps. With a large smile on the face, Dudaković left the custody facility as a man who is partially free since he is not allowed to leave the country, to speak in public or to speak with witnesses and other suspects of the same crimes.

According to unconfirmed information, the state prosecutor in this case did not present the key evidence in court. It is the video tape where Dudaković, during the battle, ordered his troops to destroy everything that belongs to Serbs. Allegedly, the disputed tape disappeared from the Prosecution's Office, something that has not been confirmed.

The President of Republika Srpska, Milorad Dodik said that the decision of the BiH Court was expected. Dodik said he was not surprised by the ruling since similar events of the recent history clearly show that those who have committed war crimes against Serbs usually conducted them this way.

"It is clear that the BiH judicial institutions are under constant pressure and influence by the Bosniak political and religious elites, and that they usually work out either an acquittal or no prosecution at all by compromising the prosecutors and judges working on such cases", Dodik underlined.

Since this is an "election year", it is not surprising that Serb parties used the Dudaković case to earn some extra points in the electoral body. The Alliance of the Independent Social Democrats's (SNSD) vice president, Nikola Špirić, demanded an explanation about the Dudaković release from the local Minister of security, Dragan Mektić, and the director of State Investigation and Protection Agency BiH (SIPA), Perica Stanić. Both of them are members of the RS opposition, the Serb Democratic Party (SDS), which is in the ruling coalition at BiH level.

Bosnia Jails Croat Fighter for Crimes Against Humanity **Balkan Insight**

By Lamija Grebo
May 3, 2018

The appeals chamber of the Bosnian state court on Thursday upheld the first-instance verdict convicting Sasa Savinovic of committing crimes against humanity as a member of a Croatian Defence Council anti-terrorist group, and jailed him for eight years.

Savinovic was found guilty of taking part in the persecution of Bosniaks from Mostar from May 1993 until the end of the year, including involvement in murders and forcible resettlement.

The verdict said that on July 15, 1993, Savinovic, accompanied by three other Croatian Defence Council fighters, barged into an apartment in Mostar in which there were three women and a baby, and took them out.

One of them managed to save herself, while the bodies of the others, including the baby, were found around half an hour later, the verdict said.

The verdict also said that Savinovic also barged into another apartment where two women and their mother lived.

He forced them out of the apartment and escorted them to the dividing line between Croatian Defence Council and Bosnian Army forces in Mostar.

While shooting in the air, he and other Croatian Defence Council fighters forced them to flee to the eastern part of the city, which was under the control of the Bosnian Army, the verdict said.

The verdict is final and cannot be appealed.

Bosnian Serb Ex-Soldier Indicted for Killing Civilians

Balkan Insight

By Ajla Gezo

May 3, 2018

The Bosnian state court on Thursday confirmed the indictment of Dalibor Maksimovic, a former member of the Milici Territorial Defence force, who is charged with killing four Bosniaks in April 1992.

The victims were killed in a building in Zvornik which housed the Bosnian Serb police station and the Milici Unit military unit.

According to the prosecution, Maksimovic entered the building wearing a mask and uniform, and killed the Bosniaks who were being held there.

"The bodies of the killed civilians were found in the Kazanbasa mass grave near Zvornik in 2003, when they were exhumed and identified," said the prosecution in a statement.

Bosnia Prosecution Appeals Naser Oric War Crimes Acquittal

Balkan Insight

By Dzana Brkanic

May 8, 2018

Prosecutor Miroslav Janjic asked for a retrial to be ordered, claiming that legal and factual mistakes were made during the first-instance trial.

Janjic called the first-instance acquittal a "one-of-a-kind verdict" in the history of the Bosnian court, alleging that it was based on an "imaginary piece of evidence".

But Oric and Muhic's defence teams argued that the prosecution's appeal was "confusing, unclear and incomprehensible".

Oric, who was a commander of Bosnian Army territorial defence units, and Muhic, his subordinate, were accused of killing three Serb captives in the villages of Zalazje, Lolic and Kunjerac in 1992.

But the court ruled in October last year that the prosecution failed to prove beyond reasonable doubt that Oric and Muhic carried out the killings.

Oric had previously been acquitted of war crimes in the Srebrenica area in 1992 by the UN tribunal in The Hague.

The Sarajevo case was highly controversial because Oric is seen as a hero by many Bosniaks for his role in defending Srebrenica in the years before the 1995 massacres, while some Serbs have claimed that the charges against him should have been more severe.

Oric's acquittal drew strong criticism from Bosnian Serbs and Serbian officials.

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

Establishment of RECOM – Indicator of progress in the reconciliation process

European Western Balkans

April 27, 2018

Coalition for RECOM has published a second public policy brief titled "How the European Union can contribute to the reconciliation of the post-Yugoslav countries" in March.

Coalition warns that the end of International Criminal Tribunal for the former Yugoslavia's (ICTY) mandate in December 2017 has been "welcomed as the release from duties of war crimes prosecution", especially in Serbia and Croatia. Data on war crime domestic trials confirms the findings of non-governmental organizations on the worrying state of criminal justice, states RECOM.

"During 2017, prosecution of war crimes has been additionally marginalized" through small numbers of the indictments, insufficiently developed in the context of facts established before the ICTY, small numbers of the accused, mostly direct perpetrators, with small numbers of the affected victims, followed by frequent withdrawal of direct testimonies (due to old age and poor health, but mostly due to mistrust in the court of the state they consider responsible for their suffering)," it is stated.

In the present situation, Coalition for RECOM emphasizes the strengthening of domestic prosecutors' offices and their cooperation in the processing of war crimes as essential. The Mechanism for International Criminal Tribunals (MICT) should provide expert support in the investigations against middle and senior military and police officials responsible for the civilian casualties during military operations, who are now in positions that protect them from criminal liability.

On the other hand, the RECOM welcomes the political readiness of the Western Balkans' leaders for establishing a regional commission aimed at determining the facts on war crimes, victims and the circumstances of their suffering during the 1990s, and estimates that this regional body with the power of facts, and thanks to its regional character, can narrow the space for "lies, denial or creation of nationalistic narratives about the war", and can contribute to the public recognition of each of the 130.000 victims of the wars of the 1990s.

Coalition for RECOM recommends to Croatia and Serbia to sign a bilateral agreement on the prosecution of war crimes based on the defendants' whereabouts, which would supercede current Serbian law on universal jurisdiction, as well as the Croatian law on the invalidity of legal acts of the Republic of Serbia. Coalition also appeals to the BiH Presidency to abandon the principle of territorial jurisdiction and to accept the standard through which each of the states should judge its own citizens.

The Coalition urges the leaders of all post-Yugoslav countries to sign a declaration on the establishment of RECOM at the Berlin Process summit in 2018, and thus give a political promise that the institutions of their countries will initiate a procedure for the founding of a joint regional commission for the establishment of facts about war crimes and other serious violations of human rights committed in the former Yugoslavia from January 1, 1991 until December 31, 2001. It particularly appeals to the leaders of Croatia, Slovenia and the Serb and Croat members of the BiH Presidency to join other leaders of post-Yugoslav countries, who have already expressed their willingness by appointing an envoy tasked with the writing of a draft declaration on the establishment of RECOM.

Among the recommendations sent to the EU, the Coalition states that within the framework of the Action Plan for A credible enlargement perspective for and enhanced EU engagement with the Western Balkans, the establishment of RECOM should be set as an indicator of progress in the reconciliation process.

Coalition for RECOM is a network of civil society organizations for reconciliation, consisting of more than 2.000 organizations and prominent intellectuals from the area of former Yugoslavia, gathered around the idea of a regional transitional justice mechanism establishment in the form of RECOM. The petition for the establishment of RECOM has been signed by more than 580.000 citizens from BiH, Croatia, Serbia, Montenegro, Slovenia, Kosovo and Macedonia.

Hundreds Protest Ex-Bosnia Commander's War Crimes Charges

New York Times

May 4, 2018

Hundreds of war veterans and civilians rallied Friday in support of a Bosnian Muslim wartime military commander who is suspected of war crimes against Serb civilians during the 1992-95 conflict.

Carrying wartime Bosnian flags and banners, the protesters gathered in central Sarajevo, the Bosnian capital, carrying a huge banner saying "Heroes, not criminals!"

Last week, police briefly detained Atif Dudakovic and 12 other members of the Bosnian army's former 5th Corps for alleged war crimes against hundreds of Serb civilians in northwestern Bosnia.

The arrests angered many Bosnian Muslims who view Dudakovic and his men as defenders of the northwestern region that was under siege for much of the war.

About 100,000 people died during the war in Bosnia that erupted when Bosnian Serbs rebelled against the country's independence from the Serbia-dominated former Yugoslavia. Bosnian Serbs, led by Radovan Karadzic and his military commander Ratko Mladic, took control of large swaths of land with an aim to create an all-Serb state in the ethnically-mixed nation.

Both Karadzic and Mladic have been convicted of war crimes by a United Nations tribunal. The court in The Hague, Netherlands, has sentenced Karadzic to 40 years in prison and Mladic to life in jail for atrocities against non-Serbs in Bosnia.

"Victims of this war were Bosnian Muslims, who suffered the most," war veteran Sanin Musa said during the protest in Sarajevo. He described Dudakovic as a "symbol of the defense of Bosnia and Bosnians."

Dudakovic has also served as the Muslim-led Bosnian Army chief of staff after the conflict.

Demo ban for convicted Serb politician Seselj

Yahoo News

By Serbie Jarak

May 6, 2018

Serbian police prevented ultranationalist Vojislav Seselj from demonstrating Sunday in Hrtkovci, a village in the Vojvodina province home to a Croatian minority where his firebrand speeches during the Balkan War earned him a jail term.

Police blocked off access to the village some 70 kilometres (45 miles) west of Belgrade, an AFP photographer said.

"We came as opposition to provoke the regime which has forbidden us from demonstrating ... and not the Croatians," said Seselj, 63, in the nearby village of Jarak as he found himself barred by a police cordon.

Last month UN judges overturned the controversial acquittal of the radical Serb politician, sentencing him to 10 years for crimes against humanity in the 1990s Balkans conflict.

In May 1992 he had urged the expulsion of local Croats at the height of the Balkan conflict.

Seselj rejected the verdict by the Hague-based panel of UN judges and vowed to return to Hrtkovci to demonstrate along with supporters from his Serbian Radical Party.

He remains at liberty having already spent almost 12 years -- from February 2003 to November 2014 -- in detention in The Hague.

He had initially and controversially been acquitted in March 2016 of six war crimes and three crimes against humanity charges after a trial lasting more than eight years at the International Criminal Tribunal for the former Yugoslavia (ICTY).

Seselj told AFP after last month's appeal ruling in The Hague that he was "proud" of the crimes he was convicted of -- including inciting persecution -- and was willing to do the same again.

The 1992-1995 war left 100,000 people dead and 2.2 million others homeless, as an ethnic conflict tore the former Yugoslavia apart.

Serbian Security Chief Denies Controlling 'Red Berets' Unit **Balkan Insight**

By Radosa Milutinovic

May 9, 2018

Former Serbian State Security Service chief Jovica Stanisic's defence denied that the Red Berets unit was controlled by the service when it allegedly committed crimes during the Bosnian war in 1993.

Jovica Stanisic's defence lawyer told his trial at the Mechanism for International Tribunals in The Hague on Wednesday that although the Red Berets unit operated in Eastern Bosnia in March 1993, it was under Interior Ministry command, and not

controlled by the State Security Service, which the defendant headed at the time.

A former Serbian policeman, whose unit operated in Bosnia and Herzegovina in 1993, testified as a protected prosecution witness on Tuesday that the Red Berets expelled Bosniaks from eastern Bosnia, operating as part of the Serbian State Security Service, the SDB.

But Stanistic's defence lawyer Wayne Jordash said the witness "had no evidence" that the Serbian SDB deployed the Red Berets in the Skelani area of eastern Bosnia, where the alleged crimes were committed.

"Nobody told you they operated under the command of Jovica Stanistic... or that they were employed by the Serbian SDB," Jordash suggested.

The witness responded by saying that none of the Red Berets members told him they were commanded by Stanistic, but that he concluded, on the basis of conversations, that they were "engaged by the Serbian SDB under the leadership of Frenki Simatovic".

Stanistic and his former State Security Service deputy Franko 'Frenki' Simatovic are on trial for persecution, murders and deportations during the wars in Croatia and Bosnia and Herzegovina.

According to the charges, the Red Berets were under the control of the Serbian State Security Service.

Stanistic's lawyer suggested that, while in Bosnia, the Red Berets and the witness's unit were under the command of police general Obrad Stevanovic, commander of the Serbian Interior Ministry's special police units.

"Stevanovic was the commander of my unit, but I cannot say the same for the Red Berets," the witness responded.

On the basis of documents issued by the Bosnian Serb Army, Stanistic's lawyer suggested that the Red Berets in Skelani and the surrounding area were "deserters" and "elite robbers" who were not under anybody's control.

"The question arises as to who pays them and whose interests they serve," Jordash said, quoting a Bosnian Serb Army report on the Red Berets issued in July 1993.

The witness responded by saying that, during his unit's operations in Bosnia, its members "acted according to the law", unlike the Red Berets.

The indictment alleges that Stanistic and Simatovic committed their crimes as part of a joint criminal enterprise aimed at forcibly and permanently removing Croats and Bosniaks from large parts of Croatia and Bosnia and Herzegovina, which would then be incorporated into a unified Serb state.

They both pleaded not guilty in December 2015 after the appeals chamber of the International Criminal Tribunal for the Former Yugoslavia overturned their acquittal in their first trial.

The appeals chamber ruled that there were serious legal and factual errors when Stanistic and Simatovic were initially acquitted of war crimes in 2013, and ordered the case to be retried and all the evidence and witnesses reheard in full by new judges.

The trial continues on Thursday.

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Domestic Prosecutions In The Former Yugoslavia

Kosovo Indicts Serbian Fighter for War Crimes

Balkan Insight

By Die Morina

April 26, 2018

Kosovo's Special Prosecution filed an indictment against a Serbian fighter who

allegedly committed war crimes in the village of Mala Krusa/Krushe e Vogel during a deadly two-day attack in 1999.

An international prosecutor from Kosovo's Special Prosecution Office filed an indictment on Thursday against a former Serbian fighter, identified only by the initials D.T., who allegedly committed war crimes in the village of Mala Krusa/Krushe e Vogel between March 25 and 27, 1999.

The suspect was charged with pillage, wilful destruction and crimes against personal and human dignity.

The prosecution said that he committed the crimes in his capacity as a member of reservist police forces or Serbian paramilitary forces.

The charges are connected to a two-day attack on Mala Krusa/Krushe e Vogel by Serbian forces, including police and paramilitaries, which started on March 25, 1999.

The prosecution said that during the attack, the civilian population was subjected to brutal and unlawful killings, inhumane treatment, immense suffering, dislocation and displacement, application of measures of intimidation and terror, property confiscation, and looting and pillage.

The attack on Mala Krusa/Krushe e Vogel saw one of the largest mass killings of the war in Kosovo. Over 100 men were killed by Serbian forces.

The suspect was arrested in November 2017 on the basis of an international arrest warrant while attempting to cross the border from Serbia into Kosovo, and has been held in detention on remand since his arrest.

Kosovo Orders Custody for Serb War Crimes Suspect

Balkan insight

By Die Morina

May 7, 2018

A Serb who was arrested at a border crossing between Kosovo and Serbia on suspicion of having committed war crimes against civilians has been remanded in custody for a month by a Pristina court.

Pristina Basic Court on Monday ordered a one-month custodial remand for the 44-year-old Serb, who has been identified by the Belgrade authorities as Dejan Slavic.

"The Basic Court in Pristina approved the request of the Special Prosecution Office of the Republic of Kosovo for custody measure against the defendant D.S., due to the grounded suspicion that in co-perpetration he committed the criminal offence of war crimes against the civilian population," said a statement issued by the court.

The suspect was arrested on Saturday at the Jarinje border crossing between Kosovo and Serbia.

The Serbian government's office for Kosovo condemned the arrest as illegal, saying it was carried out on the basis of "secret lists" of suspects, which it alleged were drawn up "mainly on the basis of false reports and testimonies".

"The aim of this practice is to create disorder and fear among the Serbian people in Kosovo and Metohija, to limit freedom of movement and to discourage the return of internally displaced persons," the government office said in a statement on Saturday.

Croatia Clarifies Charge Against Serb Held in Romania

Balkan Insight

By Sven Milekic

May 8, 2018

Stevan Budac, a Serb recently arrested in Romania, is wanted by Croatia for alleged war crimes against civilians, despite his initial acquittal of the charge in 2006.

The county court in the eastern Croatian city of Osijek told BIRN on Tuesday that Stevan Budac is wanted for crimes against Croat and ethnic Hungarian civilians in the village of Batina in 1991-95, committed while he was part of a Serbian paramilitary group.

Romanian media reported on Monday that Budac was arrested by Romanian border police at the Danube harbour customs point in the eastern city of Galati on Saturday.

Romanian police initially said he was wanted for genocide and "terrorist acts" in the village of Zmajevac, and that he is a Serbian citizen.

But Osijek county court spokesperson Miroslav Rozac said that Budac also holds Croatian citizenship, and that his last reported residence was in Batina, a Croatian village on the border with Serbia where the alleged crimes took place.

He was first indicted, along with others, by the Croatian authorities in his absence in December 1996. In March 2002, Osijek county court sentenced him to 15 years in prison for crimes against civilians in Zmajevac.

The Croatian Supreme Court acquitted Budac and the others in January 2006, however, and the case was returned to Osijek county court.

But as the case was not finished, the court issued an arrest warrant.

Rozac said that the Croatian Interior Ministry informed the court on April 18 that it had ordered an international arrest warrant, and that a search for Budac had been launched through Interpol.

But Rozac said that since this international arrest warrant was only valid for countries outside the European passport-free Schengen zone, the Osijek court also issued a European arrest warrant. Budac was held on the European warrant on Saturday.

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MIDDLE EAST AND ASIA

Iraq

Grotian Moment: The International War Crimes Trial Blog

IS hiding out in Iraq 'disguised as policemen and shepherds'

The New Arab

May 5, 2018

IS fighters are hiding out in the deserts of Iraq's Anbar province disguised as police officers and shepherds to elude security officers and launch pre-election attacks, local tribal leaders have reported.

A police source from Anbar said that a security clampdown was launched on Saturday morning to oust remaining IS elements from the region and prevent sleeper cells from launching attacks feared to target polling stations and security forces.

Iraqi forces have tightened controls at checkpoints and increased patrols in order to restrict the movement of the terror group, who are believed to have dozens of fighters stationed in the Anbar desert in western Iraq, once a stronghold of the militant group.

An Iraqi security source told The New Arab the air force was carrying out surveillance of desert areas near the town of Rutba, western Anbar, after receiving intelligence about the whereabouts of some extremist fighters.

Local tribal leader Adnan al-Athawi said that armed tribe members were providing support to the Iraqi forces in the surrounding area, noting that militants are disguising themselves in police uniforms or as local sheep herders in order to evade security forces and air surveillance.

Athawi told The New Arab he feared IS would target Iraqi forces guarding polling stations, stressing the urgency to rid the western desert of dangerous militants.

Member of the Anbar provincial council Eid Ammash warned of the possibility IS would launch attacks in the run-up to the

elections, as the group is still looking to restore its authority in the province.

Ammash mentioned during a press conference that several attempts made by IS militants to cross into Anbar from neighbouring Syria have been thwarted in recent weeks.

Many are expecting an escalation of terror attacks as election day approaches and IS aims to deter Iraqis from going to polling stations.

Ammash also pointed out IS is much weaker than it was at its peak, but will still attempt to carry out car and IED bombings, and indiscriminate shelling.

In another development, the Iraqi Centre for Security Information reported that a cache of explosives and IEDs, thought to belong to IS, was found in a rural area just north of Anbar city.

In April, a suicide attack targeted a political party headquarters in Anbar, killing four people and injuring seven others, including a candidate in the elections.

Daesh claims assassination of Iraq election candidate

Arab News

May 7, 2018

Daesh claimed responsibility for the assassination on Monday of a candidate in Iraq's parliamentary election just days ahead of the polls.

Faruq Zarzur Al-Juburi, a candidate loyal to Vice President Ayad Allawi, was shot dead by gunmen at his home near Mosul, the former Daesh bastion in northern Iraq, a local official said. In a statement on the messaging app Telegram, the militant group said Juburi was killed because he was "an atheist."

Local official Salah Al-Juburi said the gunmen killed the candidate at his home in the town of Qayyarah, 70 kilometers (43 miles) south of Mosul, after storming his house.

Daesh had threatened to attack Iraqi polling stations and voters during the parliamentary election that will be held on Saturday, in a statement last month by its spokesman Abu Hassan Al-MuHajjir. "Oh Sunnis... we know that the government of Rafida (a pejorative Arabic term for Shiites) is on the verge of what they call elections," he said.

"Our judgment will apply to those who call for them and participate in them... The voting centers and those in them are targets for our swords, so stay away from them and do not walk nearby," he added.

Juburi is a Sunni Muslim while Allawi is a member of Iraq's majority Shiite community. Sunni extremists like Daesh, and Al-Qaeda before it, have long targeted Shiites in Iraq.

The May 12 polls are the first to be held since Iraqi Prime Minister Haider Al-Abadi declared victory over the jihadists in December.

Daesh, which had launched a sweeping offensive in 2014 and at one point controlled one third of Iraq, still holds pockets of desert along the border with Syria.

Five Top ISIS Officials Captured in U.S.-Iraqi Sting

The New York Times

By Margaret Coker

May 9, 2018

Five senior Islamic State officials have been captured, including a top aide to the group's leader, in a complex cross-border sting carried out by Iraqi and American intelligence, two Iraqi officials said Wednesday.

The three-month operation, which tracked a group of senior Islamic State leaders who had been hiding in Syria and Turkey, represents a significant intelligence victory for the American-led coalition fighting the extremist group and underscores the strengthening relationship between Washington and Baghdad.

Two Iraqi intelligence officials said those captured included four Iraqis and one Syrian whose responsibilities included governing the Islamic State's territory around Deir al-Zour, Syria, directing internal security and running the administrative body that oversees religious rulings.

Iraq's external intelligence agency published a statement confirming the arrests, but did not mention any details of the role played by the Americans or the Turks. The two Iraqi intelligence officials spoke on condition of anonymity to discuss details that had not been made public.

Turkey did not immediately comment on the operation. The White House and the C.I.A. declined to comment.

The developments quickly took over many Iraqi news broadcasts on Wednesday night, with news anchors praising Prime Minister Haider al-Abadi for what the intelligence service called a "major victory." The news came at an opportune time for Mr. Abadi, who faces a tight parliamentary race on Saturday.

The two Iraqi officials said that they had been tracking several of their targets for months, but the breakthrough came at the start of the year.

An Iraqi intelligence unit responsible for undercover missions had tracked an Iraqi man, Ismail Alwaan al-Ithawi, known by the nom de guerre Abu Zeid al-Iraqi, from Syria to the Turkish city of Sakarya, about 100 miles east of Istanbul, these officials said.

Mr. Ithawi, described by the Iraqis as a top aide to the Islamic State leader Abu Bakr al- Baghdadi, had been in charge of fatwas, or religious rulings, in the Islamic State's so-called caliphate. He was also in charge of the education curriculum, and was a member of the body that appointed security and administrative leaders for the Islamic State's territory, which had included large parts of Iraq and Syria.

He had been living in Turkey with his Syrian wife under his brother's identity, one of these officials said.

The Iraqis sent the Turks an intelligence file they had amassed on Mr. Ithawi, and the Turkish security forces arrested him on Feb. 15, and extradited him to Iraq, this official said.

Iraqi and American intelligence officials then spent weeks interrogating him, learning the details and whereabouts of other ISIS leaders in hiding, the officials said.

The American-led coalition used this information to launch an airstrike in mid-April that killed 39 suspected Islamic State members near Hajin, in the Deir al-Zour district of Syria, the second official said.

The joint Iraqi-American intelligence team then set a trap, according to these officials. They persuaded Mr. Ithawi to contact several of his Islamic State colleagues who had been hiding in Syria and lure them across the border, the officials said.

The Iraqi authorities were waiting, and arrested the group soon after they crossed the frontier, the officials said.

Those arrested included Saddam al-Jammel, a Syrian who had been the head of the Islamic State territory around Deir al-Zour, and Abu Abdel al-Haq, an Iraqi who had been the head of internal security for the group. Two other Iraqis were also arrested, the officials said.

Iraqi security says Islamic State's jailer arrested in Mosul

Iraqi News

By Mohammed Ebraheem

May 9, 2018

Iraqi security forces arrested on Wednesday the so-called Islamic State (IS) jailer in Mosul's eastern side, the interior ministry announced on Wednesday.

"The terrorist was apprehended in Sumer district in Mosul's eastern side pursuant to article 4/1 of the anti-terrorism law," the ministry's spokesman Maj. Gen. Saad Maan was by Baghdad Today news website as saying.

"He was tasked with guarding a prison of the Islamic state group at al-Faisaliah area in Mosul," the spokesman added.

Islamic State declared a self-styled "caliphate" in a third of Iraq and neighboring Syria in 2014. A government campaign, backed by the US-led international coalition, was launched in 2016 to retake IS-held regions, managing to retake all havens, most notably the city of Mosul, the group's previously proclaimed capital.

Iraqi Prime Minister Haider al-Abadi declared, last December, final victory over Islamic State three years after the militant group captured about a third of Iraq's territory. The fight against IS left thousands of militants as well as Iraqi civilians killed and injured.

Despite the group's crushing defeat at its main havens across Iraq, Islamic State continues to launch sporadic attacks against

troops with security reports warning that the militant group still poses a threat against stability in the country.

Iraqi intelligence agents capture three terrorists in Mosul city

Iraqi News

By Mohammed Ebraheem

May 9, 2018

Three terrorists were arrested Wednesday by Iraqi intelligence services in Mosul city, the Security Media Council said on Wednesday.

"The 20th brigade of the Iraqi military intelligence set an ambush in Hamam al-Alil town in southern Mosul, managing to arrest three terrorists," Alghad Press quoted the council as saying in a statement.

"The trio were wanted by Iraqi judiciary on terror charges pursuant to article 4/1 of the anti-terrorism law," the statement read.

The anti-terrorism law empowers courts to convict people who are believed to have helped jihadists even if they are not accused of carrying out attacks.

Experts estimate that Iraq is holding 20,000 people in jail over suspected IS membership. There is no official figure, according to AFP.

Iraqi Prime Minister Haider al-Abadi announced, last July, the liberation of the second largest Iraqi city of Mosul from IS militants, who had captured it in 2014. More than 25,000 militants were killed throughout the campaign, which started in October 2016.

Iraq had declared the collapse of Islamic State's territorial influence in Iraq earlier in November with the recapture of Rawa, a city on Anbar's western borders with Syria, which was the group's last bastion in Iraq.

Iraqi army, Kurdish troops repulse Islamic State attack in Diyala

Iraqi News

By Mohammed Ebraheem

May 9, 2018

Iraqi army, backed by Kurdish security forces, repulsed late on Tuesday an attack by the Islamic State group in Diyala, a security source was quoted as saying.

Iraqi army, backed by Kurdish security forces, repulsed late on Tuesday an attack by the Islamic State group in Diyala, a security source was quoted as saying.

According to the source, "An attack by Islamic State militants took place at 11:30 pm near a security checkpoint on the outskirts of Jalawla in eastern Diyala."

The troops managed to repulse the attack, which lasted for 30 minutes, the source told Shafaq News.

Iraqi security authorities denied on Tuesday media reports about an attack against a parliamentary candidate and three policemen in Diyala governorate.

In a statement, the Iraqi security media council termed as "baseless" all reports about the targeting of a parliamentary candidate's house and injury of three policemen, including a colonel, in al-Muqdadiyah district in Diyala.

In January 2015, Iraqi forces announced liberation of Diyala province from Islamic State extremist militants who proclaimed an "Islamic Caliphate" in Iraq and Syria in 2014.

The province has seen months of fighting between Iraqi troops and IS militants especially in the Jalawla and Saadiyah areas in the province's north and areas near the town of Muqdadiyah.

Islamic State continues to launch sporadic attacks across Iraq against troops with security reports indicating that the militant group still poses a threat against stability in the country.

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Syria

Missile strikes in Syria kill over a dozen, mostly Iranians

The Washington Post

By Bassen Mroue and Sarah El Deeb

April 30, 2018

A missile attack on government outposts in northern Syria killed more than a dozen pro-government fighters, many of them Iranians, a war monitoring group and an Iranian news agency said Monday. The strikes came amid soaring tensions between regional archenemies Israel and Iran.

There was no official confirmation of the death toll or what was the target. The Sunday night strikes sparked speculation on who carried it out, with most reports suspecting Israel was behind it.

Syrian state TV called it a "new aggression on military positions" in Hama and Aleppo provinces but was not specific. Activists said there was a spectacular explosion at an arms depot and military compounds where Iranian fighters are based. The explosion was large enough to be picked up by monitors as a magnitude 2.6 earthquake.

The Syrian Observatory for Human Rights said 26 pro-government fighters were killed, most of them Iranians, with only four Syrians among the dead. It said the arms depot contained surface-to-surface missiles belonging to Iranian militias in Hama province. Another attack hit near a military air base in Aleppo province, the Observatory said.

It added that the death toll could rise, since 60 fighters were wounded and several others remained missing.

A member of an Iranian-backed Iraqi militia operating in Syria confirmed the attack on the Hama facility and put the death toll at 36, including 10 Iranian advisers. The official spoke on condition of anonymity because he was not authorized to talk to the media.

Iranian media gave conflicting reports: One semiofficial news agency said there were no Iranians killed, while a second one said 18 were killed.

The arms depot in Hama, known as Brigade 47, is one of the largest bases housing Iranian-affiliated forces and equipment, according to Jamil al-Saleh, commander in the opposition Tajammu al-Ezzat rebel group. He said the province has at least five other bases where Iranians are deployed alongside Syrian-allied militias.

The two airstrikes were near rebel areas, he added.

"It was like an earthquake hit Hama," al-Saleh said by telephone from Hama province. He and the Observatory said they suspect Israel was behind the attack. Lebanon's Al-Akhbar daily, considered close to the militant Iranian-backed Hezbollah group and the Syrian government, said the attack targeted "important arms depots used by the (Syrian) army and Iran's Revolutionary Guards." It said the missiles used appear to have been bunker busters.

Syria-based opposition media activist Mohamad Rasheed said that base that came under attack is about 10 kilometers (7 miles) outside the city of Hama, adding that the airstrike led to several explosions in the arms depot. He added that the area is known as the Maarin Mountain or Mountain 47.

Some of the exploding missiles in the arms depot struck parts of Hama, Rasheed said, adding that residents near the base fled their homes. He said the base has been run by Iranian and Iran-backed fighters from Lebanon, Iraq, Afghanistan and Pakistan.

Tehran has sent thousands of fighters to Syria to support President Bashar Assad's forces in the seven-year civil war.

Following the attacks, Iran's Supreme Leader Ayatollah Ali Khamenei said the time when Tehran's enemies can "hit and run" is over, although he did not specifically refer to Sunday night's strikes.

"They know if they enter military conflict with Iran, they will be hit multiple times," he said in comments at a meeting with workers, according to his website.

There was no immediate comment from Israel, which rarely confirms or denies its attacks.

The attack came hours after Israeli Prime Minister Benjamin Netanyahu talked by phone with President Donald Trump. The White House said they discussed the threats and challenges facing the Middle East, "especially the problems posed by the Iranian regime's destabilizing activities."

U.S. Secretary of State Mike Pompeo ratcheted up the Trump administration's rhetoric against Iran and offered support to Israel and Saudi Arabia in their standoff with Tehran.

"We remain deeply concerned about Iran's dangerous escalation of threats to Israel and the region and Iran's ambition to dominate the Middle East remains," Pompeo said after meeting Sunday with Netanyahu during his first trip abroad as the top U.S. diplomat. "The United States is with Israel in this fight."

Israel has cited Iran's hostile rhetoric, support for anti-Israel militant groups and development of long-range missiles.

Iranian state TV reported the attack, citing Syrian media.

The semiofficial Iranian news agency Tasnim, believed to be close to the Revolutionary Guard, denied any Iranian fighters were killed or that Iranian-run bases were hit. It quoted an unidentified Iranian informed official in its report but did not elaborate.

Another semiofficial news agency, ISNA, said the strike killed 18 Iranians, including a commander, in a suburb of the central city of Hama. It cited "local sources and activists." ISNA said the missiles targeted buildings and centers that likely included a weapons depot.

The Syrian government-owned Tishrin newspaper quoted what it called "sources on the ground" as saying that the attack in Aleppo and Hama provinces consisted of nine ballistic missiles fired from U.S.-British bases in northern Jordan. The report could not be independently confirmed.

A member of one of the Iranian-backed militias posted on Facebook that the strikes have "hit our bases" where "allies" are also present. He didn't elaborate, but said Israel was suspected of being behind the attack.

"We have been expecting an Israeli message for some time now to ensnare Iran in a direct confrontation with Israel, on Syrian territories," Kamal Fayyadh, a Lebanese living in Syria, wrote on his Facebook page.

In a nationally televised speech, Netanyahu said Israel recently uncovered 55,000 documents and 183 CDs of information from Iran's "nuclear archives" proving the Tehran government once had a nuclear weapons program.

He said the documents show that Iran lied about its nuclear ambitions before signing a 2015 deal with world powers. Iran has denied ever seeking nuclear weapons.

Trump has set a May 12 deadline to decide whether to pull out of the Iran nuclear deal — something he appears likely to do despite heavy pressure to stay in from European and other parties.

Former Israeli military intelligence chief Amos Yadlin, who heads Tel Aviv University's Institute for National Security Studies, said Iran's robust military presence in Syria and Israel's determination to prevent it have put the two on a collision course at a time of tensions over the nuclear deal, Palestinian protests in Gaza and the expected U.S. Embassy move to Jerusalem.

Tensions between Iran and Israel were running high following an airstrike earlier this month on Syria's T4 air base in Homs province that killed seven Iranian military personnel. Tehran has vowed to retaliate for that attack.

Syria, Iran and Russia blamed Israel for that attack. Israel did not confirm or deny it.

Israel Defense Minister Avigdor Lieberman said in an interview published Thursday that his country will strike Iran if it attacks.

'Israeli missile' kills dozens of pro-Assad fighters in Syria

The New Arab

April 30, 2018

An overnight missile attack in Syria's northern region has killed 26 pro-regime fighters, mostly Iranians, a Syria war monitoring group said on Monday.

The Britain-based Syrian Observatory for Human Rights said the attack appears to have been carried out by Israel and targeted an arms depot for surface-to-surface missiles at a base in northern Syria known as Brigade 47. The Observatory said four Syrians were also among the casualties.

It said the death toll could rise as the attack also wounded 60 fighters and several others are still missing.

Syria's state news agency SANA said the attack occurred on Sunday evening around 10:30pm, targeting military positions in Hama and Aleppo.

The attack comes amid rising tensions between Iran and Israel following an airstrike earlier this month on Syria's T4 air base in central province of Homs that killed seven Iranian military personnel. Syria, Iran and Russia blamed Israel for that attack. Israel did not confirm or deny it.

Israel Defence Minister Avigdor Lieberman said in an interview published last Thursday that his country will strike Tehran if attacked by its arch-enemy, escalating an already tense war of words between the two adversaries.

Tehran has sent thousands of Iran-backed fighters to back President Bashar Assad's forces in the country's seven-year civil war.

Iranian state television, citing Syrian media, reported Monday's attack. The semi-official ISNA news agency, citing "local sources and activists," said the strike killed 18 Iranians, including a commander, in a suburb of the central city of Hama.

The missiles targeted buildings and centres which likely include a weapons depot, ISNA reported.

'Baseless'

However, Iran's Tasnim news agency said on Monday the reports of Iran's base in Syria being hit by rockets were baseless and no Iranians had been killed.

"All these reports over attack on an Iranian military base in Syria and the martyrdom of several Iranian military advisers in Syria are baseless," an unnamed source told Iran's semi-official Tasnim news agency.

The Syrian conflict began when the Baath regime, in power since 1963 and led by Assad, responded with military force to peaceful protests demanding democratic reforms during the Arab Spring wave of uprisings, triggering an armed rebellion fuelled by mass defections from the Syrian army.

According to independent monitors, hundreds of thousands of civilians have been killed in the war, mostly by the regime and its powerful allies, and millions have been displaced both inside and outside of Syria.

The brutal tactics pursued mainly by the regime, which have included the use of chemical weapons, sieges, mass executions and torture against civilians have led to war crimes investigations.

Israel Attacked Syria an Hour After the Iran Deal Was Ended, Says Report Time

By Zeina Karam
May 8, 2018

Syrian state-run media said Israel struck a military outpost near the capital Damascus on Tuesday, saying its air defenses intercepted and destroyed two of the incoming missiles. The reported attack came an hour after President Donald Trump announced he was withdrawing from the Iran nuclear deal, calling Tehran a main exporter of terrorism in the region.

The official news agency SANA said without elaborating that the attack occurred in the countryside in Kisweh, just south of Damascus, an area known to have numerous Syrian army bases. Syrian TV earlier reported large explosions in the area.

The Britain-based Syrian Observatory for Human Rights said the missiles targeted depots and rocket launchers that likely belonged to Iran's elite Revolutionary Guards in Kisweh, killing nine people. The group, which closely monitors the Syria war through a network of activists on the ground, said it was not clear whether those killed were Revolutionary Guard members or members of a pro-Iranian militia. The report could not be independently confirmed.

An official with the Iran-led regional alliance supporting Syrian President Bashar Assad said the strike targeted a Syrian army position but killed a Syrian man and his wife who happened to be passing by in their car. He said there were jets in the sky but it was likely the position was targeted by surface-to-surface missiles from the Golan Heights.

The official spoke on condition of anonymity because he was not authorized to give official statements.

There was no immediate comment from Israel, which almost never confirms or denies airstrikes in Syria. Such strikes have

become more frequent recently, amid soaring tensions between regional archenemies Israel and Iran.

Iran has vowed to retaliate to recent Israeli strikes in Syria targeting Iranian outposts in the country. They include an attack last month on Syria's T4 air base in Homs province that killed seven Iranian military personnel, for which Tehran has vowed to retaliate. On April 30, Israel was said to have struck government outposts in northern Syria, killing more than a dozen pro-government fighters, many of them Iranians.

Israel's military, however, said Tuesday its forces were on high alert near its border with Syria after spotting Iranian activity and was urging civilians in the Golan Heights near Syria to prepare bomb shelters.

Later, the Israeli military said in a statement it had called up some reservists but did not elaborate.

The military directive Tuesday came "following the identification of irregular activity of Iranian forces in Syria." It said defense systems have been deployed.

The military said it is prepared for "various scenarios" and warned "any aggression against Israel will be met with a severe response."

Israel has warned it will not tolerate Tehran establishing itself militarily on its doorstep in Syria.

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Afghanistan

The ICC's Afghanistan Investigation

The Nation

By Syed Haider Ali Shah

April 27, 2018

The armed conflict in Afghanistan has been one of the most perplexing and taxing in recent history with its wide range of stakeholders and mammoth economic and human costs. On 20th November 2017, the Office of the Prosecutor for the International Criminal Court (ICC) put a spanner in the works of this politico-legal quagmire by requesting authorisation for an investigation into the war crimes and crimes against humanity committed in Afghanistan since May 2003. Acceptance of the request by the Court would be the first step in an eventual trial of these atrocity crimes at the ICC.

We may well have breathed a sigh of relief at the ICC Prosecutor's express identification of the Taliban regime and its affiliated Haqqani Network, the Afghan National Security Forces and the United States armed forces as the main actors that it intends to prosecute. A detailed reading of the Request, however, shows that Pakistan is not immune from the Court's jurisdiction in this case. The Prosecutor has expressly left-open the option of prosecuting other actors in the region once its request for full-fledged investigations is granted (paras 38 and 260 of the Request).

So far, International legal experts have focused on the Prosecutor's accusations against the US armed forces; if found guilty, members of the US military and civilian hierarchy ("those most responsible" for the atrocities) would be labelled as war criminals, sentenced to stints in prison and ordered to pay reparations. Less attention has been paid to the possibility of other major stakeholders in the region being a target of ICC prosecution.

There are obvious questions pertaining to the relevance of these developments. Are Pakistani nationals at risk of prosecution should this trial come about? If so, how is it possible for an international tribunal that is not recognised by Pakistan to exercise jurisdiction over its nationals?

It is indeed possible for the ICC to try Pakistani nationals for war crimes and crimes against humanity. Moreover, under the current circumstances, it has enough legal firepower to, at the very least, bring up the issue at trial.

Firstly, Pakistan is not a state party to the Rome Statute; it does not recognise the ICC's competence to try atrocity crimes. Under normal circumstances, this would mean that no Pakistani would ever be prosecuted at the Court. However, because the crimes under consideration occurred in Afghanistan, an ICC state party since 2003, the Court has jurisdiction (under article 12 of its status) to try nationals of any state that commit atrocity crimes on its territory. The ICC has already demonstrated its

ambition by seeking to prosecute nationals of the United States, which is also not a state party to the ICC, and despite the US's painstaking efforts to the contrary throughout the 20 years that the Court has been in existence. Keeping this in mind, prosecution of Pakistani nationals does not seem like impossibility.

Under what basis then can the ICC come after Pakistani officials? The only way to trace back the commission of atrocity crimes to Pakistani officials, within the ICC's current scope of investigation, is by holding them responsible for 'controlling' the actions of non-state armed groups that have committed war crimes and crimes against humanity in Afghanistan. This can be done by employing a loose interpretation of 'control' under the Article of State Responsibility (a set of customary international law rules that are binding on all states, including Pakistan). This looser interpretation requires only that the state provide general coordination and support to the non-state group for all of that group's actions to be imputed to it; an interpretation used in the past at the International Criminal Tribunal for the former Yugoslavia, and by the ICC itself in a case relating to war crimes committed in the Democratic Republic of Congo.

Pakistan has been the target of a steady and ever-growing stream of accusations linking it with the 'control' or 'influence' over certain groups in Afghanistan; an accusation that has been denied persistently. Of course, the actual accusations that can be made by the prosecution will depend upon the quality of evidence provided. To the writer's knowledge, there have been no official accusations of the kind that have provided solid evidence to this effect. Nevertheless, in respect of the overall context, it would be naïve to dismiss the possibility of such charges being brought against Pakistan, especially when the Prosecutor has declared her intention to investigate all other major stakeholders in the region.

Experts believe that Pakistani officials are at a very real risk of standing trial for crimes against humanity and war crimes in The Hague, if the Pre-trial Chamber provides judicial authorisation for the commencement of formal investigations into the situation in Afghanistan. Should this happen, the first step for the Office of the Prosecutor would be to officially notify the Foreign Office of its intention to prosecute, and give Pakistan the opportunity to carry out domestic investigations and eventual trials of those it recognises as most responsible for the alleged crimes. Alternatively, it would request that Pakistan cooperate in providing access to all relevant evidence relating to the crimes that it is investigating. The third option for Pakistan would be to not cooperate with the Court at all; a strategy employed by other states in the past to varying degrees of success.

The aim of the ICC, and international criminal justice, is to contribute to world peace and security by putting an end to impunity for atrocity crimes. Whether ICC prosecution will bring about peace and reconciliation in Afghanistan, however, is not entirely certain. More specifically, prosecution of officials of Pakistan, which has spent upwards of 100 billion dollars and sustained over 70,000 civilian deaths because of war in Afghanistan, could serve to alienate it from any future peace-building efforts. Whatever the outcome, this developing situation has put the ICC on the map as another stake holder aiming to assert its influence in the region. Pakistan should tread the waters carefully.

Journalist killings in Afghanistan: 'An attack on the global media'

CNN

By Brian Stelter

May 1, 2018

Nine journalists were killed in suicide bombings in Kabul, Afghanistan. A tenth Afghan journalist was killed in a shooting.

AFP's chief photographer in Kabul, Shah Marai, was among the dead.

"This tragedy reminds us of the danger that our teams continually face on the ground and the essential role journalists play for democracy," AFP chief executive Fabrice Fries said in a statement.

The U.S. State Department echoed that message on Monday.

Secretary of State Mike Pompeo condemned the bombings, which killed a total of 30 people. And he specifically cited the deaths of the journalists, saying "the independent media is a cornerstone of democracy."

"Despite today's attack, the vibrant media landscape that has developed in Afghanistan will endure, in large part due to those journalists and media professionals who tragically died in today's attack, but whose courageous and steadfast work helped lay the foundation for Afghanistan's thriving and resilient independent media," Pompeo said.

Many of the journalists who were killed on Monday had rushed to the scene of an earlier explosion. That's when "a bomber disguised as a TV cameraman detonated a second bomb at the site," CNN reported.

Reporters Without Borders, one of the groups that that advocates for journalist safety, said the attack was the worst of its kind against Afghan journalists "since the fall of the Taliban government in December 2001."

The organization noted that at least five other journalists were also wounded.

"Killing journalists is an attack on freedom of expression," Human Rights Watch said Monday. "Under the laws of war, deliberate attacks on civilians are war crimes. Posing as a journalist to carry out an attack is also perfidious, a war crime in which the attacker assumes civilian status.

Separately on Monday, BBC Afghan service reporter Ahmad Shah was shot and killed by gunmen in Khost province.

"This is a devastating loss and I send my sincere condolences to Ahmad Shah's friends and family and the whole BBC News Afghan team," BBC World Service director Jamie Angus said. "We are doing all we can to support his family at this very difficult time."

According to the Committee to Protect Journalists, Monday was the worst single day for journalist killings since terrorists stormed the Paris headquarters of Charlie Hebdo magazine in 2015. Twelve people, including two police officers, were killed in that attack.

Joel Simon, the committee's executive director, told CNN that the bombing in Kabul "was an attack on the global media."

"Five of the journalists killed worked for international media outlets," Simon said. "These are the journalists who keep the world informed. This is true in Afghanistan, but it's true in conflict zones around the world. It's a terrible loss for the people of Afghanistan, but it's a loss for everyone around the globe who cares about the news."

Afghanistan: Insurgent Attacks on Civilians Escalate Human Rights Watch

May 8, 2018

Increased insurgent attacks on civilians in Afghanistan have left victims' families and survivors in dire need of financial, medical, and psychosocial support, Human Rights Watch said in a report released today. The Afghan government should ensure programs to assist victims of attacks by the Taliban and Islamic State-linked armed groups reach those in need.

"Insurgents who detonate bombs in mosques or at busy intersections with the intent of inflicting maximum civilian casualties are committing war crimes," said Patricia Gossman, senior Afghanistan researcher at Human Rights Watch and author of the report. "Victims' families and survivors may lose livelihoods and suffer harms that persist long after the attack. But Afghan government efforts to help these families has fallen short."

The 49-page report, "'No Safe Place': Insurgent Attacks on Civilians in Afghanistan," documents attacks since 2016 by the Taliban and groups affiliated with the Islamic State of Khorasan Province (ISKP), an affiliate of the Islamic State. While the Taliban claim they do not target civilians, the report documents indiscriminate attacks by the Taliban that have killed and injured thousands. ISKP-linked groups have targeted civilian facilities in urban areas of Afghanistan, including many Shia mosques. The report, based on interviews with 45 civilian victims of insurgent attacks and their relatives, highlights the lasting consequences of the attacks on affected families and communities.

Since early 2016, insurgent groups in Afghanistan have sharply escalated their attacks in Kabul and other major urban areas, killing and injuring thousands of civilians. In interviews with Human Rights Watch, relatives of people killed in insurgent attacks described the cascading negative consequences for victims' families: the devastating financial impact for those who have lost a breadwinner; the social consequences, especially for women who are suddenly widowed, becoming dependent on other members of their husband's family for support and limited in where they can live and work; and the impact on children who have had to leave school, either because their family can no longer afford the cost or because the child must work in order to supplement the family's income. Each death has a ripple effect on the family network, with spouses, children, parents, and other relatives suffering losses in support, emotional and social security, and income.

Many of those Human Rights Watch interviewed also described serious emotional and psychological trauma as a result of witnessing and surviving such attacks. The escalation in insurgent attacks in the past two years, bringing increased insecurity, uncertainty, violence, and economic hardship, has exacerbated trauma and psychological distress.

The Afghan government offers some financial assistance to those injured and to the families of those killed in insurgent attacks. However, many of those we interviewed said they had received no government assistance despite promises that such aid was forthcoming. Others said that the process for obtaining assistance was prohibitively onerous, or was tainted by corruption, with some receiving assistance and others not.

Human Rights Watch called on the Taliban and other insurgent groups to cease all intentional attacks on civilians and civilian objects – including schools, hospitals, places of worship, and homes not being used for military purposes. They should also cease all attacks that fail to discriminate between civilians and combatants, or that could be expected to cause disproportionate harm to civilians, as well as perfidious attacks, such as using an ambulance to conceal bombs. Insurgent commanders who order or are otherwise responsible for serious laws of war violations should be held to account.

The Afghan government has the responsibility under international law to protect the lives of all those under its jurisdiction and to bring those who commit serious international crimes to justice. It should also formalize through regulation or legislation the current ad hoc system or create a new program for providing assistance to civilian victims of the conflict, including those injured or those who have lost a family member from insurgent attacks.

The government should launch a campaign to inform the general public about the procedure for obtaining financial assistance or other support. Support should be equitably distributed, and complaints of corruption and discrimination should be promptly investigated. The government should also develop and implement measures to provide psychosocial support to survivors of attacks, whether by insurgents or government and allied forces.

Afghanistan's international donors should support programs to provide financial and other assistance, including psychosocial services, to civilian victims of attacks by all parties to the conflict.

"Victims of insurgent attacks are more than statistics – they are Afghans who deserve to be treated with dignity and have access to the services they need," Gossman said. "The Afghan government and its international donors should step up to support them."

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Yemen

Saudi media: Airstrike kills Houthi leaders in Yemen capital

The Washington Post

By Ahmed Al-Haj

April 28, 2018

A Saudi-led airstrike targeting a high-level meeting of Shiite rebels in Yemen's capital killed two of the group's leaders and dozens of their militiamen, the kingdom's state media reported early Saturday. The Shiite rebels known as Houthis did not immediately acknowledge the strike.

Saudi state-run television offered the report, saying the strike Friday killed more than 50 militiamen, including the two leaders. It did not elaborate.

That dispatch followed a far more detailed report on the strike by Al-Arabiya, a Dubai-based satellite news network now believed to be majority-owned by Saudi Arabia.

Al-Arabiya, without offering a source, said the strike hit a building belonging to Yemen's Interior Ministry in the country's rebel-held capital, Sanaa. It said more than 38 Houthi fighters including the two leaders were killed in the strike targeting a high-level meeting.

Al-Masirah, a Houthi-run satellite news channel, acknowledged that Houthi leaders met Friday to discuss Saturday's funeral of Saleh al-Samad, a Houthi political leader killed over a week ago in a Saudi airstrike on the coastal city of Hodeida. However, the only airstrike Friday night in Sanaa the outlet reported on involved wounded civilians.

Later, Al-Masirah reported that Houthi forces fired eight ballistic missiles at "economic and vital" targets in Saudi Arabia's southern city of Jizan and hit the targets with "high accuracy."

The Saudi-led coalition said in statement, carried by state news agency SPA, that the kingdom's air defense forces intercepted four of the missiles fired toward Jizan.

The Directorate of Saudi Civil Defense said it received reports that shrapnel killed one civilian and damaged two houses and three vehicles.

Houthis held al-Samad's funeral in the capital, bringing together thousands of Yemenis in Sabeen square to pay tribute to the slain head of the rebels' Supreme Political Council, which runs rebel-held areas in Yemen. Top Houthi officials including al-Samad's successor Mahdi al-Mashat, a former Houthi fighter, attended. Houthi leader Abdul-Malek al-Houthi vowed to avenge al-Samad's death.

The Shiite rebels, known as Houthis, have previously fired missiles targeting the Saudi mainland, including the capital, Riyadh. They see themselves as retaliating against heavy Saudi-led airstrikes in parts of Yemen. Earlier this month, Saudi Arabia said the rebels had fired at least 116 missiles at the kingdom since it went to war in Yemen in 2015.

Yemen's three-year stalemated war has killed more than 10,000 people, displaced 3 million and helped spawn a devastating cholera epidemic in the Arab world's poorest country. It began after the Houthis swept through Sanaa and farther south, sparking a Saudi-led military intervention on behalf of the country's internationally recognized government.

The kingdom's devastating air campaign repeatedly has struck markets, medical facilities and civilian targets, drawing international criticism. The coalition's blockade on ports under Houthi control has been a main factor pushing the country into near starvation, according to United Nations agencies and rights groups.

Meanwhile, the Iranian-backed Houthis face criticism for laying mines that have killed and maimed civilians, while allegedly diverting humanitarian aid to their own cadres and conducting mass roundups of their perceived enemies.

Saudi airstrikes hit presidency building in Yemen, killing 6 **Sacramento Bee**

By Ahmed Al-Haj
May 9, 2018

Airstrikes by the Saudi-led coalition fighting Yemen's Shiite rebels targeted the presidency building in the heart of the Yemeni capital on Monday, leaving at least six people dead and 30 wounded, according to health officials.

The officials, who spoke on condition of anonymity because they were not authorized to brief the media, said the six killed were all civilians. It was not known if there were any Houthi rebel leaders present at the time of the airstrikes in Sanaa or if any were killed or wounded.

The three-floor presidency building was completely flattened, while surrounding buildings in the city's busy Tahrir district — including a famous five-star hotel — were heavily damaged. Cars were charred and pools of blood covered the pavement.

Many were believed to have been buried under the rubble, as ambulances rushed to the area to retrieve the casualties.

Saudi officials later said they had targeted high-ranking rebel officials who had been there and that several must have been killed.

"Intelligence was behind this targeting of the presidential palace in Sanaa, and Houthi leaders were there," Col. Turki al-Maliki told a press conference in Riyadh.

The Norwegian Refugee Council, an aid group operating in Yemen, said it was "appalled by Saudi-led coalition strikes on a highly-populated business district in Sana'a earlier today."

"We abhor the ongoing use of violence to intimidate civilian populations under the guise of efforts to protect them. Yemeni people are not collateral. Adherence to the laws of war is not optional," Suze van Meegen, the group's acting country director, said in a statement.

The Saudi-led coalition has been at war with the Houthis since 2015, hoping to restore the country's internationally recognized government. The war has killed over 10,000 people and driven 3 million from their homes.

Last month, the coalition killed a top Houthi leader, Salah al-Sammad, in the Red Sea port city of Hodeida. Al-Sammad was also the acting president of the territory under rebel control. The Houthis' leader, Abdel-Malek al-Houthi, has mostly kept out of the public eye, addressing Yemenis only in occasional newscasts on rebel-run outlets.

Monday's airstrikes appeared to have targeted al-Sammad's successor, Mahdi al-Mashat.

Witnesses described a scene of devastation. One resident said he saw a body thrown by the force of the blast against a shop

and a car washer killed by shrapnel. The eyewitnesses spoke on condition of anonymity, fearing reprisals.

Windows of surrounding houses were shattered, while the nearby Sheba hotel had its entrance door blown out. Security forces cordoned off the area and kept journalists from approaching.

The sprawling presidency compound consists of several buildings walled off from the rest of the district.

Images that surfaced on social media in the aftermath of the strikes show bloodied faces of the wounded and columns of smoke rising over Sanaa.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers

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

Cambodia Tribunal Monitor

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Special Tribunal for Lebanon

Official Website of the Special Tribunal for Lebanon

In Focus: Special Tribunal for Lebanon (UN)

STL panel dismisses Oneissi defense motion to disqualify judges

The Daily Star

May 7, 2018

A Special Tribunal of Lebanon panel this week rejected a motion for the withdrawal of three judges made by the defense team of the accused Hussein Hassan Oneissi.

The motion targeted trial chamber judges David Re, Janet Nosworthy and Micheline Braidy, who are sitting in the trial for Oneissi and three other defendants accused of orchestrating the 2005 assassination of former Lebanese Prime Minister Rafik Hariri.

The Oneissi defense team filed a motion on April 12 requesting the disqualification and withdrawal of the judges, citing lack of impartiality in recent months and "unacceptable disregard for the defense case of Mr. Oneissi."

A statement released Monday from the STL reported that the panel dismissed the motion in its entirety. "We have concluded that the pressures of the final stages of a uniquely complex and difficult case have resulted in the Oneissi defense identifying a disqualifying bias in timetabling orders which, in fact, were made not to favor another party or to harm the Oneissi defense, but to bring a complex case against the four accused to a timely conclusion," the panel said in its decision.

The Oneissi defense team's allegations came after mounting tensions between the defense counsel and trial chamber judges, since the defense lawyers requested in February their client be acquitted of all charges due to "insufficient evidence" provided by the prosecution against him. This motion to acquit was denied by the trial chamber judges.

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Bangladesh International Crimes Tribunal

War crimes link found against BNP ex-MP from Bogra

The Daily Star

May 3, 2018

Investigation Agency of the International Crimes Tribunal (ICT) today said to have found evidence against a senior BNP leader over his alleged involvement in crimes committed during the Liberation War in 1971.

Accused Abdul Momin Talukder alias Khoka, 66, is an assistant organising secretary (Rajshahi division) and former lawmaker of BNP from Bogra.

He was involved in genocide and killing of at least 19 people under Adamdighi Police Station in Bogra in 1971, the agency officials said.

The agency coordinator Abdul Khan and co-coordinator Sanaul Huq revealed the information at a press conference at its Dhanmondi office in Dhaka.

Momin, an alleged Razakar commander of Adamdighi Police Station, is now on the run.

Investigators will hand over the probe report and other documents to the chief prosecutor's office today.

Trump assures Bangladesh of U.S. support amid Rohingya crisis

Reuters

By Serajul Quadir

May 4, 2018

U.S. President Donald Trump has assured Bangladesh of U.S. support in dealing with the Myanmar Rohingya refugee crisis, a Bangladeshi official said on Friday.

A letter from Trump was handed to Bangladeshi Prime Minister Sheikh Hasina at a meeting with U.S. Ambassador Marcia Bernicat in Dhaka on Thursday, said Ihsanul Karim, the Prime Minister's press secretary, and a U.S. embassy official.

"The United States will continue to pressure Myanmar to create necessary conditions for the safe and voluntary return of the Rohingya people to their homeland," Trump said in the letter, according to Karim.

Last month, Hasina said more international pressure was needed on Myanmar to take back Rohingya refugees.

U.N. officials say some 700,000 mostly Muslim Rohingya have fled into Bangladesh from Myanmar's Rakhine state to escape a military crackdown since August, amid reports of murder, rape and arson by Myanmar troops and Buddhist vigilantes in actions which the United Nations has likened to "ethnic cleansing".

Myanmar has denied nearly all allegations, saying it has been waging a legitimate counter-insurgency operation.

In the letter, Trump also said those in Myanmar responsible for instigating the crisis must be held accountable, said Karim.

Khaleda Zia's sentence a 'political ploy': Lord Carlile

Al Jazeera

By David Bergman

May 5, 2018

The jailing of the leader of Bangladesh's main opposition party, currently serving a five-year sentence for fraud, is a "political" ploy without adequate evidence to justify prosecution, a senior UK lawyer has said.

Lord Alex Carlile QC, a member of the legal team of Khaleda Zia, chairperson of the Bangladesh Nationalist Party (BNP), says he had "not seen any evidence whatsoever that could justify prosecuting Begum Khaleda Zia, let alone convicting her" following a review of all the "relevant" documents.

"I have seen absolutely nothing to suggest that this client has been involved in any fraud," Lord Carlile told Al Jazeera.

"There is going to be an election at the end of year. It seems plain to me given that there is no evidence against her, there must be a reason for her to be arrested in this way and the only one that could be produced, beyond there having been a rather major and inexplicable mistake, is that the government doesn't want her to be campaigning during the election."

Zia, who served two terms as prime minister from 1991-96 and again from 2001-2006, was sentenced on February 8 to five years' imprisonment over her alleged embezzlement of funds meant for the Zia Orphanage Trust.

The court also convicted Tarique Rahman - Zia's elder son - and four others of corruption, sentencing each to 10 years in jail.

The six were accused of embezzling over Tk 21 million (\$252,000) of a donation to the trust.

The BNP has said its participation in Bangladesh's upcoming elections, scheduled to be held in December, is reliant on the provision of a free and fair vote and Zia's release.

Anisul Huq, Bangladesh's law minister, refused to comment on Carlile's allegations.

"I will not respond to that. It is a judgment of the court," Huq said in response to an Al Jazeera request for a government response.

Huq has previously criticized the BNP for hiring Carlile, saying it was "sad" the opposition party had hired him as he "had given negative statements regarding our International Crimes Tribunal" and "provided legal aid to Jamaat-e-Islami party leaders".

Bangladesh's War Crime Tribunal, which was set up to punish those accused of committing atrocities during the country's 1971 liberation war, has handed out capital punishments to a number of senior leaders of Jamaat-e-Islami and the BNP.

Carlile, however, has denied representing Jamaat-e-Islami, an ally of the BNP, and said it was "slander" to suggest he had.

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War Crimes Investigation in Burma

U.N. could help Myanmar gather evidence of crimes against Rohingya

Reuters

By Michelle Nichols

May 1, 2018

Britain's U.N. envoy on Tuesday suggested the U.N. Security Council could consider helping Myanmar collect evidence of crimes committed during a military crackdown of the Rohingya people, denounced by the world body as ethnic cleansing after most recent bout of persecution of the Muslim minority last year.

"What we've got to do on the council is to think how best to turn that into something operational, so that the evidence gets collected and given either to the Burmese authorities or to some sort of international mechanism," Britain's U.N. Ambassador Karen Pierce told Reuters, as the Security Council wrapped up a four-day visit to Bangladesh and Myanmar on Tuesday.

Britain's Pierce told reporters that an investigation needs evidentiary standards to achieve accountability.

"There are two ways of doing that basically, one is an International Criminal Court referral, the second would be the Burmese government do that themselves," Pierce said.

The Myanmar mission to the United Nations did not immediately respond to a request for comment on Pierce's suggestion.

Myanmar's de facto leader Aung San Suu Kyi pledged investigations if credible evidence was provided and military chief Min Aung Hlaing vowed "harsh action" over sexual violence during separate meetings with Security Council envoys in the country's capital Naypyitaw on Monday, diplomats said.

But Suu Kyi's civilian government has little control over the Myanmar military.

Members of the U.N. Security Council traveled to Myanmar's Rakhine state, where the United Nations and rights groups say nearly 700,000 Rohingya have fled to Bangladesh since August.

Fleeing refugees have reported killings, rapes and arson. Rohingya insurgent attacks on Rakhine security posts led to the military operation that Myanmar deemed a legitimate response.

In Rakhine, data from the U.N. Operational Satellite Applications Programme (UNOSAT) has shown hundreds of villages once inhabited by the Rohingya have now been burned down. Many such villages could be seen from the Myanmar military helicopters that carried the U.N. envoys to northern Rakhine.

Security Council envoys were shown a reception center Myanmar has built for repatriating Rohingya, aiming to accept a total of 150 people a day, and a transit camp that can house 30,000 returnees. The envoys passed two bulldozed villages near the camp.

INVESTIGATIONS AND OPTIONS

Last November, the Myanmar's military released a report denying all accusations of rape and killings by security forces.

But the U.S. government is conducting an intensive examination of allegations of atrocities against the Rohingya that could be used to prosecute Myanmar's military officials for crimes against humanity, U.S. officials have told Reuters.

Meanwhile the prosecutor of the International Criminal Court (ICC) has asked it to rule on whether it has jurisdiction over the deportations of Rohingyas to Bangladesh, a possible crime against humanity, but Suu Kyi's government has expressed "serious concern" over the move.

Bangladesh is a member of the ICC but Myanmar is not, so if the the ICC rules that it does not have jurisdiction, the U.N. Security Council could then choose to refer the situation in Myanmar to the court.

In December, U.S. Ambassador to the United Nations Nikki Haley said Myanmar must allow an "independent, transparent and credible investigation into what has happened."

One way the Security Council could help Myanmar could be to mandate a U.N. investigative team to collect, preserve and store evidence, just as it did in Iraq last year when it investigated acts by Islamic State that may be war crimes.

The United Nations General Assembly could alternatively create an international inquiry into the most serious crimes committed against the Rohingya, similar to what the U.N. has done in Syria.

Russia's deputy U.N. Ambassador Dmitry Polyanskiy was wary of Security Council involvement though because Myanmar said it was willing to tackle the issue. Any Council resolution would need nine votes in favor and no vetoes by either Russia or China, an ally of Myanmar.

Myanmar army targets Christian Kachin people in north

Anadolu Agency

By Dildar Baykan

May 3, 2018

The Myanmar army which has been in the limelight for atrocities against Rohingya Muslims is now targeting Kachin people in the country's north.

Clashes between rebels and the army initially broke out in 2011 in Kachin State after 17 years of cease-fire. The violence in Myanmar is escalating, paving way for a new crisis and a possible ethnic cleansing wave.

According to the UN, more than 5,000 civilians were displaced from villages near the Chinese border in the last three weeks as a result of clashes between the Myanmar army and Kachin Independence Army (KIA).

The displaced Kachins are mostly piled up at the China border while more than 2,000 are stranded in the forests.

A food convoy of the Myanmar Red Cross was reportedly prevented from entering a Kachin village last week, said the UN.

Kachin Alliance president Gum San Nsang told Anadolu Agency the community was promised the right to self-determination and an autonomous state.

He said after independence the state managed its own affairs with minimum involvement by the central government.

'Pushing Buddhism to center stage'

However, in the years following independence "successive Burmese governments began to infringe" on the state's right and "push Buddhism into the Nation's center stage", he added.

Christianity is the dominant religion in the Kachin people.

"On Feb. 5, 1961, Kachin launched [an] independence movement to succeed from the Union," said Nsang.

In 1962, after Gen. Ne Win staged a coup and began dismantling ethnic regiments, Nsang said, the government began a drawdown of ethnic composition in the armed forces.

At present the Myanmar army has hardly any Kachin its ranks, he said, from a more-than-15-percent representation in 1948, when the country got its independence from the British.

He urged international bodies such as the UN and International Criminal Court to address war crimes in Myanmar.

"Government of Burma [Myanmar] is unable to enforce rule of law against perpetrators of war crimes and crimes against humanity. They must be referred to The Hague, International Criminal Court.

"Regional peacekeeping forces should be dispatched to reposition troops from both sides and UNSC [Security Council] member states should mediate [the] peace process with binding resolution on humanitarian grounds. devolution of central government's power, redrawing of ethnic states, and re-defining of ethnic composition in Union Army," Nsang said.

Chinese interests

Arakan Rohingya Union's member Ibrahim Ali in Yangon city said the Chinese stake lies at the heart of the conflict in Kachin.

He noted that mining is big business in the state with diamond, ruby, jade, gold, silver and uranium reserves.

Stressing the Kachin state has industrial tree plantations, Ali said: "...the Chinese companies are smuggling from the region. Most of the Chinese companies are doing business with Myanmar army to get resources....

"At the same time Chinese government is very close to Myanmar government and they supply KIA to fight the Myanmar army."

The conflict, he said, benefit Chinese interests in the region.

The Myanmar army burns villages, kills and rapes Kachin women, Ali said.

Kachins' Joint Working Group head Gum Sha Awng said clashes in the region intensified in the last few days.

"We are concerned for the safety of the Kachin civilians. We are especially concerned for those who escaped clashes and are trapped in the forests."

He called for immediate humanitarian aid for those displaced within the country and placed in either camps or forced to remain in clash regions.

Hkanhpa Sadan, the general secretary of Kachin National Council said: "The people who are trapped, since April 11, include pregnant women, breastfeeding mothers, sick people, old people, children under five, newborns, paralyzed and disabled people, mothers who have just given birth and injured people. We are gravely concerned for the safety and welfare of these people."

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Israel and Palestine

**3 Palestinians Killed, Dozens Wounded in Latest Violence at Israeli Border Fence
Time**

By Fares Akram
April 27, 2018

Hundreds of Palestinians converged on the Gaza Strip's border fence with Israel on Friday, trying to rip through it before drawing heavy Israeli fire in one of the most violent incidents yet in five weeks of protests. Three Palestinians were killed and dozens were reported wounded.

The violence came shortly after a top U.N. official urged Israel to refrain from using excessive force against the protesters.

At least 38 protesters have been killed by Israeli live fire and more than 1,600 wounded in the weekly protests since they began March 30. Israel has rejected the international criticism, saying it is defending its sovereign border and accusing Gaza's Hamas leaders, who are organizing the protests, of using the crowds as cover to carry out attacks.

In Friday's unrest, a large crowd gathered a few hundred meters (yards) from the border, with some throwing stones and setting tires on fire in what has become a weekly occurrence.

Late in the afternoon, dozens of young men broke away from the larger protest, moving south about 200 meters (yards) and approaching the fence. The crowd then tried to break through the fence with hooks and wire cutters when Israeli forces opened fire. Witnesses said three protesters briefly crossed into Israel and turned around.

Hundreds of additional protesters ran to the scene, and the numbers quickly grew to several thousand. Israeli armored vehicles sped to the site and fired barrages of tear gas. As gunfire erupted, the crowd dispersed. A dozen Palestinian ambulances jammed a dirt road lining up to evacuate the wounded. Some in the crowd shouted "shahid," or "martyr" as bodies were taken away on stretchers.

Palestinian health officials reported three people killed and 611 wounded, including 138 hit by live fire in incidents along the border throughout the day.

In a statement, the Israeli military said it had "thwarted" an attempted infiltration by Palestinian protesters.

It said "hundreds of rioters" tried to burn the fence and enter the Israel. It said the crowd threw explosives, firebombs and rocks, and that troops opened fire "in accordance with the rules of engagement" and halted the crowd. It released a video showing a young Palestinian man placing a burning tire along the fence in an apparent attempt to set it on fire. In another, a small group lobbed stones at an Israeli military vehicle on the other side of the fence.

In other incidents, the military said Palestinian crowds rolled burning tires, hurled rocks and flew kites with flaming objects attached with the goal of damaging the fence and other Israeli targets. It also released a photo appearing to show a group of youths tugging at barbed wire along the fence.

The marches, aimed in part at trying to break a decade-old border blockade, have been organized by Gaza's militant Hamas rulers but have also been driven by widespread despair in the coastal territory of 2 million people.

Gaza organizers say the marches are also pressing for the "right of return" of refugees and their descendants to what is now Israel. Two-thirds of Gaza residents are descendants of refugees who fled or were expelled from properties during the war surrounding Israel's creation in 1948. The protests are to culminate on May 15, the anniversary of Israel's creation. Hamas organizers have made conflicting statements about whether they plan a mass border breach at some point.

Hamas' supreme leader, Ismail Haniyeh, visited a protest camp in the southern town of Rafah, vowing larger protests in Gaza, the West Bank, Israel and among Palestinian refugees in other countries on May 15. "Our people will not slow down the protests until they get their rights," he said.

The Israeli military has repeatedly said it will not allow Gazans to burst across the border. Israeli communities are located just a few hundred meters away.

However, Israel has come under heavy international criticism for allegedly using excessive force.

Zeid Ra'ad Al Hussein, the U.N. high commissioner for human rights, said Israeli troops have not heeded warnings by the United Nations and others, repeatedly using lethal force against unarmed protesters in the past month.

Gaza health officials say that four minors, including a 14-year-old boy, have been among the dead.

"The loss of life is deplorable, and the staggering number of injuries caused by live ammunition only confirms the sense that excessive force has been used against demonstrators — not once, not twice, but repeatedly," the commissioner said.

Israel's U.N. ambassador, Danny Danon, said Israel is "diligently defending its sovereignty" and accused Zeid of encouraging Hamas' "exploitation of civilians." He said the commissioner is "not focused on human rights, but only with obsessively criticizing Israel."

Thousands have taken part in the Friday demonstrations from five protest tent camps, each set up several hundred meters (yards) from the border fence. Small groups usually move toward the fence, setting tires ablaze to hamper the vision of the security forces while others throw stones or firebombs.

Israeli soldiers, including snipers taking cover behind sand berms, have responded by firing tear gas, rubber-coated steel pellets and live rounds.

Israel's military has said troops are under orders to target "instigators," but has also warned that anyone approaching or trying to damage the fence risks his life.

Rights groups have said such open-fire rules are unlawful because they allow soldiers to use potentially lethal force in situations where their lives are not in danger.

Israeli officials have said that some of the protesters in recent weeks tried to damage the border fence or plant explosives along it. Others have tried to set Israeli fields on fire on the other side of the fence by hurling improvised explosives or firebombs, or flying the flaming kites.

A group of Palestinian activists calling themselves "the tires unit" arrived Friday on a truck laden with old tires. A van mounted with loudspeakers followed the truck with chants and applause. Tires were set ablaze, filling the air with thick smoke. With hooks and a long rope, the activists pulled at parts of the barbed wire adjacent to the fence.

Israel and Egypt imposed the Gaza blockade in 2007, in response to a violent takeover of the territory by Hamas, which had won Palestinian parliament elections a year earlier. The blockade has gutted Gaza's economy, driving up unemployment and leaving two-thirds of young people without jobs.

Hamas' Interior Ministry announced that Egypt had agreed to open the Rafah border crossing for three days, beginning Saturday. The temporary opening is the second this month.

Palestinian protesters are being shot in their legs by Israeli soldiers, and some face amputation **Chicago Tribune**

By Erin Cunningham and Hazem Balousha
April 28, 2018

Mohammad al-Ajouri is a lanky teenager who loves to run, a medal-winning track star with ambitions to compete abroad.

But last month, while participating in a protest along Gaza's border, he was struck by a bullet fired by an Israeli soldier. It penetrated his calf, shattering his leg before exiting the shin. Doctors tried to save the limb, but an infection soon spread. The leg had to be amputated.

During the past month of demonstrations along the border between Gaza and Israel, at least 17 Palestinians have suffered gunshot wounds that ultimately cost them their legs, according to the Palestinian Health Ministry in Gaza.

In at least three of the cases, Israeli authorities rejected the transfer of wounded Gazans to the West Bank, where they could receive medical care that might have saved their limbs, according to lawyers and one of the patients' families.

Since the protests began, Israeli troops have killed 43 Palestinians and wounded more than 3,500 with live ammunition, rubber bullets or shrapnel, the Health Ministry said. Of those, about 2,200 have suffered injuries to the legs.

Israeli officials say the protests along the border fence are violent and provide cover for militant attacks. Israeli media report that troops have been ordered to initially fire warning shots at demonstrators, after which they should target protesters' legs.

"IDF troops act according to clear rules of engagement that are tailored to the scenarios they are contending with," a spokesman for the Israel Defense Forces said. The spokesman declined to detail those rules but said live fire is a last resort.

The United Nations, however, says Israel is engaged in an "excessive use of force," and human rights groups point to cases where soldiers have fired at unarmed protesters or at those who didn't pose an immediate threat.

"The deployment of snipers, careful planning and significant number of injuries to the lower limbs does reflect an apparent

policy to target [those] limbs," said Omar Shakir, Israel-Palestine director at Human Rights Watch in New York. But targeting protesters' legs "does not make the policy any less illegal," he said. "The use of live ammunition to any part of the body invariably causes serious injury and even death."

Doctors in Gaza are often unable to deal with such traumatic injuries, medical groups say, because hospitals there are overwhelmed and understaffed.

"Even at the most advanced hospital in Gaza, it felt like the 1970s," said Salah Haj Yahia, mobile clinic director for Physicians for Human Rights in Israel. He recently visited Gaza as part of a medical delegation. "If things remain this way, most gunshot casualties will have to undergo amputation," he said in an email.

Some of the amputations were carried out immediately after victims were shot because of the severity of the injuries, doctors said. In other cases, victims were stabilized but needed treatment outside Gaza if the limbs were to be saved.

Israeli authorities, which tightly restrict the movement of people in and out of the strip on security grounds, rejected the patients' medical evacuation across Israeli territory to the West Bank.

"It was decided that any request for medical treatment by a terrorist or a rioter who took part in violent events would be denied," a spokesman for the Coordinator of Government Activities in the Territories, an Israeli Defense Ministry agency that oversees policy involving Gaza, said in an emailed statement.

"However, exceptional humanitarian cases are examined on the basis of an assessment of the security situation and at the discretion of the commander of the area," the statement added.

For some youths like Ajouri, the weekly protests were a welcome distraction, an escape from daily life in the Gaza Strip, where jobs and hope are both rare.

The soft-spoken 17-year-old said he was injured at a March 30 protest after he had turned to leave. The bullet tore through his right leg, which was subsequently amputated above the knee.

He still smiles, his eyes crinkling, when he recalls the medals he'd won for the 400-meter dash. "I'm fast, and I love running," he said from his bed in a sparse room in Jabalya's refugee camp, as friends and family held vigil. "My hope was to travel to the West Bank and to compete in international games. "

Alaa al-Daly, 21, was also an aspiring athlete who had hoped to break free from life in Gaza. As a cyclist, he was training for this year's Asian Games.

On March 30, he participated in a protest near Rafah, in the southern Gaza Strip. Daly said he had cycled to the border with friends, who had assured him that the demonstration would be peaceful. At one point, after gunfire had erupted, he rushed to help another wounded demonstrator. That, he said, was when the bullet ripped through his knee.

"I saw my leg, and my dreams vanished," Daly said, as he stared at the ceiling of a hospital room in Gaza City. A single bullet had caused devastating damage. "I said to myself: This wasn't a bullet. This was like a mini-grenade."

Doctors performed multiple surgeries to repair his blood vessels and restore blood flow to the limb. After five operations, they amputated his right leg.

According to rights groups and health experts, the damage to protesters' limbs has been unusually severe. Doctors Without Borders, based in Paris, has recorded "an extreme level of destruction to bones and soft tissue, and large exit wounds that can be the size of a fist."

Human Rights Watch says it is reviewing evidence that bullets fired by Israeli forces have caused "significant bodily injury," including "the shattering of bones. . . and severing of veins and arteries."

Asked about the type of ammunition used, an Israeli military spokesman said, "In the context of the violent riots in Gaza, the IDF employs only standard weapons and ammunition that are lawful under international law."

Israel says its armed response has been appropriate for the threat posed by Palestinians. Israeli officials accuse the Palestinian militant group Hamas, which controls Gaza, of using civilian demonstrators as cover to "terrorize Israel."

Hamas are "cowardly leaders who are hiding behind women and children and sending them forward as human shields," Israeli Defense Minister Avigdor Liberman wrote on Twitter. "So that they can continue to . . . carry out terrorist actions against the State of Israel."

Protesters have burned tires, thrown rocks and flown kites carrying molotov cocktails over the fence.

Amputees in Gaza have few rehabilitation options. There are no doctors who can perform surgery to modify amputees' stumps to accommodate artificial limbs, according to Physicians for Human Rights in Israel.

And at the Artificial Limbs and Polio Center in Gaza City, the only facility in Gaza that manufactures prostheses, technicians say they face crippling shortages of raw materials. An inadequate power supply also hampers production, leaving many who need limbs without them.

"Because we are operating with limited tools, we have to be creative with how we fix the prosthetic limbs," said Abdel Karim al-Sabea, a technician at the center, which is supported by the International Committee of the Red Cross. "It's only with luck that we end up with the materials we need."

Youssef al-Kronz, 19, was shot in both legs at the March 30 protest. His left leg was amputated as he awaited Israeli permission to travel for treatment in the West Bank, and doctors warned he risked losing his remaining leg.

In an April 16 ruling, the Israeli Supreme Court said Kronz posed no threat and allowed him to cross to the West Bank, where he is now in a hospital. The ruling applied only to Kronz.

Kronz keeps his thick dark hair in a pompadour and has deep-set eyes that turn down in pain. He says he wants to travel to Turkey or Germany to be fitted for a prosthetic leg. Although medical care in the West Bank is better than in Gaza, the cost of a prosthetic limb is beyond the means of his family, and he hopes a foreign country would provide him with one.

At the moment, however, the top worry is his right leg.

"Our main concern now is treating his remaining leg so that he can hold up the rest of his body," said his father, Iyad al-Kronz, clutching his son's medical records.

Iyad was unable to accompany his son to the West Bank, instead remaining behind at their home in the Bureij refugee camp, a shantytown of dirt lanes and homes made of corrugated sheet metal.

"We cannot afford an artificial limb on our own," he said. "He needs at least one leg to survive."

Targeted Killing of Journalists Exposes Israeli Brutality in Gaza **The Palestine Chronicle**

By Iqbal Jassat
May 8, 2018

Unprecedented yet daring, bold and creative, the Great March of Return has completed a sixth-consecutive week of protests.

Waves upon waves of Palestinians of all political persuasions and age groups have linked up in a determined effort to defy Israel's illegal ban on their right to return.

Palestinian refugees who were forcefully dispossessed of their lands and properties and who were dispersed across different parts of the Arab world, know that their right to return to their pre-1948 homes is guaranteed under international law.

The ingenious creativity thus associated with the protests along Gaza's colonial border with the occupying regime, has not only drawn global attention to Israel's suffocating siege but also exposed Netanyahu's rightwing army as a ruthless killer force.

That the apartheid juggernaut has not spared any of the protesters, indiscriminately killing young and old, male and female, and injuring thousands more through the use of fatal live ammunition, is well known. What is less known is the targeting of journalists.

Much to Israel's disdain, a number of media organizations, have been cataloging names and associated details of journalists killed or injured by its army of killers. One such group which monitors abuse of media practitioners is the Committee for Protection of Journalists, CPJ.

It claims that at least five Palestinian journalists were injured on May 4, 2018, covering protests in the Gaza Strip, as the Israel Defense Forces used tear gas and fired live rounds to disperse demonstrators, according to news reports, social media posts by local journalists, and two local reporters — Moneeb Saada and Saud Abu Ramadan — with whom CPJ spoke.

In a recent update, CPJ provided details of journalists:

Sami Musram, a cameraperson for the Hamas-affiliated al-Aqsa TV, was injured by a rubber bullet that grazed his left shoulder while he was covering protests east of al-Bureij, according to news reports, pictures shared on social media, and local journalists Hussein Abu Khreis and Ramadan. Musram received treatment at an on-site ambulance, according to the news reports.

Hamza al-Shami, a freelance photographer, was hit by a gas canister in the shoulder and then inhaled tear gas causing him to faint while covering the protests east of Khan Younis, according to news reports, footage posted on social media, and al-Shami. The journalist received on-site treatment for his injuries, according to the news reports.

Suleiman Abu Zarifa, a freelance photographer, was hit by a gas canister in his foot while covering the protests east of Khan Younis, according to news reports and local journalist Saada. The journalist received on-site treatment for his injuries, according to the news reports.

Mohammed Abu Qadoos, a cameraperson for the Hamas-affiliated local news agency Siraj Media Network, was hit in the head by a gas canister while covering protests east of Gaza City, according to his employer, news reports, and local journalist Saud Abu Ramadan. Qadoos was taken to a local hospital where he received treatment for his injuries, according to the news reports.

Abd al-Rahim al-Khatib, a freelance photographer, inhaled tear gas while covering the protests east of Khan Younis, according to news reports and Saada. The journalist received on-site treatment for his injuries, according to the news reports.

Since the protests began on March 30, 2018, CPJ has documented at least 14 journalists hit by live rounds fired by Israel Defense Forces two of whom— Yaser Murtaja and Ahmed Abu Hussein—later died from their injuries.

These shocking facts lift the veil on Israel's attempt to conceal its outrageous targeted attacks on journalists. The Netanyahu regime's strategy is to maintain at any cost a narrative dictated by its war-cabinet. This is structured on false claims that protesters and journalists are engaged in the war thus allowing the Zionist regime to retaliate without any moral or legal obligation to abide by international conventions.

Reports by CPJ and other media watchdogs have blown Israel's tactics. Coverage of the Great March of Return by courageous journalists will intensify as the ground-breaking protests lead up to the seventh consecutive week. That these reports have shattered Israel's image as a "democracy abiding by civilized values", cannot be disputed.

Indeed, documented accounts of equally ruthless attacks by Netanyahu's thugs on Palestinian medical facilities which are dotted around the protest sites, have also ensured that social media is ablaze with shock and disbelief. Heartbreaking details which accompany images of victims gunned down in targeted killings, have robbed Israel of its squeaky clean image.

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AMERICAS

South America

He was linked to war crimes. Now he's Colombia's ambassador in Seoul.

The Washington Post

By Adam Taylor

April 26, 2018

Last week, South Korean President Moon Jae-in received the credentials of six new foreign ambassadors. Among them was the new Colombian ambassador to South Korea, Juan Pablo Rodríguez Barragán.

Rodríguez isn't a career diplomat, but he has a lengthy resume. He had 41 years of active military service, eventually becoming commander of the Colombian Military Forces until he resigned in 2017. But what really makes him stand out is another detail:

He faces allegations of participating in war crimes and supporting cyberespionage against human-rights activists.

Many low- and mid-level military figures have faced prosecution for their role in false positives, but senior officers like Rodríguez have escaped legal repercussions. A pending criminal investigation against the former general has stalled. But there is evidence that Rodríguez was still deeply concerned about the accusations against him.

Earlier this month, the Colombian magazine *Semana* published a story alleging that Rodríguez sought advice from his cyberintelligence expert on how to conduct electronic surveillance on Vivanco in 2017. In their report, *Semana* recounted testimony from an official that suggested Rodríguez was concerned about tweets from Vivanco about false positives and the International Criminal Court, and asked whether the military would be able to "counterattack" and use a surveillance device called a WiFi Pineapple to monitor the activist's Internet activity.

Rodríguez stepped down as commander of the Colombian Military Forces in 2017, just three years after he had taken the position. The move was unexpected: According to a report from McClatchy, it came shortly after the U.S. government began reviewing his visa rights.

Vivanco told McClatchy that Rodríguez's retirement might "send a strong message that [the army has] closed the dark chapter of 'false positives.'" But then Rodríguez was sent to represent Colombia in Seoul. Vivanco said this week that Rodríguez's appointment as ambassador showed the Colombian government was sending a "disturbing message: that it's willing to back senior officers against whom there are serious allegations of involvement in the 'false positive' coldblooded executions."

Neither the South Korean nor Colombian embassies in Washington responded to inquiries about Rodríguez from *The Washington Post*.

Top diplomatic positions for other countries have gone to those accused of complicity in war crimes before. Jagath Jayasuriya, a retired Sri Lankan army general accused of complicity in violence against civilians during the last part of Sri Lanka's civil war, was appointed ambassador to Brazil and five other Latin American countries in June 2014.

Kate Cronin-Furman, a researcher at Harvard's Belfer Center who has studied Sri Lankan war crimes, said it was widely suspected that Jayasuriya and other senior Sri Lankan military commanders with no diplomatic experience were nominated to ambassador posts in a bid to provide them diplomatic immunity.

This diplomatic immunity would only be valid in the host country and wouldn't affect the jurisdiction of the International Criminal Court, which says that such immunities "shall not bar the Court from exercising its jurisdiction over such a person." However, Cronin-Furman said there appeared to be a hope that "third-party states would defer to their ambassadorial status and refrain from commencing universal jurisdiction prosecutions."

That principle wasn't tested in Jayasuriya's case: After human rights groups filed lawsuits against him in Brazil and Colombia last year, he left his position and returned to Sri Lanka, where the government has since refused to prosecute him.

But could a standoff between the International Criminal Court, South Korea and Colombia come to pass? Right now, it's not clear. But Vivanco said Colombia should complete the criminal investigation against Rodríguez to avoid any problems.

"The Attorney General's Office should promptly revive the stalled prosecution against him," Vivanco said. "It could otherwise risk exposing Colombia to an investigation by the International Criminal Court, which is closely monitoring proceedings in these cases and could open an investigation if national authorities are unwilling or unable to investigate and prosecute top commanders allegedly involved in these heinous atrocities."

Luis García Meza, Bolivian Dictator Jailed for Genocide, Dies at 88 **The New York Times**

By Sam Roberts
May 2, 2018

Gen. Luis García Meza, a former Bolivian dictator who was convicted of genocide after leading a brief but brutal rule that had been engineered by cocaine cartels and a Nazi war criminal, died on Sunday in La Paz. He was 88.

He died at the Cossmil military hospital, where he was serving the remainder of his 30-year prison term, a hospital spokesman told *The Associated Press*.

General García Meza was installed as president in July 1980 after a military junta toppled President Lidia Gueiler, who had been steering Bolivia to democracy after 16 years of dictatorship. They were cousins.

Fiercely conservative and anti-Communist, he seized control in what became known as the "cocaine coup" to keep Hernan Siles Zuazo, who was elected president that June, from taking office.

The military massacred leaders of the Movement of the Revolutionary Left and other opponents. Within a month, hundreds of other Bolivians had been arrested and tortured.

"He doesn't think he is primarily the president of Bolivia," Fernando Bedoya Ballivián, the head of the Banco de Bolivia and a longtime friend, said of the general at the time. "He feels he represents the army, and the army is fighting to the death against communism."

The United States Drug Enforcement Administration said that the general had used millions of dollars he received from cocaine cartels to buy the allegiance of Bolivian army commanders and to forestall an antidrug operation initiated by Washington.

He presided for 13 murderous months. In August 1981, in the face of outcries at home and abroad about corruption, cruelty and economic catastrophe, he resigned. The military installed a less odious successor, Celso Torrelio Villa.

"García Meza and his generals made Bolivia the world's pariah," the journalist Elaine Shannon later wrote.

Mr. Siles Zuazo, who had been prevented from taking office in 1980, returned from exile in Peru when the Bolivian Congress, meeting for the first time after more than two years of military dictatorship, elected him president of a civilian government in 1982.

Nationwide democratic elections were held in the mid-1980s, but pretrial investigations and hearings into the charges against General García Meza took a decade.

He was accused not only of collusion with cocaine traffickers but also of collaborating in his coup with Klaus Barbie, the Nazi "butcher of Lyon," who had been living in Bolivia under an alias and was extradited to France in 1983.

In 1993, General García Meza was finally convicted in absentia of genocide, sedition, corruption and other crimes, including the illegal sale of diaries belonging to the leftist Cuban guerrilla leader Che Guevara, who had been captured and killed in Bolivia in 1967.

After hiding for years, General García Meza was arrested and extradited to Bolivia from Brazil in 1995 and began serving the maximum 30-year prison term.

"To the best of our knowledge," Human Rights Watch said at the time, "the conviction marks the first time in Latin American legal history that members of a de facto military government have been held to account for usurping power and violating constitutional norms."

When he died, the general had seven years left to serve.

Last year, a court in Rome convicted him of the deaths of 23 Italians during his crackdown on dissidents.

Luis García Meza Tejada was born on Aug. 8, 1929 (although he once gave his birth year as 1932), in La Paz, the capital of Bolivia. His father was an army colonel.

Luis, known by the nickname Lucho, was educated at La Salle, a Christian school, and graduated from the Military College, which he later ran.

He was once suspended from the army for cruelty to cadets, but he went on to serve as the army commander.

When he staged the coup, he was 50, with a wife, a daughter and four sons. In a letter read by his lawyer after his death, he largely blamed Bolivia's previous dictator, Hugo Banzer Suárez, for the coup.

"I did not kill or rob," he wrote.

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TOPICS

class="sectionhead">Truth and Reconciliation Commission

'Learning how to be good allies': B.C. group focuses on restoring relationships as path to reconciliation **MSN**

By Linda Givetash
April 28, 2018

As Canada grapples with how to achieve reconciliation with Indigenous people, a group in British Columbia has come together to figure out how to restore relations person-to-person.

About a dozen people meet once every three weeks at Kristi Lind's house in the small community of Naramata south of Kelowna to discuss how to build relationships, fight racism and support local Indigenous communities.

"We are learning how to be good allies and to stand side by side," Lind said.

Lind has an interest in social justice and read the Truth and Reconciliation Commission's report after hearing a call on the radio for all Canadians to do so. Not wanting to read it alone, she reached out through the local library for others to join her.

The Naramata Truth and Reconciliation Group formed and has progressed from reading the report to discussing a range of issues including privilege, trauma and what it means to be an ally.

A major benefit to the group has been the involvement of an Indigenous voice, Lind said.

Anni Phillips, who grew up in Saskatchewan, is of Cree and Scottish descent.

Growing up, I hid my identity in order to basically survive in this world because it was so bad to be an Indian. - Anni Phillips

One of the group's first activities was to unpack their personal ancestry, and Phillips said it became clear that her upbringing was very different from the experiences of the predominately white and middle-class group.

Phillips said her mother, who is Indigenous, left her family when she was under the age of five. She then lived with her father's non-Indigenous family for several years before moving in with her father and his partner's family, who are Cree, she said.

"I lived in both worlds," said Phillips, who testified about her experience at hearings held by the National Inquiry into Missing and Murdered Indigenous Women and Girls.

While it was "stressful" to share her past with the group in Naramata, it was also a learning experience, she said.

"Growing up, I hid my identity in order to basically survive in this world because it was so bad to be an Indian."

Phillips credits the Truth and Reconciliation Commission for changing her awareness.

"I started to understand more of my upbringing, and hiding my identity, why I did that, why I felt so much shame about who I was," she added.

Phillips said for her, reconciliation has come to mean self-healing, rebuilding relationships with family and educating the broader community about the truth of what has happened to Indigenous people.

Lind said for the group, reconciliation is about listening and forming relationships with local First Nation communities.

Members of the group attend events or rallies hosted by First Nations and participated in an anti-racism march in the village, she said. They have also inspired two other groups to form in the Okanagan.

Ry Moran, director of the National Centre for Truth and Reconciliation at the University of Manitoba, said Canadians can feel overwhelmed about where to begin with reconciliation but there are many simple ways to engage in Indigenous issues, from reading books to watching films.

Throughout history, Moran said Canadians haven't sought the perspectives and ideas of Indigenous people, but that is slowly changing.

While change can feel destabilizing and discussions around race and equality are difficult, Moran said it's important they take place.

"It's so powerful when we begin to listen to voices we have not been hearing in society, the voices of the people who are bearing the brunt of the unequal or unethical or unjust ways that our society is functioning."

Ahmed Timol's legal teams asks South Africans to help expose truth of 8 other apartheid-era deaths

Polity

May 7, 2018

After successfully disproving the apartheid police's claim that struggle activist Ahmed Timol committed suicide, key role-players are now looking to uncover what happened in eight other unsolved cases.

The team of investigators, lawyers and human rights advocates behind last year's reopening of the 46-year-old inquest into Timol's murder in police custody is appealing to South Africans for information relating to eight more deaths.

The eight cases under scrutiny are the alleged "suicides" in police custody of Neil Aggett, Hoosen Haffejee and Babla Saloojee; the alleged "accidental" death of Matthews Mabelane; the alleged "natural" deaths of Nicodemus Kgoathe, Solomon Modipane and Jacob Monnakgotla; and the disappearance and murder of Nokuthula Simelane following her abduction by the Security Branch in 1983.

According to the Foundation for Human Rights, nobody applied for amnesty from the Truth and Reconciliation Commission (TRC) in connection with their deaths.

"In its final report, the TRC recommended these and other cases be investigated for purposes of prosecution, but nearly 20 years later, scant progress has been made."

After years of campaigning by the Timol family, the inquest into the death of Ahmed Timol was re-opened last year. The inquest ruled that his cause of death should be changed from suicide to murder at the hands of police.

The team that supported the Timol family - including representatives of the Foundation for Human Rights, Legal Resources Centre, Khulumani Support Group and law firm Webber Wentzel, detective Frank Dutton, advocate Howard Varney, and the nephew of the late Ahmed Timol, Imtiaz Cajee - are heading up the fight to reveal more apartheid police cover-ups.

The foundation said that former TRC spokesperson Archbishop Emeritus Desmond Tutu gave his blessing for the investigations to go ahead, saying families of the victims had waited far too long for justice.

"Information leading to the resolution of these cases will bring closure and healing, not only to these families, but also to the nation. It will contribute to developing a caring and compassionate society, besides preserving the memory and dignity of those who laid down their lives for our democracy," Tutu said.

Yasmin Sooka, director of the Foundation for Human Rights and a former TRC commissioner, commended the South African media for its coverage of the reopened Timol inquest.

A key witness was discovered as a consequence of the coverage, she said.

She appealed directly to former security policemen to break ranks with their "apartheid masters, who can no longer afford them protection".

Sooka also called on others who may have information - from members of other branches of the police to cleaners, health and auxiliary workers - "to come forward so that justice may finally be done".

The OMA and my cloak of racism

The Star

By Nel Wieman

May 7, 2018

On April 28, the Ontario Medical Association's governing council defeated a motion (105-65) that it open its meetings with a "traditional territorial statement to recognize Indigenous people in Canada as traditional stewards of the land, and to show respect for Indigenous people and culture."

On Tuesday, after an outcry, OMA President Dr. Nadia Alam released an "apology."

I expressed my dismay on social media at both the OMA's defeat of the motion and the inadequate non-apology.

In short order, I was contacted by two non-Indigenous physician colleagues. The first advised me that Dr. Alam had already apologized twice and implied I should let it go.

This type of silencing is something my colleagues and I, as visible minorities, experience often, as if we don't have a right to express a strong opinion that is contrary to the mainstream.

The second contact was on Twitter, where I experienced another attempt at being silenced when this colleague asked to take our public conversation to private messages. This colleague also insisted that I needed to speak directly at the OMA council, not understanding that this is where we run the risk of "tokenism," and that I cannot presume to represent all Indigenous peoples across Canada.

This is about privilege and racism. I see privilege as a sleek pair of eyeglasses; so lightweight that one almost doesn't notice them while going about one's day. While racism, to me, is like a "cloak" — one I wear every day, and one that, unlike the almost-invisible eyeglasses, is made of thick, itchy wool. I have to wear it even on hot, sunny days, even though I feel uncomfortable in it, with the discomfort varying each day.

In almost 20 years of being a psychiatrist, I've had a few patients grab onto my cloak of racism and cause me pain — they've refused to see me because I'm visibly Indigenous and so, she "can't know what she's doing," and requested a "white doctor" instead.

But mostly it's been physician colleagues who've reminded me of my cloak: the dean who worried if more Indigenous students were admitted to the medical program, "it might lower our academic standards," and another, who, upon reviewing the preamble to an Indigenous initiative that included a discussion of historical events and systemic discrimination, asked, "Do we really need to use the 'R' word?" Racism.

My cloak of racism. In addition to the disdainful, suspicious, or downright contemptuous way we are treated in everyday encounters, Indigenous people only have to click on any story on Facebook or Twitter about Indigenous topics to be hit with hateful, hurtful and vitriolic opinions.

The people who walk in this world wearing the eyeglasses (privilege) have little or no idea what it is to wear the cloak of racism every day, every year, for all of one's life. As a good friend of mine once said, "The difference between the eyeglasses and the cloak is not just in the weight and discomfort, it's about what one permits and the other prevents."

So, to the privileged — those who imply I should accept Dr. Alam's "apology," that it's all done with now — and to those who want me to use my sole voice alone at council — I say: Take this moment of discomfort and ... just sit in it for a while. Perhaps some empathy might come, some increased awareness and knowledge that might lead to true, helpful allyship, where trust can develop, partnerships can be built, cultural safety can be increased, and lasting, significant institutional change can occur.

I agree with my non-Indigenous colleague, a true ally (paraphrased): "This is an inauthentic apology — the OMA is sorry for the hurt they have caused, not for the outrageous vote. The OMA Executive should call an urgent meeting of Council, unconditionally apologize with no excuses or explanations, rescind the motion on record, pass a new motion with the opposite effect, and spend the rest of the day undergoing Indigenous-led cultural competency training, including a review of the Truth and Reconciliation Commission's Calls to Action. Also, cultural safety and humility training be a mandatory condition of eligibility for all future Council members."

I would add only that the OMA should seek guidance and adopt recommendations from Indigenous initiatives and organizations. As we who wear the cloak of racism say, "Nothing about us without us."

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Terrorism

COAS confirms death sentence for 11 terrorists

The Nation

May 6, 2018

Chief of Army Staff Gen Qamar Javed Bajwa on Saturday confirmed death sentence of 11 hardcore terrorists.

Three other convicts have also been awarded imprisonment.

A statement issued by the Inter Services Public Relation (ISPR) said: "These terrorists were involved in heinous offences related to terrorism including attacking armed forces and law enforcement agencies of Pakistan, Malakand University, destruction of various educational institutions and killing of innocent civilians including Imran Khan Mohmind, a Member of Provincial Assembly (KP).

On the whole, they were involved in the killing of 60 persons including 36 civilians, 24 armed forces and Frontier Constabulary personnel and Police officials and injuring 142 others.

Arms and explosives were also recovered from their possession, the ISPR said. These terrorists were tried by special military courts.

These terrorists included Burhan Uddin, son of Umar Daraz; Shaheer Khan, son of Rehman Uddin and Gul Faraz Khan, son of Wasli Khan.

All the convicts were members of proscribed a organization. They were involved in attacking the funeral ceremony of civilian Abdullah at Zargrano Killi, Sher Ghar (Mardan), which resulted in the death of 30 civilians including Imran Khan Mohmind, a Member of Provincial Assembly (KP) and injuries to 100 others. These convicts admitted their offences before the magistrate and the trial court. All convicts were awarded death sentences.

Muhammad Zeb, son of Muhammad Nawab was a member of a proscribed organization. He was involved in attacking armed forces of Pakistan, which resulted in the death of Naib Subedar Muhammad Hanif, Havildar Muhammad Naseer, Havildar Muhammad Qayyum along with two other soldiers and injuries to six others. He was also found in possession of fire-arms and explosives. The convict confessed his offences before the judicial magistrate and the trial court. He was awarded death sentence.

Saleem, son of Abdul Mateen, was a member of proscribed organization. He was involved in the killing of innocent civilians and attacking armed forces/law enforcement agencies, which resulted in the death of three civilians, four soldiers and injuries to 12 others. He was also involved in destruction of Government High School Dherai (Swat). The convict confessed to his offences before the judicial magistrate and the trial court.

Izat Khan, son of Ajib ul Bahar, was a member of a proscribed organization. He was involved in the killing of innocent civilians and attacking armed forces as well as Malakand University, which had resulted in the death of a civilian, four police officials and injuries to seven others. The convict was also involved in destruction of three different educational institutions. Moreover, he was found in possession of fire-arms and explosives. The convict confessed to his offences before the judicial magistrate and the trial court. He was awarded death sentence.

Muhammad Imran, son of Hazrat Umar, was a member of a proscribed organization. He was involved in attacking armed forces, which had resulted in death of Naik Ghulam Hassan, Naik Ifitkhar Ali along with a soldier and injuries to four others. He was also found in possession of fire-arms and explosives. The convict had confessed to his offences before the judicial magistrate and the trial court. He was awarded death sentence.

Yousaf Khan, son of Ahmed Jan was a member of a proscribed organization. He was involved in the killing of an innocent civilian and attacking armed forces, which had resulted in death of two soldiers and injuries to four others. The convict confessed to his offences before the judicial magistrate and the trial court. He was awarded death sentence.

Nadir Khan, son of Amir Rehman, was a member of a proscribed organization. He was involved in attacking armed forces, which had resulted in the death of Havildar Muhammad Ismail along with a soldier. He was also found in possession of fire-arms and explosives. The convict confessed to his offences before the judicial magistrate and the trial court. He was awarded death sentence.

Muhammad Arif Ullah Khan, son of Zareen Gul, was a member of a proscribed organization. He was involved in attacking armed forces, which had resulted in death of two soldiers and injuries to seven others. The convict confessed to his offences before the judicial magistrate and the trial court. He was awarded death sentence.

Bakht Muhammad Khan, son of Ghawas Khan, the convict was a member of a proscribed organization. He was involved in killing of a civilian and attacking armed forces, which had resulted in the death of two soldiers and injuries to two others.

The convict had confessed to his offences before the judicial magistrate and the trial court. He was awarded death sentence.

Protesters Sue Turkey Over Attack by Erdogan's Guards in DC Washingtonian

By Harry Jaffe
May 7, 2018

People beaten by Turkish government security agents in DC last year filed a suit Friday against the Republic of Turkey. The suit, which asks for \$310 million in damages, was filed in US District Court in DC and is a rare civil action against a foreign government. It was brought on behalf of five American citizens and claims Turkey and its agents committed assault, battery, conspiracy, and terrorism. One of the plaintiffs is Lucy Usoyan, who suffered brain damage in the attacks.

The suit arises from protests against Turkish President Recep Tayyip Erdogan last May in Sheridan Circle. Midway through the protests, Turkish security agents, along with Turkish-American citizens, rushed through police lines and assaulted primarily Kurdish protesters. Screaming "Die, Kurds!" they beat and kicked the protesters, including Usoyan.

Video of the attacks enraged members of the House of Representatives, which approved a resolution 397-0 "for perpetrators to be brought to justice and measures to be taken to prevent similar incidents in the future."

Friday's lawsuit relies primarily on the Foreign Sovereign Immunities Act (FSIA), which defines specific violations of US law for which foreign governments can be sued in US courts. "The FSIA is not meant to be a foil to protect rogue countries or the leadership of any state from being sued in US courts," says Andreas Akaras, a litigator with Bregman, Berbert, Schwartz & Gilday, the Bethesda firm that is helping bring the case. Steven Perles, who has won judgments and damages against Libya under the FSIA, is part of the legal team.

Michael Tigar, a DC attorney who successfully sued Chile over the assassination of Orlando Letelier in 1976, is representing another set of victims of last May's attacks. That lawsuit has not yet been filed.

Last July a federal grand jury returned indictments against 19 Turkish men on charges of ranging from aggravated assault to hate crimes. The Justice Department has since dropped charges against all but four. Two men arrested for the attacks pleaded guilty to charges and were sentenced to a year behind bars.

The Turkish embassy declined to comment on the civil suit filed Friday. Erdogan has scoffed at the criminal indictments.

The lawsuit filed Friday remains under seal until the judge rules on a motion to keep the names of some of the plaintiffs secret.

Syria's Kurds put IS on trial with focus on reconciliation

KPVI News 6

By Sarah El Deeb

May 7, 2018

The "Defense of the People" Court is an almost intimate place. Three judges — two men and a woman — sat behind a large desk. The defendant, a former Islamic State group fighter in Syria, faced them in a chair only a yard away, close enough for a conversation. A space heater in the center and mustard-colored couch and armchairs made the room even homier.

The judges are Kurds, belonging to the U.S.-backed self-rule authority that the community has set up over much of the north and east of Syria. After defeating IS in battle, Syria's Kurds are now eager to show they can bring justice against the group's members. The emphasis is on leniency and reconciliation — in marked contrast to Iraq, where harsh and swift verdicts on IS suspects seem geared to vengeance.

Under questioning, the 19-year-old Syrian Arab — his hair bushy and beard scraggly from months in detention — described how he had joined IS for nine months, fighting government forces. He was wounded, eventually deserted and went into hiding. Then in November, when IS was collapsing, he turned himself in to Kurdish authorities.

"By God, I regret it," he said of his joining IS. He pleaded to the judges, "I want you to help me. I am married and my mother is also at home. I would really like to return to them."

"You did well," the judge replied. "It is in your favor that you were a minor when you enrolled and that you handed yourself in. Good behavior in jail will be even more beneficial."

The sentence: Two years and nine months in prison, reduced to just nine months because he was a minor and surrendered.

Syrian Kurdish authorities have built a justice system from scratch, without any recognition from the Syrian government or the outside world, and are trying hundreds of Syrians accused of joining IS.

The Kurds have multiple aims in their more lenient approach. They want to extend bridges to eastern Syria's majority

population of Arabs, who deeply distrust their new Kurdish rulers.

They also want to highlight their competence in government and win international legitimacy.

So the Kurds abolished the death sentence and offered reduced sentences to IS members who hand themselves in. The harshest sentence is life in prison, which is actually a 20-year sentence. They organized reconciliation and mediation efforts with major Arab tribes and offered more than 80 IS fighters amnesty last year to foster good tribal relations and convince others to turn themselves in.

In contrast, Iraqi courts have sentenced hundreds of IS suspects to death in swift trials, and even tangential links to the militant group are punished by sentenced of 15 years or life.

The Kurds renamed the terrorism courts, saying that term was too negative. Instead, the tribunals trying IS suspects are called the Defense of the People Courts. Kurdish officials call their prisons "academies," saying the emphasis is on reeducation. The changes are in line with the group's "leftist-libertarian" ideology that claims to act as a direct democracy.

But there are also major gaps. There are no defense lawyers; officials say that is because they fear security breaches amid a string of bombings and assassinations against officials blamed on IS cells. Judges keep their identities secret for fear of being targeted. So far, it is impossible to appeal verdicts, though the Kurds say they plan to create appeal tribunals.

On a more basic level, the lack of international recognition puts a stranglehold on the Kurdish courts. Legally speaking, they have no more standing than Syrian rebels' or even the Islamic State group' courts. Kurdish authorities complain they are getting no help — including from their chief ally the United States — even though they say they discussed with U.S. officials their needs to develop their legal code and improve practices.

A U.S. State department official said American agencies "are not at this time providing any training to the justice department" of the self-administration.

Kurdish authorities don't say how many IS suspects they are holding in their prisons, saying the numbers change constantly because of trials, amnesties and new arrests.

There are an estimated 400 foreign fighters held by the Kurdish-led authorities, and approximately some 2,000 women and children, families of foreign fighters, kept in camps under tight security, according to Human Rights Watch. The Kurds have not decided how to handle them, since their home countries don't want them back but also don't recognize the Kurdish-run courts.

Aynour Pacha, who co-heads the highest council of judges in Qamishli that oversees the courts, said the self-administration is willing and has a right to try them. But she raised the question of whether their countries would take them back after they served their sentences.

"We wish the world would see the burden we are carrying on our shoulders," she said. "These foreigners who killed our children are a heavy burden."

Since the Syrian government pulled out of Kurdish areas in 2012, Kurds established local administrations, security forces, parliaments and courts. After rolling back IS with American backing, they control nearly 25 percent of Syria, including oil and water resources.

Still, their self-rule is precarious.

Qamishli, the administrative center, is divided between Kurdish control and a pocket held by the Syrian government, which doesn't recognize Kurdish aspirations to autonomy. Further west, Turkish forces are waging a military campaign vowing to roll Kurdish autonomy back.

Nadim Houry, director of the counterterrorism program at Human Rights Watch, said self-rule officials appear to be making a real effort to meet international standards in the judicial system, despite the limitations.

"I think this is on the positive side," said Houry, who recently visited northern Syria. "On the other hand, there are real issues. You can't have a trial without a defense lawyer ... I think structurally this is the biggest problem."

The courts may be "primitive," he said, but such trials can "play a role in writing the history of this period" and gathering information about how the extremist group worked. Courts in Iraq and Syria can't do that, he said, "because they don't have the capabilities or because they only rely on an anti-terrorism lens."

After backing the fight against IS, "the international community is absent and very weak" on helping in post-war issues in both

Iraq and Syria, including in meting out justice. The message is, "this is your problem, find the solution. But it is an international problem."

Since 2015, the terrorism court in Qamishli, the largest in the self-administration areas, has convicted around 1,500 defendants. Of those, 146 received sentences of life in prison; 133 were acquitted.

The trials have increased exponentially as IS collapsed. In 2017, 674 were convicted, nearly double those tried the year before. So far this year, 225 have been tried, according to court records obtained by The Associated Press.

At one recent verdict session, the defendant was a 34-year-old who had worked as an IS court clerk. The judge sentenced him to three years, which was reduced to one year because he handed himself in.

The judge asked him if he wanted to comment. "What about my 45 days in detention? Would you count those?" the defendant asked. The judge said they would be counted. The defendant then asked to call his family. The judge agreed, and the defendant gushed with praise for his captors.

A number of Iraqis have also been tried in the Kurdish courts. One Iraqi told AP during a visit to the prison that he handed himself in to Kurdish authorities to avoid falling in the hands of Iraqi militias. Kurdish officials said some prisoners ended up joining the Kurdish-led forces after serving their sentence to fight IS.

But even those professed good intentions have limits. The view is bleaker in prison.

Abdullah Khalaf is serving a 20-year sentence for his role in a 2016 IS attack on a Kurdish government building that killed more than 10 people. Khalaf doesn't contest that he's guilty; he confessed to his role in the attack. But, speaking in prison, he angrily scoffed at the Kurds and the justice he was offered.

Khalaf is from Tal Abyad, one of the first towns to come under the control of the Kurdish-led forces in their campaign against IS. He had already moved to Raqqa, where he operated as a smuggler, bringing contraband cigarettes into IS-held territory, despite the heavy penalties the militants inflicted on those who sold or smoked it.

After taking over Tal Abyad, the Kurds expelled his family when the body of a Kurd was found on their land. IS militants knew how to exploit tensions between Arabs and Kurds. They demanded Khalaf work for them, sneaking explosives into Tal Abyad. They seized Khalaf's contraband and arrested his brother, threatening to kill him if he didn't cooperate. He succumbed.

Khalaf showed no remorse. "I entered a tunnel and could not get out," he said.

After cooperating on a couple of missions, he was arrested after the attack in 2016.

He grumbled that he got a heavy sentence while more senior IS members walked away because of connections to the new Kurdish rulers. Meanwhile, he said, his family, including his wife and four children, were forced to flee to Turkey, fearing reprisals because of his IS connections. He was worried his kids will forget him.

"I wish they had given me the death sentence. It would have been better to die than to linger in prison," Khalaf said furiously. "What if I make it out, can I survive after those years? I will wait a year or two and then kill myself."

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Piracy

Emirati fishing boat attacked 'by pirates' in Gulf of Oman

The New Arab

April 28, 2018

An Emirati fishing boat was fired on by "pirates" this week, as the vessel travelled through the usually serene waters of the Gulf of Oman.

Emirati fisherman Yousef Baroun said that a group of unidentified men shot at his vessel, just 90km off the coast of Fujairah emirate, in northern UAE on Tuesday.

"They appeared from nowhere and told us to go back and immediately started shooting at our boat," the captain told UAE daily, The National.

Baroun said the attacking vessel had no flags and the men approached his boat as they were hunting tuna fish in international waters.

The "pirates" reared up at the side of the UAE vessel and displayed AK-47 assault rifles as a warning to the fishermen.

When the fishing boat attempted to sail away, the men opened fire.

"We tried to escape but they managed to shoot our engines and damaged them. We laid down on the floor to avoid the gunshots and then another boat came to rescue us," Baroun added.

The Emirati captain posted images of his engine riddled with bullet holes. He said he could not determine the nationality of the attackers.

One of the fishermen also on-board the vessel said that the attackers could have been smugglers who were disturbed by the Emirati boat.

Smuggling between Iran and the Arabian Peninsula was once fairly common, particularly prior to the lifting of sanctions on Tehran.

Piracy also plagued the waters off Somalia, with attacks on shipping reaching as far as the Indian Ocean, Arabian Sea and Gulf of Oman.

An international naval force hugely reduced the number of attacks of shipping from Somalia-based pirates.

Last year, an oil tanker was attacked by suspected pirates as it travelled through the Gulf of Oman.

Some analysts fear a rise in attacks on shipping and the latest attack on the Emirati vessel will do little to quell fears of a resurgence in piracy in the waters of the Arabian Peninsula. Unrest in Yemen has also been named as possible factor for increased instability in regional waterways.

Impending Pirate Attack off Sabah

Maritime Executive

May 1, 2018

Piracy reporting center ReCAAP has issued a warning for the waters off Lahad Datu, Malaysia, advising mariners of a heightened risk of attack.

In an unusual advance notice to shipping, ReCAAP relayed detailed intelligence about a specific band of suspected pirates who are believed to be making plans for a kidnapping attempt. According to ReCAAP, members of the Abu Sayyaf group - a terrorist organization with a history of maritime hijackings and kidnappings - are planning to get under way for a known high risk area off Sabah within the next 24 hours. The report suggests that the gang will be using a blue speedboat with three engines.

The advisory recommends that mariners should exercise "extreme caution" if transiting off Lahad Datu.

Abu Sayyaf staged 17 successful attacks on vessels off Sabah between April 2016 and April 2017, but it has not been able to complete an attempt in twelve months, according to STRATFOR. A multinational maritime security effort has prevented the pirates from executing further hijackings, but that does not mean that the risk has disappeared, the security consultancy warns: Abu Sayyaf pirates continue to monitor shipping and pursue opportunities for kidnappings. In addition, the group is still holding some of the mariners it captured during its period of peak activity.

While the Armed Forces of the Philippines have made strides in their campaign to drive Abu Sayyaf out of the Sulu Archipelago, the group's gangs still have a limited capacity for guerilla warfare. Philippine President Rodrigo Duterte has promised that "he will not stop running after the Abu Sayyaf" until the group "is wiped out," according to spokesman Harry Roque.

Pirates on the prowl, unleash mayhem on Nigeria's maritime domain

Hellenic Shipping News

May 8, 2018

The high level of insecurity in Nigerian waterways has ignited a fresh anger within the nation's maritime domain, raising further questions as to the propriety of the \$195 million contract awarded to an Israeli firm, HLSI Security Systems and

Technologies, to secure the country's maritime space.

In one of the most recent incidents, suspected pirates on Saturday April 21, 2018, kidnapped 12 crew members on a Dutch cargo ship off the coast of Nigeria.

The attack occurred early in the morning as the vessel was nearing the Port Harcourt, port in Nigeria.

The ship owner, ForestWave Navigation, confirmed that 12 of 14 crew members on board their general cargo ship FWN Rapide were taken from the vessel. The two remaining crew members were reported safe with the vessel allegedly moved to a secure location.

ForestWave also said that its main priority is to establish contact with the missing seafarers and secure their earliest and safe return. "The company's Emergency Response team is working round the clock in liaison with the local and international authorities. ForestWave, together with its local organisations, are in close contact with the families of the valued seafarers to support them in these difficult times," the company said in a statement.

The firm had also commended the two crew members for their "courageous and professional handling" of the incident, crediting them with moving the ship to a safe location after the attack.

In an earlier statement, ForestWave said it has activated an emergency response team now monitoring the situation extremely closely.

"We are currently in close contact with the authorities and taking professional advice in order to secure the earliest release of those that are currently being held," ForestWave said. "Together with our local representatives in the countries of origin of our valued seafarers we are keeping the families of the FWN Rapide crew informed about the situation.

"ForestWave will not be providing any further information in order not to jeopardise the safety of those involved," the company added.

Meanwhile, AIS ship tracking data showed the FWN Rapide was sailing from Takoradi, Ghana to Bonny, Nigeria when the attack took place.

According to a report, about 200 passenger deaths are recorded a year worldwide given that over 21.7 million people cruise each year.

However, the number does not include people who died from going overboard.

These developments often raise serious concerns when one realises that on Monday October 30, 2017, the Minister of Transportation, Mr Chibuike Rotimi Amaechi, informed Nigerians that the Federal Government had approved the award of a security contract valued at \$195 million (about N60 billion) to an Israeli firm, HLSI Security Systems and Technologies, to procure security equipment and train Nigerian security personnel to tackle crimes on the nation's waterways.

He said the agreement became imperative given the high charges shipping firms pay for security escort on Nigerian waterways, adding that due to insecurity on the nation's waterways, the maritime sector spends \$18 million on a yearly basis in addition to high war risk insurance payable by shippers to do business on the waters.

"Mr President has kindly approved that, and that is being done through the Nigerian Maritime Administration and Safety Agency (NIMASA). They will train our navy, our army and our police for three years so that we can stop spending money escorting boats and vessels on our waterways" he said. But stakeholders have already condemned the idea of ceding the nation's maritime security to a foreign firm, saying that when the former administration of President Goodluck Jonathan awarded the contract to Tompolo, there were less incidences of attacks on Nigerian waters.

"It is clear that most of the policies of the Nigerian government since after the war have been induced by either personal or group interest. Otherwise, there are certain due diligences that ought to be carried out before policies are formulated.

Monitoring of our national and international waterways is an exclusive internal affairs matter. It is therefore very risky to hand such crucial and strategic issues to foreigners. It is like completely mortgaging the security of the country to a foreign company. We have our police. We have our customs. In some countries they have what is called coast guards. We have more than enough security personnel to handle this task if there is sincerity of purpose. When people like Government Tompolo were given that contract, we saw how effective they were. But they were sent away because they are related to the former president, Dr Goodluck Jonathan. It is just a matter of somebody cooking up something to make something for himself. The reason they are doing it is for money to go into people's pocket. That contract is a dangerous thing. It is like giving Indians the free hand to run our armoury. I am not sure that contract was conceived and concluded by NIMASA" one of the angry

stakeholders, said.

For his part, President, Merchant Navy Engineers, Comrade Matthew Alalade, lamented that his men are being harassed on daily basis, blaming joblessness among Nigerian indigenous seafarers as partly responsible for rising problem of pirates activities.

Against this background Alalade however called on the Federal Government to create jobs and provides more fleet for the youths

“In the Gulf of Guinea, there are lot of pirate activities now more than ever before. We don’t know why it is like that. Perhaps, this may be due to government policies that rendered youths jobless. So, the government must create jobs for the youths for this to stop. Piracy is on the increase in Nigeria now. The effort of the government to curb the activities is not yielding much fruits. Most of the mariners are afraid to sail on Nigerian waters. For the past three months now there is so much insecurity on the waters. Commenting on the Israeli security company, he said that the Nigerian central policing system does not allow them to operate.

“Nigeria has a central policing system as against other countries where they have their different policing system. Of recent our colleagues have reported cases of hostage-taking in Bonny which affected a foreign vessel. Also, the local vessels are not comfortable. There is fear everywhere. So far, no deaths have been reported. In the latest attack of a foreign vessel, out of the 11 crews only one person had been found. We have not had any other report about the rest of them.

“Following the increased harassment of our members, I had to write the Marine police and they have responded that they are on top of the situation. Our members have informed me that they are having a respite now. Before now, on daily basis, the police used to extort money from the mariners. Sometimes they move with boats that are not in police colour. They used to hire local boats too.

“My advice is that the government should provide jobs for the youths and provide more fleet. They should make the maritime business come alive again. The maritime business is dull now” he said.

General manager, Nigerian Inland Waterways Agency (NIWA), Mr Tayo Fadile, for instance that they have provided 12 boats that patrol the Nigerian inland waters stretching from Lokoja to Delta, River Niger Warri and Port Harcourt.

“If it is in the Nigerian local inland waters we have 12 patrol boats that move around the country nationwide. They try to monitor the inland waterways. The inland waterways are not too active because the waters are required to be dredged. For that of River Niger, we are working on patrolling that one. We have patrol boats for Onitsha, Port Harcourt and Lokoja. They patrol the waters regularly. But if it is all those ones outside the Nigerian waterways we don’t have control over that. It is Nigerian Maritime Administration and Safety Agency (NIMASA) and probably the Navy that have control over that one” he submitted.

Chairman, (Tin Can Port chapter), International Freight Forwarders Association (IFFA), Chief Patrick Chukwu, noted that if the insecurity in Nigeria persists, foreign vessels will avoid Nigeria and that will reduce throughput and development will be affected.

“It beats my imagination how the president can wake up and approve such a security contract without recourse to the National Assembly and things will move on as usual. There is a separation of powers but people do what they want. My question is, how can they continue to do this? What will be the outcome? If the insecurity persists, foreign vessels will decide to go to neighbouring countries and that will reduce our throughput and economic sabotage will thrive. Development will reduce and investors will leave. My advice is for the government to overhaul the security agencies in the country. That will engender new blood in the system” he suggested.

President, National Council of Managing Directors of Customs Licensed Customs Agents (NCMDLCA) Lucky Amiwero agreed that constant security threats on Nigerian waters will cause surcharge on freights and people will be discouraged to sail Nigerian waters.

“The problem of Nigerian waterways is that our waterways should be safe because if it is not safe, it will attract some surcharge. The freight will be high and it will discourage people from bringing ships into the country. So, we must make sure that our waterways are safe, free from pirate attacks. If they (pirates) are allowed to continue with their operations people will declare our zone a war zone and apply surcharge on most of the freights. They (government) should try as much as possible to make the waterways safe. That is the issue of the navy and in conjunction with NIMASA.”

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Gender-Based Violence

Gender-Based Violence Increased in Puerto Rico After Hurricane Maria, But We Don't Know by How Much Jezebel

By Maria Sherman

May 8, 2018

It's been eight months since Puerto Rico was first devastated by Hurricane Maria in September 2017, and the situation has yet to improve—leaving in its wake toxic, unlivable conditions for much of the U.S. territory. Women are especially vulnerable.

According to a new article from Centro de Periodismo Investigativo, domestic violence and sexual assault organizations in Puerto Rico have reported an increase in violence against women since the storm, but a combination of the island's infrastructure breakdown and unreliable statistics from official sources (including the police) makes it impossible to quantify. As the World Health Organization makes clear in its report of violence and disasters, sexual violence tends to increase following natural disasters for a variety of reasons: increased stress and feelings of powerlessness due to bereavement, loss of property and loss of livelihood, mental health problems such as post-traumatic stress disorder, the scarcity of basic provisions, destruction of social networks, breakdown of law enforcement, cessation of violence prevention and other social support programs, and disruptions to the economy—all of which has plagued Puerto Rico.

Vilmarie Rivera, Executive Director of the Cayey-based domestic violence shelter Casa Nueva Mujer, told CPI that the island's official records on domestic violence don't match what she's seeing day-to-day. "The situation is," she said, "that we don't have statistics that prove that we have an increase of those cases."

The reason these numbers are unreliable is most likely that they're compiled by three, unintegrated entities: the Women's Advocate Office, the Police Bureau and the administrative courts. That, and the damages caused by Hurricane Maria—i.e., no access to the internet or phones—ceased victims' ability to contact authorities or help. This, of course, doesn't include those who didn't own phones in the first place; those who don't have the ability to travel to shelters; or those who have the privilege of mobility, only to learn their nearest shelters have been shuttered due to hurricane damage.

It gets worse: the Puerto Rican Police Bureau, too, has a longstanding failing to report cases of violence against women—in 2011, the United States Department of Justice found that the agency was underreporting sexual assault, that, partnered with Puerto Rico's standing as having one of the highest rates of violence against women in the world, a number that is only increasing, makes for an intensification of the issue. Violence against women is clearly not a priority.

Amarilis Pagán of the women's organization Proyecto Matria, told CPI:

"Women in the south of the island didn't have a place to go...For us, it's as if [the Women's Advocate Office] doesn't exist. After the hurricane they were they were totally lost. Before or after the hurricane they didn't have a campaign to orient women about their rights and how to deal with domestic violence."

Gender-Based Violence and the Economy: A Conversation with World Bank Group General Counsel Sandie Okoro

Council on Foreign Relations

By Catherine Powell

May 9, 2018

More than 35% of women worldwide are survivors of gender-based violence, according to the World Health Organization (WHO). Thirty-eight percent of all women murdered, compared to 6% of men, are killed by their intimate partners (estimated by WHO, across all countries with available data since 1982). These are just a couple of the startling statistics that set the stage for a recent CFR roundtable featuring the World Bank Group's General Counsel Sandie Okoro, which I had the honor of moderating.

Sandie Okoro is a true pioneer. She is the first black woman to hold the position of general counsel at the World Bank. Prior to that, she was general counsel of HSBC Global Asset Management, and has received numerous awards for her work.

More on:

Women and Economic Growth Women and Women's Rights Development World Bank

Since becoming the World Bank Group General Counsel, Ms. Okoro has supported the bank's initiative to address gender-based violence as part and parcel of economic development. While the World Bank's charter is aimed at addressing economics, not politics, for decades the bank has recognized that gender equality is important for economic growth. As I've discussed elsewhere, the bank's Women, Business and Law program provides a biennial report to document the connection between formal legal restrictions on women's equality and economic development. The focus on gender-based violence has developed as part of this effort to mainstream gender with the bank's work.

Okoro noted that the bank's gender-based violence (GBV) strategy is currently focused on issues ranging from reducing partner violence and GBV in conflict zones to improving safety in transportation. In the past, when the bank had supported construction of a new road in a country, it received reports that the influx of construction men hired to build the road was sometimes correlated with increased reports of sexual violence against women. From an economic standpoint, gender-based violence results in lost wages, increased health care costs, and mental health concerns.

The bank has drawn a connection between women's empowerment and economic development, because research shows promoting gender equality is linked to prosperity and, therefore, "smart economics." As noted in the World Bank's 2012 Gender Equality and Development, gender equality is "an instrument for development" because "it can enhance economic efficiency and improve other development outcomes" in at least three ways, which are outlined in the report. First, eliminating gender barriers in education, economic opportunities, and productive inputs can lead to broad productivity benefits. Second, improving women's status contributes to other development outcomes, including those for their children and families. And third, gender equality promotes development by leveling the playing field and facilitating more representative and inclusive institutions.

While the bank cannot direct governments to address gender-based violence, it can encourage them as partners. Okoro wisely noted that, ultimately, violence against women is not just a women's issue, but a man's issue as well. Societies as a whole must take ownership and work together to eradicate gender-based violence.

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Commentary and Perspectives

Justice for Victims of ISIS

The New York Times

By Grant Shubin

April 29, 2018

The issue is not only with Iraq's all-encompassing counterterrorism prosecutions; another roadblock to justice is the country's underlying penal code, which is woefully unfit to address ISIS' most heinous crimes.

ISIS specifically targeted women, girls and gender-nonconforming people with brutal violence. Rape, sexual slavery, forced marriage and torture were central to its military and governing strategies.

Iraq's existing criminal laws cannot provide justice for these crimes. For example, the rape law requires survivors to show lack of consent; there is no definition of slavery; forced marriage is rarely prosecuted; and torture is narrowly linked to obtaining confessions.

Even worse, Iraq has no laws prohibiting or punishing genocide, crimes against humanity and war crimes. If prosecuted under Iraq's penal code, basic crimes of ISIS' gender-based violence will go unpunished. To be sure, justice for ISIS' victims will require more than just prosecutions under perfect laws and must also include truth-seeking, reparations and legal reform.

What Community Members in Northern Uganda Think About the Prosecution's Performance Following the Conclusion of its Case

International Justice Monitor

By Lino Owor Ogora

April 29, 2018

On April 12, 2018, the last prosecution witness in the trial of Dominic Ongwen presented his testimony, ending the prosecution's side of the case. This article presents perceptions of community members in northern Uganda on the

prosecution's performance. The perceptions explore whether community members are satisfied with the overall performance of the prosecution, their choice of witnesses, the evidence adduced, and what they liked or did not like about the trial so far.

Ongwen, a former commander of the Lord's Resistance Army (LRA), has been on trial at the International Criminal Court (ICC) since December 2016. He is charged with 70 counts of war crimes and crimes against humanity, including sexual and gender based crimes, committed from 2002 to 2005. Over 60 prosecution witnesses have testified against him since the start of the trial.

The public in northern Uganda has long been divided on whether or not the ICC trial against Ongwen should go forward. These divisions were apparent in the perceptions presented below. Asked to comment on the overall on the performance of the prosecution during the trial, community members had varied views.

Kennedy, a community member from Lukodi, was satisfied: "I have been following the trial, and I believe that the prosecution proved that he truly committed the atrocities here in Lukodi."

Fred, who works for a civil society organization (CSO) in Gulu, said, "I think I don't have any problem with the prosecution team, but my worry is that most of their issues will be out argued by the defense team."

Pamela, another CSO worker in Gulu, also thought the prosecution had performed well. "I think the prosecution's performance was based on facts, and it was fair. Ongwen was given the freedom to speak in his local language," she said.

However, James, a CSO worker from the Teso sub-region, felt aggrieved that the focus of the trial had been mostly on the Acholi sub-region. "The performance in terms of percentage for me is about 50 percent because the proceeding were only based in Acholi and Lango sub-regions leaving out West Nile and Teso sub-regions," he said.

Sunday, a journalist living in Gulu said, "To me, the prosecution team has done a great job for bringing its case to an end because many people did not think they would reach this point due to the many challenges that they faced and criticisms against the ICC. On the other hand, there are things that they never addressed. People wanted the trial to be held in Uganda, but they [the ICC] paid a deaf ear."

Vincent, a community member from Lukodi felt the prosecution had done a fair job. "Generally it was not so bad. They have been updating and giving feedback both from the victim's side and the prosecution's side, which I think is a great success."

Samuel, another resident of Gulu, also thought the prosecution had done a good job. "I can say that the performance has been excellent in comparison to our courts in Uganda. The prosecution team has managed to give audience to all the witnesses, and this only takes a very organized team to do that."

Asked if they felt that the prosecution team had done a good job in calling the right witnesses, community members again had varied reactions, although most answered in the affirmative.

"Yes, they chose the right witness. Some of them witnessed what Ongwen did and some of them even experienced the crimes Ongwen committed. So I believe the prosecution team chose the right witnesses," said Kennedy.

Fred disagreed. "The prosecution has not done a thorough job in calling its witnesses. For example, Tim Allen presented himself as a technical person in Mato Oput where he messed up by saying that Mato Oput started during the time of the war, which is very wrong," he explained.

In Pamela's opinion, "I would not say they have achieved 100 percent. For me generally the greatest achievement was the charges of sexual and gender based violence that were brought against Ongwen. It was the first time the ICC criminalized the cases of forced marriage leading to forced pregnancy."

James also felt the prosecution had done a good job. "I feel that it was a fair performance mostly because the victims were consulted and even their lawyers were given chance to interact with both the prosecution team and the victims themselves."

"A trial cannot be completed without bringing forth witnesses. I think this was a good performance by the prosecution side. I also know that the defense team are organizing to bring their witnesses to testify, but in my opinion the prosecution team did their part," said Vincent.

Asked to state what they liked about the prosecution's performance, community members highlighted the following.

Kennedy said, "I like the fact that this trial is causing fear to those who committed atrocities and those who are planning to commit atrocities. It has led to respect for human rights."

For Pamela, the opportunity for victim participation was the highlight. "I like that there was high level of victim participation. Even the screening equipment that was distributed to communities improved participation which was a good thing," she said.

James liked the fact that the trial had started and proceeded on time. "What I liked was that when Ongwen was arrested, the court proceedings kicked off immediately."

Sunday agreed with James, "I liked the fact that all the trial proceedings went on as they had planned and did not fail on some days. The smooth running of the court showed they were prepared for this case and were determined to take it to the last point of its judgement."

Asked to state what they disliked about the prosecution's performance, community members highlighted the following.

"I dislike the fact that the prosecution's case took so long to be concluded. To me one to two years should have been enough for the entire court process to pass their judgment," said Kennedy

"In terms of their performance, there are some things I did not like. The prosecution should accept one fact: that the voices of the communities were not taken into consideration. For example, the community demanded for Ongwen to be brought back home and taken through the traditional truth-telling processes," said Fred.

Pamela noted a lack of complementarity between the ICC and the domestic court in Uganda. "I did not see a very strong complementary role of the Ugandan court in this process, and so I am wondering what the domestic court will do in case Ongwen is found innocent."

Asked to state if they felt convinced that the prosecution has sufficiently proven that Ongwen should be convicted, some community members responded in the affirmative, while others responded negatively.

"The crimes committed all happened with high levels of impunity, and there is no restorative justice system that can bring back the lost items and people. Therefore, I can say that the ICC has done a great job. The ICC has done a full investigation on the structure, formation and leadership of the LRA, the role of the different leaders, and how the killings were conducted," said Pamela.

James from Teso said, "Since we have not yet got the verdict, it is hard to tell but in case the witnesses gave true information and it is proven beyond doubt that Ongwen did those things, then he will be convicted."

Sunday remarked, "To a smaller extent it has done its part. I say this because we cannot rely on only one side of the justice process to determine the whole process. So till we hear from the defense side we cannot fully conclude now."

"I am very contented about the prosecution's performance because the information they availed to the court like witness testimonies and recordings of attacks made them build a good case against Ongwen," said Vincent.

Fred said, "If I am to assign a percentage to their performance then I will settle for 11 percent because the ICC is yet to prove their worth. I mean which other case is there that is more promising than that of Uganda. The Kenyan case stalled. The Sudan case is out of their hand because we have seen Al-Bashir coming to Uganda and flying to other countries without being arrested."

The end of the prosecution's case marks a significant milestone in the trial and is a major progression for justice in Uganda. However, as many community members rightly pointed out, the performance can only be evaluated after the defense has presented its side of the case.

Judges have yet to set a date for the opening of the defense case, but it is expected to begin later this year.

Time to Dust Off the War Crimes Act?—for an American ex-soldier now in command of UAE forces **Just Security**

By Rebecca Hamilton and Sarah Knuckey
May 9, 2018

Former members of the U.S. military are present in armed conflicts across the globe. Working for private military contractors, they are typically tasked with training and advising foreign armies. But a BuzzFeed article published this week profiles a former U.S. Army lieutenant colonel who has reportedly taken on a commanding role within the United Arab Emirates (UAE) military. American citizen Stephen Toumajan, as Commander of the UAE's Joint Aviation Command, is responsible for "combat readiness and execution" of all UAE aviation missions. And as Just Security readers

well know, the UAE is part of the Saudi-led coalition that has been accused of serious international law violations (including war crimes) for indiscriminate and disproportionate airstrikes in Yemen, arbitrary detention, torture, enforced disappearances, the imposition of a blockade, and closure of Sana'a International Airport.

Yemeni human rights organizations, international groups, and the United Nations have published numerous reports documenting human rights and humanitarian law violations by the Saudi-led coalition. Reports document repeated airstrikes that have resulted in significant civilian casualties, and have concluded that many strikes likely violated international humanitarian law and that some may constitute war crimes (see here, here, here, here, here, here, here, and here). The UN High Commissioner for Human Rights has condemned the airstrikes, and stated that "we are possibly looking at the commission of international crimes." The UN Secretary General has reported on grave violations against children by the coalition. The UN Panel of Experts, mandated by the Security Council, concluded that there have been "widespread violations" of international law in Yemen, and that the coalition's closure of Sana'a International Airport "to those genuinely seeking immediate medical treatment abroad" violates Common Article 3 of the Geneva Conventions. The Panel also found that UAE forces have been responsible for torture, denial of timely medical treatment, and enforced disappearances.

It is no secret that the UAE has been relying on foreign mercenaries in its Yemen operations. The UAE has paid Colombian and Sudanese nationals to serve as part of their ground forces. Lured by Emirati funds, Toumajan is not the first highly-paid ex-military official from a Western nation to take on a leadership role. With foreigners playing an increasingly significant part in the Yemeni war, what criminal prosecution mechanisms are available in the face of serious war crimes allegations?

As discussed in a previous piece, the International Criminal Court could garner jurisdiction over nationals of States that have ratified the Rome Statute. But that is obviously not the situation with respect to U.S. nationals. Moreover, a private military contractor who is no longer on active duty with the U.S. military, cannot be prosecuted under the Uniform Code of Military Justice (UCMJ), which is the usual accountability mechanism for members of the U.S. armed forces. There is another possibility, however: the U.S. War Crimes Act (18 U.S.C. § 2441).

Over two decades old and yet to be used, the War Crimes Act enables the U.S. government to prosecute war crimes committed by U.S. nationals. Any war crimes prosecution must receive the express approval of the Assistant Attorney General, since complicated foreign policy issues can arise depending on the facts of a given situation. In this case, U.S. support for the Saudi-led coalition that the UAE is part of may give the U.S. government pause. This would be unfortunate. It is hardly in the interests of the U.S. for its ex-service members to be violating the laws of war on behalf of another nation. It is even worse for the United States if such individuals claim that their activities are authorized by the U.S. government. Toumajan told BuzzFeed News that his activities were so authorized, even though the State Department told the news organization that it has never authorized any contractor to provide "direct command functions" to a foreign army.

The precise role of the Joint Aviation Command, which Toumajan apparently commands, and its connection, if any, to serious violations of humanitarian law or war crimes in Yemen is not yet clear. When questioned by BuzzFeed News, Toumajan denied involvement in Yemen. But weighed against this, given the scale of the UAE's operations in Yemen, is the fact that the Joint Aviation Command controls the aviation assets of the UAE Land Forces, Special Operations Command, and Naval Squadron, and Toumajan's own claim that he commands Emirati soldiers who are heading into combat. At the very least, the available information raises serious concerns that should be investigated. The UAE has been credibly implicated in international humanitarian law violations and war crimes in Yemen. And many of the most serious allegations of violations implicate policies and practices of the UAE forces, not simply aberrant or rogue acts.

The War Crimes Act prohibits grave breaches of Common Article 3 of the Geneva Conventions, including murder, torture, and cruel and inhuman treatment. These are all offences of which the Saudi-led coalition has been accused in Yemen. (Whether Common Article 3 murder might be more narrowly interpreted to include only killings where the person is "in the power of" the perpetrator, or interpreted more broadly to include civilian deaths resulting from airstrikes carried out in Yemen in violation of international humanitarian law is a difficult question. But the text of the War Crimes Act, with its carve out provision on collateral damage, suggests that U.S. courts might interpret the prohibition to cover such airstrikes).

There are no reports suggesting that Toumajan has personally killed or harmed anyone in violation of the law. But commanders can be held liable for the war crimes of their subordinates. Citing back to the 1945 trial of Japanese General Tomoyuki Yamashita, who the U.S. held liable for atrocities committed by those under his command, the U.S. Department of Defense's Law of War Manual affirms that commanders must take "necessary and reasonable measures" to stop their subordinates committing war crimes—and that failure to take these measures can result in the commander's own criminal responsibility. If Toumajan's Emirati soldiers commit war crimes and he fails to fulfill his responsibilities, the U.S. government could seek to prosecute him under the War Crimes Act.

Due to the extraordinary record of independent reports of international humanitarian law violations and war crimes by the

coalition, the U.S. government should seriously inquire into Toumajan's activities in connection with these allegations. This is a clear instance in which the U.S. government cannot claim that allegations of Saudi and UAE war crimes are taking place beyond the jurisdiction and control of the United States. The War Crimes Act puts this situation squarely within the jurisdiction and control of the United States. It is certainly not meddling in another state's affairs to reign in a former service member who is telling the world his activities are authorized by the United States.

By taking these steps, the Trump administration would send a strong message to any would-be mercenaries and contractors that the obligations of American service members to uphold the laws of war do not end simply because they have left the U.S. military to serve a foreign one.

Weak justice system and anti-corruption war in Nigeria

The Guardian

By Victor Gbonegun

May 9, 2018

The scourge of corruption has overtime been described as one of the most discussed causes of under-development in any nation. But much cause for concern, is the weakness of the justice sector delivery system, the pervading low integrity of the judiciary, which is only an aspect of the justice system, has suffered greatly due to the alleged despicable acts of some members of the bench who most times collude with the bar to weaken the law thereby allowing corruption to grow on fertile ground. The Chief Justice of Nigeria (CJN), Walter Onnoghen alluded to this recently stating that 'corruption in the judiciary is not limited to bribe-taking but includes giving of judgments or orders based on any consideration other than legal merit.'

Also the Socio-Economic Rights and Accountability Project (SERAP), a human rights group based in Lagos, has also posited through a report titled: "Letting the Big Fish Swim" How Those Accused of High-Level Corruption are Getting away with their Crimes and Profiting from Nigeria's Legacy of Impunity, lamented that investigation, prosecution, and judicial determination of corruption cases is perceived by the average lay citizen to mirror Edwin Sutherland's description of "white collar crime", wherein street level, economically and politically marginalised offenders are efficiently sentenced to prison while the rich and powerful (which typifies high profile corruption offenders in Nigeria) are treated differentially by the criminal justice system.

According to the report presented to the media by a senior lecturer at the Nigerian Law School, Abuja Campus, Dr. Esa Onoja who specialises in Litigation and Professional ethics, in the investigation, prosecution and trial of high profile corruption cases in Nigeria, justice is imprisoned by snares contrived by actors in the legal community in aid of looters. Specifically, it explains that while the main anti-corruption agencies secured more than 1,500 non-high profile convictions between 2000-2017, they could only muster 10 high profile convictions between the periods. "High profile cases of corruption prosecuted by anti-corruption agencies between 2000 and 2017 as numbering 177 out of which 167 are pending. Total convictions are just 10. Out of the 10, only three convictions were obtained after full trial while seven convictions were based on plea-bargaining. Yet one of the three convictions based on full trial was discharged by the Supreme Court while three of the seven convicted were granted Presidential pardon" Most corruption cases against high profile defendants witness delays tactics and tricks by defendants to truncate fair trial. The cases depict the stark reality of a captive justice system at the mercy of high profile offenders and their platoon of defence counsel.

Apparently, the negligible number of conviction for high profile defendants explains the probable calculus of offenders that the risk of apprehension and conviction is low. For instance, the former Governor of Adamawa State, Mr. James Ngilari, was convicted through the effort of the Attorney General of Adamawa State. Mr. Salisu Buhari was convicted of forgery under a plea arrangement in 1999. It is worthy of note that Buhari's sentence was a slap on the wrist as the then president; Olusegun Obasanjo later granted him a pardon. Former Inspector General of Police, Tafa Balogun, former Governor of Edo State, Lucky Igbinedion and former Governor of Bayelsa State; Diepreye Alamieyeseigha all entered plea agreements with the Economic and Financial Crimes Commission.

Also, the case involving the former Chief Executive Officer of Bank of the North; Alhaji Shettima Bulama who was convicted after trial cannot be forgotten. The sentences in each of these cases did not reflect the gravity of the offences. There is a sense that all the offenders, including Tafa Balogun among others who publicly returned large amounts of money, were able to retain substantial proceeds of crime. Alamieyeseigha and Bulama were granted presidential pardon by President Goodluck Jonathan. The outcome of conviction of the high profile offenders seem to be a clear signal that crime pays when you are high profile. Records of proceedings from courts and law reports paint a vivid and irrefutable picture of the causes of truncation of prosecution of high profile in Nigeria. It is therefore clear, that the trajectory of cases through investigation to trial reveals strong evidence of a nexus between weak institutional capacity on the one hand and attitudes of actors in the criminal justice sector that hamstring orderly and efficient collation and presentation of evidence in court, which militates against impartial determination of corruption cases.

Suffice to state that the sense of simmering undercurrent of commodification of justice and commercialised legal contortions and reasoning pervades investigation, prosecution and trial of high profile corruption cases in Nigeria. At a recent programme organised by SERAP, foremost legal luminary, Femi Falana's had remarked that, "With the abolition of stay of proceedings politically exposed persons and their lawyers are no longer permitted to frustrate their prosecution." SERAP report also states that: "The immunity clause has metamorphosed into a potent vehicle of corruption and ignoble conduct. The immunity clause effectively fosters corruption and has become a cloak of immunity to commit heinous crimes in our society. For indeed there seems to be some sacred cows amongst the governors who hide behind the cloak of immunity to commit atrocities." It added that, "Suspicious decisions/rulings by courts in favour of high profile defendants in corruption cases abound. Successful prosecution of high profile cases unduly suffer because of the tendency of courts to favour legalism and technical construction of criminal and procedural legislations instead of real justice. High profile corruption defendants have conveniently latched on to claims of alleged breach of fundamental right to prevent investigation, prosecution and orderly conduct of cases by courts. Instances of sly and twisted claims of breach of fundamental rights by high profile defendants against anti-corruption agencies abound and are readily available from law reports".

Obviously, the problem with administration of criminal justice in Nigeria is not the absence of laws or institutions, but the will of actors within and outside criminal justice institutions to put aside their personal or group interests and apply the law. This largely, is the main reason for the low level of conviction of high profile corruption defendants in Nigeria hence there is the need for periodic reforms to ensure that the laws and institutions keep up with the times. It is also advised that the National Assembly to amend provisions in anti-corruption legislations, criminal justice legislations, and the Evidence Act that enables defendants to prolong trials or that are disadvantageous to efficient presentation of cases in court. The Executive should avoid interference with the work of anti-corruption agencies. Money appropriated in budgets should be released as and when due. The anti-corruption agencies should not relent in weeding out compromised officials. These agencies should also demonstrate that they are truly independent while training and re-training of investigators and prosecutors should be a priority. Furthermore, there should be less dependence on personnel from other agencies. The Nigerian Bar Association should establish a monitoring mechanism to check abuse of court process by legal practitioners. The Legal Practitioners Disciplinary Committee should be empowered to discipline even those considered as the sacred cows.

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WORTH READING

Law, War, and Four Modes of Conflict
Gregory Brazeal
Oregon Review of International Law, vol. 20, no. 1
May 8, 2018

The Internationalists, by Oona A. Hathaway and Scott J. Shapiro, argues that the outlawing of war as an instrument of state policy in the Kellogg-Briand Pact of 1928 "was among the most transformative events in human history, one that has, ultimately, made our world far more peaceful."

The authors' evidence for this provocative thesis is ultimately unpersuasive. First, changes that they attribute to the Pact began before its creation, as illustrated, for example, by the ban on debt-collection wars in the second convention of the Hague Conventions of 1907. Second, their own historical data on wars of conquest suggests that the year 1928 was not a turning point between eras, even when viewed in light of the post-World War II reversals of recent conquests. Rather, the evidence is more consistent with the Allies generally reversing the conquests of the Axis powers, and preserving their own conquests, regardless of whether any conquest took place before or after 1928. Third, their interpretation of legal history does not establish that the Kellogg-Briand Pact played a causally significant role in the creation of the postwar legal order.

But *The Internationalists* offers much more than its central thesis, including a fruitful exploration of the idea of law and war as alternative forms of conflict resolution. In particular, the authors present a theory of "outcasting" as a mechanism for enforcing law even where there is no single, centralized government. This review generalizes from the authors' argument to propose a four-mode model of conflict and conflict resolution. Against the widespread assumption of a binary opposition between anarchy and the state, the four-mode model draws attention to two legal-institutional options that lie between pure anarchy and the centralized authority of an idealized state.

Where the parties to a conflict share a law, but not a judge or executive, the characteristic method of enforcing the law will be tit-for-tat retaliation against violations. Armed conflict in this setting will tend to resemble a feud. Where the parties to a conflict share a law and a judge, but not an executive, community responsibility for enforcing the law, such as through outcasting, becomes more feasible. The review offers brief historical illustrations and considerations of the likely shapes of conflict in each of the four modes.

Withholding Democracy: The Timeliness of Self-Governance in a Post-Conflict Occupation

Lindsey Amber Brugnoli

Loyola University Chicago International Law Review, Forthcoming

April 28, 2018

In December 2017, the Human Rights and Election Standards initiative at the Carter Center, in collaboration with United Nations Office of the High Commissioner for Human Rights (OHCHR), issued a Plan of Action that was culmination of two years of analysis and debate regarding a human rights approach to elections. Part of their plan recognized the need for well-written and targeted recommendations for implementing a transition to democracy. This article is a first step towards drafting such recommendations.

The right to free and fair elections is a well-established norm in international law; some scholars even argue it is a fundamental human right. Research and scholarly works in this area focus heavily on elections in newly-formed democracies within the developing world following civil war or other internal strife; little-to-no attention is paid to the responsibility an occupying power has to implement free and fair elections after it is victorious in armed conflict. While it is generally recognized no single electoral method is suitable to all nations and peoples, significant international and regional treaties, including the International Covenant on Civil and Political Rights, The Universal Declaration of Human Rights, The European Convention on Human Rights and Fundamental Freedoms, and the Charter of the Organization of American States, protect the claim of citizens to universal and equal suffrage. What is not established are the obligations on a victor and occupier, post-conflict, to enact free and fair elections for the people they now govern, even when the purpose of the conflict was to promote a democratic way of life. The issue is particularly salient when a long-term occupation is established, effectively removing the defeated nation's ability to govern itself. And if the occupier is a long-standing democratic nation, even less attention is given to whether their decisions regarding electoral methods meet internationally-established norms.

As a cornerstone of democracy, self-rule should be enacted as soon as possible, even if it results in new and less-experienced political leaders, but even the most basic question surrounding an alleged human right has yet to be answered: How soon post-conflict should the election process begin? Timeliness of elections for transitioning democratic nations is a new area of research. The importance of determining the appropriate time for implementing elections, with the proposition earlier is better, is illustrated in this article through three case studies wherein a victorious Western occupier (the United States) oversaw a transition to democracy. The first two case studies examine the post-World War II occupations of Japan and Germany, which contrast a short- and long-term timeline for implementation of a new national government, but also include early local and regional elections to promote self-governance and democratic roots. The third case is 2003 Iraq, which is an example of a long-term process—more than two years—leading up to the first democratic elections at the national level with no earlier votes at local or regional levels. Each of these separate approaches impacted party formation, demographic and social representation, and make-up of the respective nation's long-term government. A model approach is then presented, advocating for early, albeit not perfect, elections for the purpose of promoting democracy (i.e., citizens learn by doing) and establishing national legitimacy on the global stage through sovereignty.

The Popular But Unlawful Armed Reprisal

Mary Ellen O'Connell

Ohio Northern Law Review, Forthcoming

April 27, 2018

The United States and Iran carried out armed reprisals in Syria during 2017 in the wake of chemical and terror attacks.

Despite support for their actions even by countries such as Germany and France, retaliatory uses of force are clearly prohibited under international law. International law generally prohibits all use of armed force with narrow exceptions for self-defense, United Nations Security Council authorization, and consent of a government to participate in a civil war. Military force after an incident are reprisals, which have been expressly forbidden by the UN. Prior to the Trump administration, the U.S. consistently attempted to justify reprisals through creative characterization of the facts to fit the self-defense paradigm. Following the April 2017 attacks, the U.S. did not even offer one of these insufficient attempts at justification. The implications of these latest developments on international law for the U.S. and the world are grave. Human lives have been taken in

violation of the law. The whole attempt to condemn chemical attacks and terrorism — which also violate international law — becomes at best counterproductive when the response involves a law violation as serious as the triggering offense. Disrespect for the law can have repercussions beyond the rules on resort to military force. They can damage the health of the system as a whole, affecting areas both the U.S. and Iran want to see honored, such as arms control treaties.

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