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AFRICA

NORTH AFRICA

Libya

UN extends Libya mission for 3 months at Russia's insistence (Associated Press) By Edith M. Lederer
July 28, 2022

The U.N. Security Council voted Thursday to extend its political mission in Libya, but at Russia's insistence for only three months rather than a year-long mandate.

The council's three African members abstained to protest Russia's blocking the longer extension they say is needed to help the divided country move to elections and stability.

Russia's deputy ambassador, Dmitry Poyansky, reiterated Moscow's position that the U.N. mission must get a new special representative before it has a longer mandate.

U.N. special envoy Jan Kubis resigned last Nov. 23 after 10 months on the job, and a number of candidates proposed by U.N. Secretary-General Antonio Guterres have been rejected either by council members, Libya or neighboring countries.

After Kubis left, Guterres appointed veteran American diplomat Stephanie Williams, a former U.N. deputy special representative in Libya, as his special adviser. But council diplomats said she is leaving that post Sunday, which means the mission will have no leader as Libyans grapple with a constitutional and political crisis.

U.S. Ambassador Linda Thomas-Greenfield said the United States shares the frustration of the council's three African members — Ghana, Kenya and Gabon. She called Russia's contention that a three-month extension until Oct. 31 will somehow spur the selection of a new special representative "specious."

The mission is important for the Libyan people "in supporting preparations for elections, monitoring the cease-fire, reporting on human rights issues, and providing technical assistance on state finances and budget," she told the council after the 12-0 vote.

"It does a disservice to them, and all of us, to play games with the mandate," she added.

Oil-rich Libya has been wracked by conflict since a NATO-backed uprising toppled and killed longtime dictator Moammar Gadhafi in 2011. The country was split by rival administrations, one in the east backed by military commander Khalifa Hifter and a U.N.-supported administration in the capital of Tripoli in the west. Each side is supported by different militias and foreign powers.

In April 2019, Hifter and his forces, backed by Egypt and the United Arab Emirates, launched an offensive trying to capture Tripoli. His campaign collapsed after Turkey stepped up its military support for the U.N.-supported government with hundreds of troops and thousands of Syrian mercenaries.

An October 2020 cease-fire accord led to an agreement on a transitional government in early February 2021 headed by Prime Minister Abdul Hamid Dbeibah and to the scheduling of elections for last Dec. 24. But the elections weren't held.

Dbeibah has refused to step down, and in response the country's east-based lawmakers elected a rival prime minister, Fathy

Bashagha, a former interior minister who is now operating a separate administration out of the city of Sirte.

Assistant Secretary-General Martha Pobeé told the council Monday that the overall situation in Libya remains “highly volatile,” with a tense security situation, “deeply disturbing” shows of force and sporadic violence by militias engaged in political maneuvering.

She also cited a dispute over leadership of the National Oil Corporation and serious human rights concerns, including the reported arrest by armed groups of dozens of protesters who took part in July 1 demonstrations decrying deteriorating living conditions and demanding progress on elections

Polyansky said Russia understands the view of his African colleagues, but he defended limiting the mission's mandate without the appointment of a new special representative, saying it is unusual the body “has remained headless for quite some time already.”

He warned that Libya “has approached a red line, upon the crossing of which armed conflict may resume.”

“What’s at stake now is the future of Libya and its people,” Polyansky said after the vote.

Solomon Korbieh, minister-counselor at Ghana’s U.N. Mission, said the fifth brief extension of the mission’s mandate demonstrated again the Security Council’s failure “to show commitment to the Libyan people.”

He called on council members “to place the overall interests of Libya above all else” and work with the secretary-general to find a new leader for the mission.

“The people of Libya are crying for elections as a basic step towards the rebuilding of their nation and this council cannot let them down,” Korbieh said.

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CENTRAL AFRICA

Central African Republic

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

UN relaxes arms embargo on Central African Republic (Associated Press)

By Edith M. Lederer
July 30, 2022

The U.N. Security Council voted Friday to relax the arms embargo against the Central African Republic, a disappointment to its government, which sought a complete lifting of the ban on the sale or transfer of weapons and ammunition.

The vote was 10-0 with Russia, China and the council’s three African members that supported a lifting of the embargo abstaining.

Sylvie Baïpo-Temon, the Central African Republic’s foreign minister, told the council after the vote that the government welcomed the first step toward an arms embargo on armed groups.

She also welcomed the end to limits on some categories of weapons for government forces, but she stressed that “this embargo is no longer justified.”

“The embargo from 2013 is undeniably ineffective because it no longer provides specific solutions to the grave problems posed by the proliferation of arms by extremists and rebels who have many, many sophisticated weapons themselves,” Baïpo-Temon said.

The mineral-rich but impoverished Central African Republic has faced deadly intercommunal fighting since 2013, when predominantly Muslim Seleka rebels seized power and forced President Francois Bozize from office. Mostly Christian militias later fought back, also targeting civilians in the streets. Untold thousands were killed, and most of the capital's Muslims fled in fear.

A peace deal between the government and 14 rebel groups was signed in February 2019, but violence erupted after the constitutional court rejected Bozize's candidacy to run for president in December 2020. President Faustin Archange Touadera won a second term with 53% of the vote, but he continues to face opposition from a rebel coalition linked to Bozize.

The government controls the capital, but much of the country is controlled by armed groups.

France drafted the resolution and engaged in lengthy negotiations with Russia over maintaining the arms embargo to avert a possible Russian veto.

France's deputy political coordinator Wadid Benaabou said the objective of the arms embargo has always been to reduce the threat of armed groups.

He said the Security Council "has always been attentive" to the needs of the CAR government and Friday's resolution makes it even easier for its forces to obtain all types of weapons and ammunition.

"They have thus received more than 20,000 weapons and 29 million rounds of ammunition in recent years," Benaabou said after the vote.

Kenya's U.N. Ambassador Martin Kimani said the resolution "has taken a positive step towards the full lifting of the arms embargo." But he said Kenya voted to abstain because the resolution doesn't fully lift sanctions against the CAR government, a view backed by Ghana and Gabon.

U.S. deputy ambassador Jeffrey DeLaurentis welcomed the extension of the arms embargo, travel ban and asset freeze saying these measures aim to promote peace and stability in CAR and across the region.

"On the arms embargo, the region is awash with guns and it's time to stem the unfettered flow," DeLaurentis told the council after the vote. "If effectively implemented, this arms embargo will help silence the guns."

He called on CAR authorities to continue improving physical protection and accountability for its weapons.

"The truth is, military actions alone will not resolve CAR's crises," DeLaurentis said. "Good governance, credible security sector reform, transparent disarmament and reintegration, national dialogue, and justice and accountability are the most important steps toward peace."

Central African Republic: Militias spreading 'terror, insecurity', must lay down arms (UN News)
August 5, 2022

Armed groups in the Central African Republic (CAR) must lay down their arms and engage in political dialogue, a UN-appointed independent human rights expert said on Friday, urging the international community to strengthen efforts to restore State authority and end impunity there.

"I vehemently condemn the obstinacy of the Coalition of Patriots for Change and other armed groups who continue to spread terror, insecurity and suffering among the civilian population and victims of violations and abuses," said Yao Agbetse, who monitors rights abuses in CAR.

Armed groups in the Central African Republic (CAR) must lay down their arms and engage in political dialogue, a UN-appointed independent human rights expert said on Friday, urging the international community to strengthen efforts to restore State authority and end impunity there.

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Grave human rights violations

At the end of a ten-day official visit to the country, he expressed dismay over reports from residents in the town of Bria, capital of the Haute-Kotto prefecture, who described the ease with which armed groups can move in and out of neighbouring Sudan.

In that same district, schools in Ouadda, Yalinga, and Sam-Ouandja regions, have been closed for four years.

Meanwhile, in Haute Kotto and Mbomou prefectures, the Union for Peace in the Central African Republic and the Front Populaire pour la Renaissance en Centrafrique (FPRC) have committed numerous grave human rights violations, including sexual violence, particularly rape and sexual slavery, mostly targeting girls aged 11-17.

Mahamat Salleh, an FPRC leader based in Nzako, has been implicated in several cases of rape and other serious human rights abuses, Mr. Agbetse said.

'Unacceptable' attack

He pointed to the brutal, organized attack on the village of Boyo last December, saying that human rights violations committed by the CAR national army (FACA) and the internal security forces (FSI) and their auxiliaries were "unacceptable".

Russian allies and the FACA had allegedly provided support to the mostly Christian anti-Balaka militia who committed atrocities there, including beheadings and sexual violence, and forced thousands of residents to flee.

"The seriousness of these facts requires appropriate responses from national authorities towards the victims," Mr. Agbetse said.

"I recommend that the UN Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA) set up a more reactive warning system and regular joint operations with the FACA to prevent tragedies like the one in Boyo".

Mercenaries

The UN expert also demanded that Russian mercenaries of the Wagner security group refrain from obstructing collaboration and joint operations between FACA, FSI and UN peacekeepers.

"The Wagner group must not prevent the deployment of MINUSCA protection operations and not obstruct the investigation of human rights abuses and violations of International Humanitarian Law," he continued.

In the interest of all citizens of CAR, the UN expert urged outlawed militias to engage in the peace and reconciliation process led by the Commission on Truth, Justice, Reparation and Reconciliation.

Systematic investigations

At the conclusion of his visit, Mr. Agbetse recommended that all allegations of violations of human rights and international humanitarian law be systematically and thoroughly investigated by Central African authorities.

"These investigations must be followed by concrete actions to ensure that the victims have access to justice," he said.

The expert said a reparation fund should also be established to ensure justice for victims.

Moreover, he strongly recommended extraordinary judicial sessions to tackle the heavy caseload of sexual violence allegations linked to the chronic instability and conflict across CAR.

Sentencing

Mr. Agbetse upheld that in cases of conflict-related sexual violence, so-called "amicable settlements" were simply unjust to victims, and must be stopped, he added.

Moreover, he noted that some testimonies and reports indicated a lack of control and accountability within the State apparatus, including the judiciary, police, and the civil service in general.

He also called on Authorities to address hate speech and incitement to violence, and on the international community to strengthen its support to ensure that State authority restoration is effective.

Independent experts are appointed by the Geneva-based UN Human Rights Council to examine and report back on a specific human rights theme or a country situation. The positions are honorary and the experts are not paid for their work.

ICC Issues Warrant for Central African Republic Rebel Leader (Human Rights Watch)

By Lewis Mudge

August 8, 2022

Last week the International Criminal Court (ICC) made public an arrest warrant for a rebel leader in the Central African Republic, Nouredine Adam.

The warrant, which was previously sealed and dated back to January 2019, states that Adam is wanted on charges of war crimes and crimes against humanity, including torture. Adam's warrant is consistent with the ICC seeking to target the highest-ranking rebel leaders responsible for atrocities in the Central African Republic.

Adam was the number two leader of the Seleka, an armed rebel group that tore its way through the Central African Republic in 2013. One of the first leaders to arrive in the capital, Bangui, when the rebels took the city, Adam became the Minister of Public Security, then later national security advisor. In 2014 he fled Bangui with the rest of the Seleka, and has since moved between Sudan, Chad, and the Central African Republic.

The arrest warrant points to allegations that Adam oversaw torture.

He oversaw Seleka fighters, and in 2013 when we met and presented him with documentation of serious crimes perpetrated by the Seleka, he had one response: blanket denial. He blamed the wanton killings of women and children on anyone but Seleka fighters, even denying we spoke with villagers fleeing an attack who had identified Seleka soldiers. Yet evidence indicates that soldiers under his command brought chaos to Bangui and the provinces.

After he fled Bangui, Adam took command of other armed groups, emerging as a prime example of how abusive leaders who enjoy impunity continue to commit crimes.

Another Seleka commander, Mahamat Said Abdel Kan, is also facing charges at the ICC. His trial is due to begin in September. But Said did not have the same level of command that Adam held during the Seleka's reign of terror. Prominent leaders from the anti-balaka militia – who fought the Seleka for years – have also been sent to The Hague for trial. One such leader, Maxim Mokom, was surrendered to the ICC last March by Chad.

Adam is reported to be in Sudan, where he continues to evade justice. Sudan should follow Chad's lead and surrender ICC suspects to the court. Bearing in mind, Sudan has not yet handed over to the court its own alleged war criminals: three ex-officials, including former president Omer al-Bashir. Still, Adam should become an example of justice, not impunity, in the Central African Republic.

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Sudan & South Sudan

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

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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**

UNSC Condemns Attack That Killed 2 Indian Peacekeepers in Congo (The Wire)

July 28, 2022

The United Nations Security Council (UNSC) has strongly condemned the attack on the UN mission in Congo in which two peacekeepers from India and one person from Morocco were killed, urging the Congolese authorities to swiftly investigate the assault and bring the perpetrators to justice.

In a press statement, tabled by India and France, the powerful 15-nation Council expressed its deepest condolences to the families of the victims and to India and Morocco.

The council also expressed its condolences to the United Nations and the civilians who lost their lives, besides wishing a speedy recovery to peacekeepers and civilians injured in the July 26 attack in Butembo, North Kivu province.

“The members of the Security Council strongly condemned the recent attacks on the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO) in North Kivu, which resulted in the death of three peacekeepers from India and Morocco, as well as in injuries to peacekeepers, said the statement issued on Wednesday, July 27.

India’s Border Security Force (BSF) on Tuesday confirmed the death of two of its personnel in the attack in the Democratic Republic of Congo. The two Border Security Force personnel killed in the attack have been identified as Head Constables Shishupal Singh and Sanwala Ram Vishnoi.

India, currently a non-permanent member of the Council and among the largest troop contributing country to the UN peacekeeping missions, played a very active role in bringing Council members together and ensuring that a strong-worded statement goes out that condemns the attack on peacekeepers, sources said.

UN Secretary-General Antonio Guterres has also strongly condemned the July 26 fatal attack and expressed his deepest condolences to the families of the fallen peacekeepers, as well as to the governments and the people of India and Morocco.

At the MONUSCO Butembo base, violent attackers snatched weapons from Congolese police and fired upon the uniformed personnel. MONUSCO’s Acting Head Khassim Diagne told reporters from Kinshasa that the past two days have been intensive and tragic for the mission.

“The culmination of the violence and the tragedy resulted in the killing of three of our brave peacekeepers, two Indians of the Formed Police Unit and one Moroccan from the military contingent and another Egyptian colleague from the police also wounded,” he said.

“We once again express our deepest condolences to the families and the government of India and Morocco. And we will not leave any stone unturned to get to the bottom of it, to the investigation. This was clearly a hostile act against our troops. This may be a war crime,” he said.

Diagne added that the mortal remains of the fallen peacekeepers have been transferred now to the northeastern city of Beni.

“We’re looking at arrangements for these remains to go back quickly to their families in India and Morocco,” Diagne said.

In the press statement, the Security Council members condemned in the strongest terms all attacks and provocations against MONUSCO and underlined that deliberate attacks targeting peacekeepers may constitute war crimes under international law.

They called on the Congolese authorities to swiftly investigate these attacks and bring the perpetrators to justice, and keep the relevant troop-and police-contributing countries informed of the progress consistent with relevant Security Council resolutions.

They requested the Secretary-General for an update consistent with para 4(a) of Security Council resolution 2589 (2021) on measures undertaken to promote accountability for such acts.

The UNSC resolution 2589 was adopted in August last year under India’s Presidency of the Council and it called upon the Member States hosting or having hosted United Nations peacekeeping operations to promote accountability for the killing of, and all acts of violence against United Nations personnel serving in peacekeeping operations.

It also recognises the need to enhance support to help these countries address impunity. As of November 2021, India was the second-highest military contributor to MONUSCO with 1888 troops and the fifth highest police contributor with 139 personnel. The mission has a total of over 17,700 personnel.

The members of the Security Council called for calm and dialogue in order to resolve the current tensions and to ensure the protection of civilians. They encouraged further efforts of the Congolese Government to restore law and order as well as to conduct investigations into the underlying causes of the current tensions and to ensure accountability, the statement said.

The Council members called on all parties to cooperate fully with MONUSCO and to remain committed to the full and objective implementation of the Mission’s mandate and under the Status of Forces Agreement with MONUSCO.

The members of the Security Council reaffirmed their strong commitment to the sovereignty, independence, unity and

territorial integrity of Congo.

They reiterated their full support to the Special Representative of the Secretary-General, Bintou Keita, and for the stabilising action of MONUSCO, in line with the basic principles of peacekeeping, including consent of the parties, and its mandate and expressed their deep appreciation to MONUSCO's troop- and police-contributing countries.

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Cote d'Ivoire: Ouattara offers presidential pardon to former leader Gbagbo (YahooNews)

By Paul Myers
August 7, 2022

President Alassane Ouattara marked Cote D'Ivoire's Independence Day on Sunday with a presidential pardon to longtime rival Laurent Gbagbo.

Gbagbo, 77, who was president between 2000 and 2011, returned to Cote d'Ivoire last June after being acquitted in 2019 by the Hague on war crimes charges for his role in a civil war sparked by his refusal to concede defeat after the 2010 election.

However, he still faced a 20-year prison sentence for a 2019 conviction linked to the robbery of funds from the Abidjan central bank during the post-election period. He has denied the charges.

"In order to further strengthen social cohesion, I have signed a decree granting a presidential pardon to Laurent Gbagbo," Ouattara said in a televised speech to the nation.

He said he had also asked for Gbagbo's accounts to be unfrozen and for the payment of the arrears of his presidential lifetime annuity.

Move

The decisions follow a meeting in July between Ouattara, Gbagbo, and former president Henri Konan Bédié.

Ouattara described the encounter as a fraternal meeting and added: "We exchanged, in a friendly atmosphere, on issues of national interest and on ways and means to consolidate peace in our country."

The troika have dominated the country's political landscape since the 1990s. Bédié, 88, was president from 1993 until he was removed in a coup in 1999.

Gbagbo then took over until his election defeat to Ouattara in 2010.

Tensions came to a head most dramatically after the 2010 election.

Gbagbo refused to concede defeat, leading to a brief civil war in which 3,000 people died before rebel forces aligned with Ouattara swept into the main city Abidjan.

Ouattara, 80, has presided over relative stability during his decade in power.

But dozens of people were killed in clashes that broke out around the 2020 election, when he stood for a third term that Gbagbo and Bédié said was unconstitutional.

The two former presidents have been invited to participate in Sunday's Independence Day celebrations in Yamoussoukro

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

Nigerian Army Arrests 7 Boko Haram Logistics Suppliers, Informants Paid N20,000 To N50,000 Per Trip (Sahara Reporters)

August 9, 2022

No fewer than seven Boko Haram logistics suppliers and kidnappers have been arrested on the outskirts of Maiduguri, in Borno State.

The troops of 195 Battalion of Operation Hadin Kai on Tuesday arrested the Boko Haram members who said they were operating within Muna Garage Internally Displaced Persons' Camp, Mafa and Dikwa. They said their fighters' camp was at Boboshe and Gulumba riverline in the Dikwa Local Government Area of Borno State.

The suspects arrested include Hadiza Ali, Kelo Abba, Mariam Aji, Kamsilum Ali, Ngubdo Modu and Abiso Lawan.

The suspects were discovered with large quantities of logistics meant for Boko Haram terrorists, LEADERSHIP reports.

“During searching, different items including large quantities of fuel, mosquito nets, and noodles among others were recovered.

“Troops, however, became suspicious when large quantities of garri concealed in gallons and hidden beneath the vehicles were discovered.

“Upon systematic interrogation, the females confessed to being Boko Haram members operating within Muna Garage IDP Camp, Mafa and Dikwa with their fighters' camp at Boboshe and Gulumba riverline in Dikwa Local Government Area of Borno State.

“They revealed that the garri was packed in the gallons in other to beat checkpoints and also to help preserve it against rain as the garri and other items are buried in the ground at their agreed exchange points, where their fighters collect them.

“They also admitted acquiring for their fighters' kidnap targets based on the valuation of individuals, based on sometimes number of cows owned or size of farms.

“They also informed troops that they were given money ranging from N20,000 to N50,000 for each trip and goes for about two to three trips a day depending on the activities of soldiers,” the newspaper quoted military sources.

Meanwhile following this information, troops immediately embarked on a follow-up operation to the Boko Haram camp and contact was made around Gaza where one Boko Haram was neutralised, one truck burnt and five kidnap victims were rescued alive.

Nigerian Military Arrests 'High-profile ISWAP Terrorist Who Escaped During Kuje Prison Attack' In Ondo (Sahara Reporters)

August 9, 2022

The Defence Headquarters says it has rearrested one of the high-profile Islamic State in West Africa Province (ISWAP) terrorists, Idris Ojo who escaped from Kuje Prison in Ondo State.

Africa Province (ISWAP) terrorists, Idris Ojo who escaped from Kuje Prison in Ondo State.

Lucky Irabor, Chief of Defence Staff, said this on Tuesday at a media conference in Abuja.

On July 5, gunmen attacked the Kuje correctional centre in the Federal Capital Territory (FCT), and freed over 500 inmates, including suspected Boko Haram terrorists.

“Starting with the Owo church attack, it is my pleasure to let you know that we have arrested those behind that dastardly act,” he said.

“On August 7, one Idris Ojo (37) was apprehended at Aiyetorosi in Ondo State. He was one of the high-profile Islamic State in

West Africa Province (ISWAP) members that escaped from Kuje Prison.

“He was arrested along with one Jimoh Ibrahim, a 39-year-old criminal. Ojo was not done with all the criminal activities which he undertook in the past, he was also planning other deadly attacks and he was perfecting those plans along with his cronies before he was captured.

“Again, on August 4, the military in a combined operation with the Department of State Service (DSS) arrested four terrorists at Eika in Okehi Local Government Area of Kogi State.

“Others are Idris Abdulmalik Omeiza, otherwise known as Ibn Malik; Momoh Abubakar, Aliyu Itopa and Auwal Onimisi.

“Now, Omeiza is one of the masterminds of the June 5 Catholic Church attack in Owo as well as the attack on the police station in Adavi also in Kogi State that led to the killing of a policeman as well as weapons being carried away.”

Five suspects arrested in Nigeria Catholic church massacre (Reuters)

By Camillus Eboh

August 9, 2022

Nigeria has arrested five suspects in an Islamist militant attack in a Catholic church that killed 40 people in early June, Chief of Defence Staff General Leo Irabor said on Tuesday.

Nigerian authorities have said they suspect insurgent group Islamic State West Africa Province (ISWAP) carried out the massacre of members of a congregation inside the St Francis Catholic Church in Ondo state on June 5.

ISWAP is waging an insurgency in the northeast but claims that it carried out the attack far away from its enclave have raised concern that the group is expanding its footprint in Nigeria.

Irabor said in a statement in Abuja that the attackers were arrested during joint operations involving the armed forces, the Department of Security Services and police. He did not say where and when the arrests were made.

He said he could not parade the suspects due to ongoing investigations.

"I will like to say that in due course, the world will see them and others who are behind other daring attacks in the country," Irabor said.

Arakunrin Akeredolu, the governor for Ondo state, said a person who had provided accommodation to the suspects before the attack was also arrested.

ISWAP has claimed responsibility for a string of low level attacks as well as daring jail break in Abuja in early July that freed more than 400 inmates.

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Mali

18 Killed During Latest Mali Insurgent Attacks (New Delhi Times)

July 29, 2022

Mali's military government says coordinated insurgent attacks on Wednesday killed 15 troops and three civilians, while leaving scores of militants dead. Analysts say the attacks show increasing insecurity in the West African country following the withdrawal of French forces.

The attacks were launched Wednesday against military targets in Mopti, a city in central Mali, as well as in Sokolo and Kalumba, also in central Mali. The Malian army issued a statement saying it “neutralized” 48 militants.

In it, the chief of staff of the armed forces reassured Malians and called on observers not to be deceived by the recent acts of an adversary losing momentum. According to the analysis of the chief of staff, the recent attacks, which confirm signals and clues

previously detected and identified by the army, show the final throes of armed terrorist groups on Malian territory.

Fodie Tandjigora, a sociology professor at the University of Bamako and researcher on security in Mali for several organizations, said from Bamako that despite such assurances, the situation in Mali is getting worse, and has entered a new phase in which Islamist militants are able to better organize and carry out simultaneous, planned attacks.

Militants also launched a series of attacks last week in several localities, before attacking Kati, a town just 15 kilometers from Bamako and home to the army's main military base.

Tandjigora says these attacks are meant to send a message.

It's a message, he said, not only towards public opinion, but also and especially to the international community, to say that ultimately the Malian army, contrary to the impression which has been conveyed by them, does not have the ability to maintain security on Malian territory.

Insecurity has been mounting in Mali in recent months, as the French army completes the process of withdrawing from the country.

French President Emmanuel Macron is currently visiting several countries in West Africa, where France continues to send military support to some of them in the fight against extremism.

The French army was primarily active in Mali's north. Macron announced the withdrawal of troops in February, following increasing tensions with Mali's military government, and concerns about the government working with Russian mercenaries.

Reports of mercenaries committing human rights abuses have been published by Human Rights Watch and several international media outlets since March.

Tandjigora said that public opinion in Mali is widely in favor of a Russian intervention, which many hope can end the country's rampant insecurity. He said that though Mali maintains that it only works with official Russian instructors, whether official soldiers or mercenaries, the presence of these soldiers has had little effect on the security situation.

Tandjigora also said that the state is failing to address widespread misinformation circulating on social networks, which has contributed to increasing tensions in the country.

Malian and 'white' soldiers involved in 33 civilian deaths: UN experts (Modern Ghana)

By Agnes Coudurier

August 5, 2022

The Malian army and "white-skinned soldiers" were involved in the deaths of 33 civilians, according to an expert report to the UN seen by AFP Friday.

The bodies of 29 Mauritians and four Malians were found near the village of Robinet El Ataye in the Segou region, where 33 civilians had been beaten and taken away on March 5, a Panel of Experts on Mali said in a report to the UN Security Council late last month.

A diplomatic source in New York told AFP that the white soldiers were paramilitaries of Russia's Wagner group.

The civilians' disappearance stoked friction between Mali and Mauritania at the time.

Nouakchott accused the Malian army of "recurrent criminal acts" against Mauritanian citizens in the border region.

Bamako said there was no proof its army was involved.

The two countries in mid-March launched a joint investigation but its results had not yet been published as of early August.

Western countries say Russian paramilitaries in Mali are mercenaries from the controversial Wagner group while Bamako describes them as "instructors" for its security forces.

'Screams'

At 8:30 am on March 5, a "group of 'white-skinned soldiers' arrived in Robinet El Ataye", a village whose well was frequently used by Malian and Mauritanian herders, the report said.

"The soldiers proceeded to round up the adult men, including older boys, tied their hands behind their backs and blindfolded

them," the report said. "The women and children were told to go into their homes and not to watch."

The soldiers raided the houses in the village of jewelry, mobile phones and other possessions, according to the report.

It said a group of soldiers from the Malian army arrived at 11:00 am and began beating the men with their herding sticks.

"The women could not leave their homes as there were soldiers blocking the doors," it said.

"They could only hear the screams of the men as they were being beaten."

The Malian soldiers then released some of the younger men and carried off "thirty-three or thirty-four" others, including twenty-nine Mauritians and four Tuareg Malians.

The "white-skinned soldiers" left several hours after the beatings began.

The bodies of the men were found four kilometres (two and a half miles) away the next day. They had been "shot and then burnt", according to the report.

An eye witness claimed the bodies were covered by "a dark substance which could not be identified".

'Pattern'

The expert panel said it was unable to visit the site of the incident but had collected "several testimonials" on Malian army operations in the region this year.

It said it had uncovered a "similar pattern of pillage and beatings" in five other locations, though not civilian killings. Two other operations the panel investigated involved the presence of "white-skinned soldiers", according to testimonies.

The military court in Bamako has also said it will probe the incident.

The Malian army has conducted numerous military operations to "hunt down" jihadist groups in the Segou and Mopti regions of central Mali since the beginning of the year.

Its soldiers have been accused of abuses on several occasions by NGOs.

In March, the army massacred about 300 people by summary execution in Moura in central Mali, according to Human Rights Watch (HRW).

The government soldiers were accompanied by foreigners identified by several sources as Russians.

The Malian authorities have said they will investigate events there.

The Sahel country is also in the grip of political upheaval following military coups in August 2020 and May 2021.

Suspected militants kill 17 Mali soldiers, four civilians in north (Arab News)

August 9, 2022

At least 17 soldiers and four civilians were killed Sunday in an attack in a strategic border zone between Mali, Burkina Faso and Niger, Mali's army said.

Some 22 troops were injured while nine other soldiers are missing, the army said late Monday, adding that the toll could still rise.

The army had blamed the attack on "terrorists" in an earlier announcement late Sunday, using the term it typically uses for terrorists.

It had said its troops had been repelling an attack by the Daesh in the Greater Sahara (ISGS) group, affiliated with the Daesh organization.

The previous death toll was four soldiers and two civilians.

The two civilians killed were local elected officials, their relatives told AFP.

The army said Monday it killed seven from the attacking side, "likely" from the ISGS group, adding that there was "an unknown number of dead and injured carried away by the attackers."

It also said the attack caused damage to vehicles and residents' homes.

Tessit is located on the Malian side of the so-called three-border area in a vast gold-rich region beyond state control.

Like the whole of the zone, Tessit is even more isolated during the rainy season when heavy rainfall blocks access.

Armed groups under the umbrella of Al-Qaeda aligned terrorists Jama'at Nasr Al-Islam wal Muslimin, or JNIM, are fighting ISGS there.

Thousands of residents have fled the area, many heading to the town of Gao, some 150 kilometers (90 miles) away.

The Malian army, which has a military camp next to the town of Tessit, has frequently been attacked in the area.

UN peacekeepers and, until a few months ago, French soldiers from Operation Barkhane, have also been deployed there.

In a separate incident, Barkhane on Sunday announced that it had "neutralized" a cadre and several terrorist fighters in the Talataye area, some 200 kilometers northeast of Gao, the day before.

Barkhane troops are currently preparing to exit their last base in Mali, in Gao, to redeploy to Niger after Mali's junta turned away from France and toward Russia in its fight against terrorism.

Also Sunday, five police officers were killed in an attack in Sona, in the Koutiala area of southern Mali near the border with Burkina Faso.

On Friday, suspected terrorists killed about 12 people in central Mali with explosives planted in the bodies of slain civilians that relatives had come to collect.

Mali is struggling with a long terrorist insurgency that has claimed thousands of lives and forced hundreds of thousands from their homes.

Violence that began in the north has spread to the center and south of the country, as well as to neighboring Burkina Faso and Niger.

Mali is also in the grip of political upheaval following military coups in August 2020 and May 2021.

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Liberia

Liberian war crimes case moves to appeals court (yle)

August 8, 2022

The Turku Court of Appeal has agreed to allow prosecutors to appeal a ruling in an unprecedented war crimes case. Last April, a district court dismissed charges against a Sierra Leonean who has lived in Finland for more than a decade.

The Court of Appeal of Turku has granted permission for further proceedings in an exceptional case in which a resident of Finland was accused of atrocities during the Liberian civil war. No date has yet been set for the next hearing.

In late April, Pirkanmaa District Court dismissed all charges against the Sierra Leonean man, Gibril Massaquoi, for crimes allegedly committed during the civil war between 1999 and 2003.

Massaquoi, who has lived in Finland for more than a decade, was accused of an array of crimes including murder, aggravated rape, aggravated war crimes and gross violations of human rights during the war in Sierra Leone's neighbouring country.

The unprecedented case saw Finnish court officials making trips to West Africa to hear testimony from dozens of witnesses and visit the sites of the alleged crimes.

"Reasonable doubt" about guilt and timing The district court ruled that prosecutors did not show with sufficient certainty that

Massaquoi had been involved in the acts referred to in the charges. Thus, according to the court, there was reasonable doubt about his guilt.

In its verdict, the district court also noted that the defence had cast reasonable doubt about whether he was in Liberia when the crimes were apparently committed.

The prosecutor had demanded a life sentence for Massaquoi, who lives in Tampere. Prosecutors appealed the sentence at the end of May. Permission was granted in late June but only made public on Monday.

Massaquoi has denied all charges.

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EAST AFRICA

Uganda

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

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Kenya

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

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

U.S. 'very concerned' about Rwanda's backing of rebels in Congo, Blinken says (Daily Nigerian)
August 10, 2022

U.S. Secretary of State Antony Blinken said on Tuesday Washington was "very concerned" about what he called credible reports that Rwanda has provided support to M23 rebels in the neighbouring Democratic Republic of Congo.

The resurgence of the M23 group in Congo's restive east has exacerbated tensions between the neighbours, with Kinshasa accusing Kigali of backing the rebels.

Blinken was speaking in the Congolese capital Kinshasa, where he arrived on Tuesday for the second leg of a three-nation African tour and met President Felix Tshisekedi.

Rwanda has denied the allegations and Blinken is due to visit the country following a one-day stay in Kinshasa.

“We are very concerned by credible reports that Rwanda has supported the M23,” the top U.S. diplomat told a press conference in Kinshasa.

“All countries have to respect their neighbours’ territorial integrity,” he added, saying he was “not turning a blind eye” and would discuss the issue with Rwandan President Paul Kagame.

Blinken said his trip to the region was to ensure U.S. support for mediation efforts led by Angola and Kenya “to prevent further violence, to end conflict (and) to preserve the territorial integrity of the DRC”.

The DRC is seeking international support as it struggles with Rwanda over the M23, a primarily Congolese Tutsi group that is one of many operating in the troubled east.

After lying mostly dormant for years, the rebels resumed fighting late last year, seizing the strategic town of Bunagana on the Ugandan border in June and prompting thousands of people to flee their homes.

In a 131-page report to the UN Security Council seen last week by AFP, experts said Rwandan troops had intervened militarily inside the DRC since at least November.

Rwanda also “provided troop reinforcements” for specific M23 operations, the experts’ report said, “in particular when these aimed at seizing strategic towns and areas”.

Kinshasa and Kigali have had strained relations since the mass influx of Rwandan Hutus accused of slaughtering Tutsis during the 1994 Rwanda genocide.

Relations began to thaw after Tshisekedi took office in 2019 but the M23’s resurgence has revived tensions.

The group, also known as the “March 23 Movement”, first leapt to prominence in 2012 when it briefly captured the city of Goma before a joint Congolese-UN offensive drove it out.

Blinken arrived in Kinshasa from South Africa, where he said the United States was seeking a “true partnership” with Africa and was not vying with other powers for influence on the continent.

Tshisekedi was to “raise the questions of strategic partnership” between the DRC and the United States during his meeting with Blinken at the presidential palace, his office said in a statement Monday.

On the eve of Blinken’s swing through the DRC and Rwanda, Human Rights Watch (HRW) urged him to condemn the M23 attacks and press Rwanda on its rights record, which included a “brutal” crackdown on dissent.

“As in 2012, the M23 are committing war crimes against civilians,” said a HRW statement.

“Witnesses described summary killings of at least 29 people, including children, in June and July... The U.S. should raise with Rwanda the reliable reports that it is again supporting the M23’s abusive conduct in eastern Congo.”

The M23 is just one of scores of armed groups that roam eastern DRC, many of them a legacy of two regional wars that flared late last century.

One of the bloodiest militias is the Allied Democratic Forces (ADF) – an organisation the Islamic State group describes as its “Central Africa Province” affiliate.

The State Department placed the ADF on its list of IS-linked “terrorist” organisations in March 2021.

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Somalia

From al-Shabab to the cabinet: Somalia’s move fuels debate (Al Jazeera)

By Bashir Mohamed Caato

August 5, 2022

Somalia’s appointment of a former al-Shabab leader to the cabinet is fuelling debate.

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Ethiopia

Enforced disappearance and Ethiopia's Constitution (The Reporter)

By Merhatsidk Mekonnen Abayneh

August 6, 2022

Despite its archaic status as a sovereign political entity, Ethiopia can barely claim to have a long history of constitutional rule (only 91 years to be exact). The country has only made a few primitive attempts at constitutional rule during its lengthy history, which spans thousands of years. The most recent of these attempts was the 1995 FDRE Constitution, which is still in effect today.

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Ethiopia’s War Ended. Now There’s Hunger and Strife (Bloomberg)

By Samuel Gebre and Fasika Tadesse

August 8, 2022

Ethiopian Prime Minister Abiy Ahmed battled rebels for more than 16 months before declaring a truce in March 2022, staving off a challenge to his authority. But the conflict has pushed millions of people into hunger in the northern Tigray region and soured his once-illustrious reputation. The nation’s misery has been compounded by the worst drought in four decades and soaring prices of grain and fuel. Abiy is also having to contend with fresh political violence in the center of the country, a territorial dispute with Sudan and attacks by al-Qaeda-linked militants.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnia Upholds Ex-Military Policeman’s Jailing for Wartime Rape (Balkan Transitional Justice)

By Haris Rovcanin

July 28, 2022

The Bosnian state court confirmed former Bosnian Army military policeman Adem Kostjerevac’s seven-year prison sentence for raping a pregnant woman in the Zvornik municipality during the war in 1992.

The state court in Sarajevo said on Thursday that it has rejected defence and prosecution appeals and confirmed the verdict convicting Adem Kostjerevac of committing a war crime against the civilian population.

Kostjerevac was found guilty in December last year of raping a woman in the village of Bajrici in the Zvornik area on an undetermined date between September 19 and October 4, 1992.

He committed the crime when he was a military policeman with the Zvornik First Muslim Brigade of the Bosnian Army, the court found.

The verdict said that he forced the victim, who was pregnant at the time, into having sexual intercourse with him on several occasions. The court sentenced him to seven years in prison.

The defence then appealed for the verdict to be quashed or the defendant acquitted, and the prosecution sought an increased sentence, but the appeals chamber of the state court rejected both appeals as unfounded.

The appeals chamber’s verdict was a third-instance ruling and cannot be challenged with a further appeal.

Kostjerevac was extradited from the United States to Bosnia in June 2020.

Bosnia Holds Serbian War Crime Suspect After Border Arrest (Balkan Transitional Justice)

By Nejra Dzaferagic and Milica Stojanovic

July 29, 2022

Boro Tomic is being held in temporary custody after being detained at the Bosnian-

Serbian border on an arrest warrant issued by Croatia, which accuses him of committing war crimes in 1991.

The Bosnian state court told BIRN that Serbian citizen Boro Tomic, who is accused of committing war crimes in Croatia, was put into temporary custody on Thursday.

The court said that it made the decision based on an Interpol 'red notice', issued on the request of Croatia, which says that Tomic is wanted "for prosecution for the criminal offence of war crimes against the civilian population".

He is accused of committing the crimes in Daruvar in Croatia in August 1991.

"Detention according to this decision can last no longer than 18 days from the day of the detention of the wanted person, ie. until August 12, 2022 or until a new decision by the court," it added.

Serbian NGO Veritas said on Thursday that Tomic, who lives in Serbia, was arrested "when he went to visit his parents in Kotor Varos [in Bosnia and Herzegovina], which he has visited very often, but until then he had no problems crossing the border".

Veritas said that the County State Attorney's Office in Bjelovar in Croatia filed an indictment in June 1997 accusing Tomic and 27 other people from the Daruvar area of war crimes against civilians and prisoners of war.

It said that they are accused of "daily arrests of the civilian population of that area, imprisoning civilians of Croatian nationality and members of the Croatian Army, holding civilians as hostages, and taking them first to a prison in Bijela, and then some to Bucje, where they were abused, tortured and killed".

The head of Veritas, Savo Strbac, said that Croatia is continuing to seek suspects from the 1991-95 war.

"They are still making arrests, this is the eighth arrest since the beginning of this year, some are when they are entering Croatia, some are outside Croatia," Strbac told BIRN.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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Domestic Prosecutions In The Former Yugoslavia

Bosnian Prosecution Contests Sarajevo Wartime Police Chief's Acquittal (Balkan Transitional Justice)

By Haris Rovcanin

August 2, 2022

The prosecution appealed against the verdict acquitting Dragan Vikić, the wartime commander of a Bosnian interior ministry police unit in besieged Sarajevo, of involvement in the killing of eight Yugoslav military prisoners in 1992.

State prosecutors said on Tuesday that they have filed an appeal contesting the verdict that cleared Dragan Vikić and three co-

defendants of committing a war crime against prisoners of war who were killed in Veliki Park in Sarajevo in the early weeks of the siege of the city on April 22, 1992.

The prosecution said it that the verdict had wrongly and incompletely determined the facts of the case. It is calling for the first-instance verdict to be quashed and a new trial ordered that would find the defendants guilty.

Under the first-instance verdict delivered in April this year, Vikić, in his capacity as commander of the Bosnian interior ministry's police squad, and Jusuf Pusić, former assistant minister for uniformed police, were cleared of charges that they knew or could have known that their subordinates were about to commit the murders of eight Yugoslav People's Army prisoners and that they failed to punish the perpetrators.

The other defendants, former police reservist unit members Nermin Uzunović and Mladen Čović, were acquitted of participating in the murders of the eight captured soldiers in Veliki Park and of transporting their bodies to the Dariva neighbourhood, where they were set on fire.

The judge said that the prosecution had not offered evidence to prove beyond reasonable doubt that the defendants committed the crimes.

The eight Yugoslav People's Army soldiers were captured when their vehicle malfunctioned and then taken to the police's Public Security Station in the Novi Grad municipality, and then to police headquarters. They were then killed in Veliki Park.

The prosecution's appeal focused on evidence and witness testimonies that Vikić and Pusić had command responsibility and were informed about the crime but failed to arrest and sanction the perpetrators and prevent the removal of evidence and the concealment of the bodies.

"In relation to defendants Uzunović and Čović, who were charged as individual perpetrators, the focus is on the criminal acts that they committed as members of the detachment's reserve police unit jointly with members of the detachment commanded by Dragan Vikić," the prosecution said.

The first-instance verdict said that the prosecution did not clearly prove that Vikić and Pusić were the perpetrators' superiors, that witness testimonies about Uzunović's identification were unreliable, and that none of them linked Čović to the crime.

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Turkey

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Kosovo Specialist Chambers

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Russia

Video of Russian Soldier Allegedly Castrating Ukraine POW Sparks Outrage (Newsweek)

By Brendan Cole
July 29, 2020

A video that purportedly shows a Ukrainian prisoner of war being mutilated by a Russian soldier has caused outrage

The clip, posted on a pro-Russian account on Telegram, shows a man in a Ukrainian uniform with his hands tied behind his back pinned down, while a man in a Russian uniform and a black hat uses what look like bolt cutters to apparently castrate him.

Newsweek has not independently verified the footage but The Times of London's assistant foreign editor, Maxim Tucker, has tweeted that the video is "genuine" according to the investigative website Bellingcat.

Tucker posted that Bellingcat said "the same soldier appeared on a Russian TV clip (with same hat and bracelet) and there was no evidence the video had been manipulated."

However, there are varying reports about who the Russian soldier is, as well as where and when the alleged incident took place.

The Twitter account Ukraine Alert, which tweets updates about the war, identified the soldier as "probably" a member of the Wagner group of mercenaries fighting alongside Moscow's forces in Ukraine, who is from the republic of Kalmykia.

Yahoo! News reported that the Russian appeared to be the same soldier who appeared in a June broadcast on Russian state-backed media at the Azot chemical plant in the city of Severodonetsk, Luhansk.

The Twitter account Geolotics located the video to Severodonetsk, which suggests the footage could be several weeks old since fighting has largely subsided in the city since Russia captured it on June 25.

Ukraine Alert pointed out that other sources had said the video was of mercenaries from the Chechen Akhmat battalion.

It is unclear what happened to the Ukrainian in the video, but the footage has prompted outrage since it began to circulate online.

"I better see as much outrage about a video of a Ukrainian prisoner-of-war being castrated by Russian terrorists as I have seen about an innocent Vogue photo of Zelensky and his wife," tweeted Julia Krill, a Ukrainian in Canada.

"Ukraine has already won but will avenge this act," tweeted journalist Sarah Ashton-Cirillo.

The Twitter account Anonymous Operations told its 317,000 followers: "This is another brutal war crime of Russian army."

Retired Australian general Mick Ryan tweeted that while he did not want to amplify a "hideous and repulsive act against a defenseless Ukrainian prisoner of war ... from a purely human level, I am sickened that one human will do this to another.

"Second, as a soldier, it breaks my heart to see a fellow soldier – now a non-combatant – being treated in such a way. No soldier deserves such disgusting treatment," he added.

Earlier this month, the Organization for Security and Co-operation in Europe issued a report that detailed evidence that Russian forces in Ukraine have committed war crimes. The allegations include the direct targeting of civilians, torture, rape and forced deportations.

The regional security organization said there was "credible evidence" of what were "likely to amount to crimes against humanity."

Ukraine probing almost 26,000 suspected war crimes cases (Reuters)

August 7, 2022

Ukraine is investigating almost 26,000 suspected war crime cases committed since Russia's Feb. 24 invasion and has charged 135 people, its chief war crimes prosecutor told Reuters.

Of those charged, around 15 are in Ukrainian custody and the remaining 120 remain at large, Yuriy Bilousov, head of the war crimes department of the Prosecutor General's office, said in an interview in the capital Kyiv.

Thirteen cases have been submitted to courts and seven verdicts have been issued, he said.

In May, a 21-year-old captured Russian soldier became the first person to be convicted in a war crimes trial in Ukraine since Russia invaded on Feb. 24. He was sentenced to life in prison for killing an unarmed civilian. [read more](#)

"Sometimes we've been asked why we prosecute such...low-ranked officers. It's just because they are physically here... If generals were here physically and we were able to capture (them), we would definitely prosecute generals," Bilousov said.

Russian Tank Crewmen Sentenced to 10 Years in Jail for War Crimes (Kyiv Post)

August 11, 2022

A group of Russian troops who engaged in war crimes against innocent Ukrainians have been sentenced to 10 years behind bars. The following is a statement from the

Special Services of Ukraine (SSU):

Such a decision was made by Chernihiv Desnyanskyi District Court. The senior sergeant of the Russian armed forces Mykhail Kulikov was found guilty of the crime under Article 438.1 of the CCU (violation of laws and customs of war) and was sentenced to 10.5 years in prison.

The basis for the indictment is the evidence collected by the Security Service of Ukraine.

It has been established that a Russian tank crewman of Russian 35th separate guards motorized rifle brigade crossed the state border of Ukraine from Belarus on February 24. Advancing in the direction of Chernihiv, his tank fired at populated areas.

On February 26, 2022, following the commander's order, the sergeant fired at an 11-story residential building in Chernihiv, which was not a military target, but on the contrary, was inhabited exclusively by civilians.

The direct hit of a 125 mm high-explosive tank projectile destroyed several apartments.

Shortly after this episode, the Armed Forces of Ukraine hit the enemy tank and captured its crew.

Now, sergeant Mykhail Kulikov will serve a fair sentence.

The SSU will continue to investigate crimes committed by the occupying forces in Ukraine in order to bring to justice all Russian soldiers who committed crimes against civilians.

The pre-trial investigation was carried out by the SSU Office in Chernihiv Region under the procedural supervision of Chernihiv Region Prosecutor's Office.

In Chernihiv region, Russian armed forces destroyed or damaged over 7,000 buildings and facilities, including:

- more than 1,000 multi-story residential buildings;
- almost 5,500 private buildings;
- 216 educational institutions;
- 74 healthcare institutions;
- 45 cultural institutions;
- 183 life-support facilities

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MIDDLE-EAST

Grotian Moment: The International War Crimes Trial Blog

UN renews commitment to Yazidi community eight years after ISIL onslaught (UN News)

August 3, 2022

ISIL, also known by the Arabic moniker, Daesh, conducted a genocidal campaign against the Yazidis, whose historic homeland is the northern town of Sinjar.

The atrocities they committed included sexual violence, mass executions, forced conversions, and other crimes.

Trauma and perseverance

“As we commemorate this traumatic page of Iraqi history, we renew our commitment to peace and stability for the Yazidis and the people of Sinjar,” the UN Office in Iraq said in a statement.

“We salute the Yazidis’ resilience in preserving their culture and heritage despite ISIL attempts to erase them, and in spite of the countless challenges the community continues to face. We shall not forget those who were killed, injured or traumatized, nor those who remain missing: the search for them must continue until this painful chapter is closed.”

Eight years on, thousands of Yazidis have yet to return to their families and loved ones. Many continue to suffer mental anguish after years of captivity, torture, sexual violence and slavery, as well as profoundly inhumane treatment.

Countless more are still struggling to come to terms with the loss of beloved relatives, or even their entire families.

Homeland still unstable

“Meanwhile, many Yazidis remain displaced from their places of origin. Due to continuing tensions, their ancestral homeland in Sinjar is still deprived of the essential stability needed to rebuild their lives, free of fear and intimidation,” the statement said.

The UN has stressed that peace, development, and accountability are key for the Yazidi community to flourish, while also highlighting the Iraqi Government’s role.

“It must be clear that it is everyone’s responsibility to work relentlessly to ensure that the ongoing plight of the Yazidis ends now, and that every effort is made to provide the people of Sinjar with opportunities for a better future,” said the statement.

“The State is an umbrella for all, and its authority is the guarantor for every citizen of this country, irrespective of political affiliation, religion, or ethnic group. No Yazidi, nor any other Iraqi, should be a pawn in local or regional power competition.”

In October 2020, the Iraqi authorities and the Kurdistan Regional Government in the north, signed an agreement on the status of Sinjar district. Since ISIL’s military defeat, victims and survivors have faced obstacles due to discord over security arrangements, provision of public services, and the lack of a unified administration.

The Sinjar Agreement must be fully implemented, the UN Office said. “Stable governance and security structures are vital. It will allow the displaced to finally return home, reconstruction efforts to be accelerated, and public service provision to be improved.”

Momentum for accountability

The UN will continue to promote accountability for ISIL crimes against the Yazidis, noting that “freedom and justice go hand in hand with peace and development.”

There has been increased momentum for prosecutions, the UN team investigating ISIL crimes, known as UNITAD, reported on Wednesday.

“Since last year’s commemoration, we see progress in the form of legal precedents for prosecution for the crime of genocide in German courts, the opening, and excavations of additional mass graves of Yazidi ISIL victims in Qeni and Hardan, Sinjar; and the completion of the second return of remains, while the work continues to identify the remains of more victims.”

Courage and resilience

Christian Ritscher, Special Adviser and Head of UNITAD, stressed that this momentum was mostly inspired by the courage and resilience of Yazidis themselves, in Iraq and around the world.

The courage and perseverance of Yazidi women and girls, in particular, has been exceptional and humbling, he said, adding that their determination for justice and accountability is driving efforts towards investigations.

Mr. Ritscher recalled a visit to Sinjar in May, where he met with “brilliant” young Yazidis.

“I was truly inspired by the steadfastness and the persistence of those young women and men, who have survived unimaginable horror, to come forward and speak up about the gravity of the brutalities that befell them, as well as their trust and belief in the path of accountability and justice,” he said.

“The young women and men of the Yazidi community deserve to be recognized for what they have endured and continue to endure, yet their ability to rise, develop, and take their future into their own hands is genuinely impressive.”

International support for justice

According to a post on Twitter, Mr. Ritscher was in Stuttgart, Germany, on Wednesday, where he met with Nobel Laureate Nadia Murad, the Yazidi survivor who has long advocated for justice for her community,

UNITAD believes the momentum towards justice and accountability will continue to increase through the unanimous support of the international community, which stands strong behind the pursuit of accountability for ISIL crimes.

The Iraqi Government and numerous countries have shown unwavering support for their investigations throughout the past year.

Last November, a regional court in Germany delivered the first conviction of an ISIL member for war crimes, crimes against humanity and genocide. UNITAD supported prosecutors by engaging with witnesses in Iraq and helping to confirm the fraudulent documents presented by the defendant.

Mr. Ritscher stated that as collaborative efforts grow, victims and survivors will be brought closer to getting the justice they so deserve.

“Through partnerships across national authorities, UNITAD, impacted communities and non-governmental organizations, we can overcome the many hurdles faced in delivering justice for ISIL crimes” he said.

War crimes: Universal jurisdiction secures convictions for genocide against Yazidi people (International Bar Association)

By Jennifer Venis

August 3, 2022

A German court has handed down the second conviction of genocide for Islamic State of Iraq and Syria's (ISIS) campaign to eradicate the Yazidi religious minority, seven months after the first genocide conviction.

In late July, German national Jalda A was sentenced to over five years' imprisonment for aiding and abetting genocide, as well as crimes against humanity and war crimes. She had enslaved and abused a Yazidi woman, 'M'.

After the verdict, M stated: ‘There is no punishment for the accused that could undo the suffering. At the end of her sentence, the defendant will be free to live with her family. That has been taken away from me forever.’

After capturing parts of Iraq and Syria in 2014, ISIS carried out attacks upon and enslaved members of the Yazidi people.

German courts have convicted several former ISIS members for crimes against the Yazidis, but Iraqi national Taha al-J became the first to be convicted of genocide in November. He had enslaved and abused a five-year-old, Reda, and her mother, Nora B. Reda died when, as punishment for wetting the bed, Taha left her tied outside in the sun for hours.

The trials relied on the principle of universal jurisdiction (UJ), which enables national prosecutions of certain international crimes committed elsewhere, even if, under some statutes, the suspect or victim have no connection to the prosecuting country. Taha's conviction represented a ‘pure’ UJ case: a crime committed in Iraq, by an Iraqi national who was extradited from Greece, and a victim who was still in Iraq when the investigation began.

The tool has enabled several other global firsts, including Sweden's conviction of an Iranian ex-official for the 1988 massacre of thousands of political prisoners, and Germany's conviction of a Syrian official for state-sponsored torture.

Amanda Ghahremani, a Canada-based international lawyer and a co-investigator in the academic network Canadian Partnership for International Justice, calls the principle a ‘tool of last resort’, because crimes should be prosecuted domestically, but those countries may be unable or even unwilling to pursue accountability, ‘often because the perpetrators are still in power’.

She says states are obliged to prosecute core, universally prohibited crimes like genocide and torture. ‘The reason for the surge of UJ statutes over the last 20 years is because countries were fulfilling their obligation under the Rome Statute to end impunity for these crimes. So if there is no prosecution where the crime occurred, and if the International Criminal Court [ICC] cannot prosecute either, then countries with UJ have a responsibility to do so.’

Sareta Ashraph, Co-Chair of the IBA War Crimes Committee and a senior legal consultant at Garden Court Chambers in London, says ‘the importance of national courts and prosecutions to the international criminal justice experiment has continued to deepen’.

Although she agrees that ‘meaningful justice’ must come from domestic prosecutions where survivors can participate fully, Iraq hasn't incorporated international crimes into its criminal code, so ‘these sparks of accountability are incredibly meaningful in increasing our understanding of what happened to the Yazidis and developing our understanding of the crime of genocide itself’.

‘The future of international criminal justice is multi-tiered, with multiple co-existing centres of gravity’ including these third-state prosecutions, she says. ‘One can perhaps refer to this as “solidarity justice” – a recognition that the international community plays a role to ensure accountability for horrific and intolerable crimes that ISIS committed.’

Natalie von Wistinghausen, a Berlin-based international criminal lawyer and Member of the IBA War Crimes Committee Advisory Board, has represented co-plaintiffs in several of these cases, including M and Nora B.

She says it's 'interesting to compare how these trials are dealt with before national jurisdictions and before international jurisdictions, because it's completely different'. Victim participation is stronger in Germany than at the ICC, which would also have required hundreds of factual witnesses to prove a genocide, while only one was needed to convict Taha.

'My impression is that the German judges deal with these cases just as they would deal with any other case,' says von Wistinghausen. 'So, if you have one witness who offers a straight-forward and credible testimony, it's enough to secure a conviction, independent of the fact that it's one of the worst crimes that can be committed.'

For survivors, that made justice more accessible. Natia Navrouzov is Legal Advocacy Director at Yazda, an organisation advocating for and supporting survivors, including by gathering witness testimony and crime scene data to create a historical record and bolster accountability efforts. Yazda has made several trials possible by identifying key witnesses, including Nora, and helping them travel to testify.

For Navrouzov, 'what's so strong here is how the testimony of just one survivor could lead to such a conviction. It brings so much hope for other Yazidi survivors, but also survivors from other places. To see that your own testimony can have such an impact is so empowering and powerful.'

However, 'the fact that justice is happening thousands of kilometres from home is not a good thing. Unless we do outreach, survivors often just don't know it's happening, or they have misinformation.' Navrouzov also fears it suggests Yazidis need to leave their home to access justice.

Von Wistinghausen highlights that defendants in UJ cases also face challenges, not only because they are prosecuted in an unfamiliar jurisdiction. Depending on the trial's location, their legal team or judge may be relatively new to international criminal law prosecutions.

For the nations where these crimes took place, UJ can be seen as a breach of sovereignty. After the Swedish conviction of the Iranian ex-official, the Iranian ambassador condemned the judgment as 'baseless and political'. Cases in Europe also tend to deal with crimes in less developed countries, leading some to call for greater regulation to prevent a 'neo-colonialist' approach.

Ghahremani argues that the best way to balance this conflict to ensure the application of UJ is principled, not political. 'It's important that our gaze is not only towards the easier, low-rank perpetrators from developing countries, but also towards the structures of oppression that allow and even encourage these crimes in the first place', she says. 'This includes looking at countries and corporations in the West who are either responsible or complicit in atrocity crimes and human rights abuses.'

The principle will continue to develop, but for now, its impact is staggering. 'In the Yazidi history, we say that we went through 73 other genocides, plus the one committed by ISIS. This is the first time in our history that we are aware of a perpetrator being convicted for crimes against the Yazidis', Navrouzov tells Global Insight. 'We need to make sure that this domino effect continues – we owe it to a whole community, to survivors.'

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Syria

Female ISIS member convicted of genocide after keeping slave and dragging her by hair (Mirror)

By Rachel Hagan

July 28, 2022

A German ISIS woman who facilitated her husband's physical and sexual abuse of a Syrian girl and also herself attacked her has been given a second genocide conviction, a court heard.

On Wednesday a court in Hamburg convicted a German-Afghan ISIS member known as Jalda A — in line with German privacy laws — aided and abetted ISIS' attempt to destroy the Yazidi ethnoreligious group and that the crimes committed amounted to genocide.

They said it was "unthinkable" that the defendant was not aware of ISIS' persecution of the Yazidis after having lived in the so-called Islamic State for more than three years and being married to high-ranking ISIS members.

The officials said that the woman's husband kept a Kurdish Yazidi woman, "M" as a slave and that Jalda had physically abused the woman "almost every day" and watched her husband rape her.

M was severely abused by the German mother of two who dragged her across the floor by her hair, slammed her head against the bathroom wall and hit her in the face with a torch.

The defendant and her husband also forced M to undertake chores, take care of the defendant's son and pray according to Islam which "served the stated goal of the IS, to eradicate the Yazidi faith," the prosecutors said.

The trial judges found that M was bought or sold 15 times and raped by 14 so-called slave owners.

In addition to aiding and abetting genocide, the judges also found Jalda guilty of crimes against humanity and of aiding and abetting crimes against humanity and war crimes.

M told the court that ISIS fighters would undress and inspect the girls and tug the ones they liked by their hair and take them away.

The German woman denied all responsibility and her husband Yunus Emre Sakarya, a Turkish-German citizen member of ISIS, is wanted by an Interpol red warrant.

Sakarya was also involved in the attack carried out by al-Qaeda on the US Consulate in 2012, which killed US Ambassador Chris Stevens and three embassy workers.

M was represented by British barrister Amal Clooney, who said: "My client put her life on the line so that a court would recognise that what happened to her community was genocide.

"I salute my client for her bravery. I thank the German authorities for their commitment to prosecuting the ISIS genocide. And I hope that others will finally start to follow their lead."

From August 2014, the Yazidi community in Iraq and Syria was targeted by ISIS who were intent on exterminating the minority group.

Militants slaughtered the men and older women and then paraded the girls in a market to be sold as sex slaves, eventually forcing the women to marry their captors.

M was one of more than 6,000 Yazidis taken by the group and almost eight years later, nearly 3,000 Yazidis are still missing, while close to 200,000 Yazidis are still living in squalid tents in displacement camps.

These crimes have been recognised by the United Nations, national and international bodies, and, more recently, the Higher Regional Court of Frankfurt as amounting to genocide.

Nobel Peace Prize Laureate, Nadia Murad, who is also a survivor of enslavement and torture at the hands of ISIS, said: "We need to show over and over in every case that perpetrators will not receive impunity and that survivors' rights matter."

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Yemen

'More war crimes to come': Biden exploits extending Yemen's truce to sell missiles to Saudi Arabia, UAE (Al Mayadeen)

By Naseh Shaker
August 6, 2022

Minutes after the United Nations announced on August 2, 2022, that Yemen's warring parties agreed to extend the truce for another two months, US President Joe Biden's administration approved the selling of THAAD and Patriot missiles to countries of aggression on Yemen, notably to Saudi Arabia, and UAE in two deals valued up to worth more than \$5 billion.

The US State Department issued a statement welcoming the "announcement by the UN on the extension of the truce in Yemen", claiming that "this truce has brought respite from conflict to millions of Yemenis and saved thousands of lives".

At the same time, the State Department issued another statement approving the two massive arms sales deals to Saudi Arabia and UAE whom the United Nations investigators in a 2018 report said their airstrikes against Yemen caused the most civilian casualties and had hit residential areas, markets, funerals, weddings, jails, boats, and medical facilities.

Daniel Kovalik, a professor of International Human Rights at the University of Pittsburgh School of Law said the "Biden administration never had any intention to stop aiding the war efforts against Yemen."

"This is so because, since the war's inception in 2015, this has been a US war as much as a Saudi-UAE war", Kovalik told Al Mayadeen English. "However, Biden knows that this was not popular with the Democratic base".

The two arms sales include \$3.25 billion for Patriot missiles for Saudi Arabia and \$2.2 billion for high-altitude missiles for the UAE.

The State Department in its notice informing Congress of the sale said "The proposed sale will improve the Kingdom of Saudi Arabia's capability to meet current and future threats by replenishing its dwindling stock of PATRIOT GEM-T missiles".

"These missiles are used to defend the Kingdom of Saudi Arabia's borders against persistent Houthi cross-border unmanned aerial system and ballistic missile attacks on civilian sites and critical infrastructure in Saudi Arabia", the department added.

"He [Biden/his administration] has used pretexts and subterfuges to justify continued support of the war. The truce, which is constantly violated, has been one such pretext", said Kovalik.

"Biden has also claimed that he is only giving Saudi Arabia and the UAE defensive weapons when there really isn't such a thing in reality", noted Kovalik. Biden abused the truce by selling arms

Biden also issued a statement on August 2 -published on the White House website- welcoming the extension of the truce in Yemen and claiming it "has brought a period of unprecedented calm in Yemen, saving thousands of lives and bringing tangible relief for countless Yemenis".

"Extending the truce in Yemen and reaching an ultimate resolution to the conflict was also a main topic of discussion during my recent visit to Saudi Arabia", his statement read, but some activists say Biden discussed how to approve the arms sales during the extension of the truce and that it is for this reason he wanted the extension.

"Biden's [support of] truce extension is simply window dressing. It is clear by his behavior in simultaneously approving the selling of arms to the Saudis, whom his administration calls 'a (USA) partner country that is a force for political stability and economic progress in the Gulf region', that his intentions toward the people of Yemen are not friendly," US activist, Pamela Bennet, told Al Mayadeen English.

The State Department said of the sale "This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in the Gulf region".

Bennet believes that Biden's support for the extension of the truce is for the sake of approving the arms sales deals with less criticism for him as a man who promised to end the war in Yemen.

Biden also said in his statement "it is now critical that all parties uphold their commitments under the UN-brokered truce and work towards peace". However, Bennet wondered how peace can be achieved as a "goal" while Biden "sells arms", adding "it makes no sense unless war is the desired outcome". "The side that he chooses to sell arms to is the Saudis. This exposes that the President of the United States, is totally without integrity and will do and say whatever the big shadow economic interest groups tell him to...", Bennet told Al Mayadeen English.

'Not serious'

Dave DeCamp, news editor of Antiwar.com said that President Biden's administration, by approving these new arms sales, showed itself as "not serious about ending the war".

"The fact that the Biden administration approved new arms sales for Saudi Arabia and the UAE, as the fragile truce in Yemen was extended, shows that President Biden is not serious about ending the war", said DeCamp.

"If he were, the US could cut off all military support for the Saudi-led coalition, which would force Riyadh to come to the table of negotiations and make real concessions", DeCamp told Al Mayadeen English.

"Instead, we see the new weapons sales and the Saudis not living up to their end of the truce by not fully lifting the blockade", added DeCamp.

Role of Congress

Bennet believes that "the best way to end the illegal and criminal war upon the sovereign nation of Yemen is to expose the special interests like big banks, and big oil".

She also agreed that the two arms sales deals show the US is preparing for a new chapter of war in Yemen rather than ending its unauthorized involvement in the Yemen war as some senators claim, they seek to do through invoking the War Powers Resolution.

"And it also shows that the atrocities committed seem to have had no effect on slowing down the brutal greed that is at the heart of the war on the sovereign people of Yemen", Bennet told Al Mayadeen English in an email interview.

It is not clear yet what role Congress can play with the two arms deals as the approval was referred to Congress by the State Department.

In an apparent cover-up for the two arms sales deals, some senators during Biden's visit to Saudi Arabia introduced a joint resolution to direct the removal of U.S. Armed Forces from unauthorized involvement in the war between the Saudi-UAE-led coalition and Ansarullah in Yemen.

"The resolution, which is supported by a bipartisan group of more than 100 members of Congress in the House, is considered privileged in the Senate and can receive a vote on the floor as soon as ten calendar days following introduction", said Bernie Sanders on his website on July 14.

There have been fears that Sanders's position on this latest arms sales is going to be like Chris Murphy who partnered with Sanders in 2018 to invoke the War Powers Resolution to end U.S. involvement in the Saudi aggression against Yemen, but in December 2021 Murphy voted to support \$650 million sale of air-to-air missiles to Saudi Arabia and argued "it is for 'defensive weapons' against Yemen's Houthi", a claim used by the State Department in informing the Congress this week of the new arms sales.

"Over time, I have come to believe that the U.S. Congress is a show and a kind of theater", said Bennet. "They pick one or two representatives to play a role of pretending that peace is the goal, but in the end, they vote for war, as planned all along and as they are told by the big interest groups that pay their campaign donations".

Bennet estimated that "almost 97% of politicians are compromised in the United States. One or two, here and there are not".

"Therefore, it is foolish to expect help from Congress. The best defense is more journalism and getting the word out wherever possible", said Bennet.

"In short, it's business as usual. Biden will continue supporting this war which his former boss, Barack Obama, began, and Congress will continue to oblige", said Kovalik, the professor of International Human Rights, to Al Mayadeen English.

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Special Tribunal for Lebanon

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

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Israel and Palestine

Israel soldiers were carrying out orders in Kafr Qasem massacre of Palestinians (Middle East Monitor)

August 1, 2022

Newly declassified documents regarding the Kafr Qasem massacre have revealed that Israeli soldiers believed that they were obeying orders when they went on a killing spree which led to the massacre of 53 Palestinians.

In one of the worst massacres in Palestinian history, Israeli border police killed 53 Palestinian residents of Kafr Qasem, including women and children, in an hour-long killing spree aimed at terrorising the indigenous population into uprooting themselves and leaving their homes, thus triggering another wave of ethnic cleansing.

The massacre was carried out on the same day as the botched Suez Campaign, in which Israel, Britain and France conspired to topple Egypt's Gamal Abdel Nasser in order to regain control over the Suez Canal, which the then Egyptian President had nationalised three months earlier. The hope was that a major international conflict would divert attention and provide sufficient cover for the occupation state to expel more of the indigenous population in its unrelenting takeover of Palestine.

Historian Adam Raz is the author of "Kafr Qasem Massacre: A Political Biography". He believes that, behind the horrific 1956 event was a secret plan to expel ("transfer") Israel's Palestinian citizens from the much-coveted territory known as the Triangle in central Palestine. At the time of the massacre, Palestinians who managed to escape Israel's ethnic cleansing lived under Martial Law, a situation that continued until 1967.

The Israelis have maintained that, though a plan had existed, it was shelved. The newly declassified transcripts of the trial that followed the massacre, however, disprove the Israeli claim. At best, the implementation of the plan appears to have been surrounded by a deadly ambiguity which soldiers interpreted as orders to clear out the Palestinian towns, as they have done on many occasions previously.

The goal of expelling the native Palestinian population had already become entrenched within the Zionist DNA and that of the early Jewish settlers. When their first majority opportunity to expel the native population came in 1947/48, more than half the Palestinian population were ethnically cleansed and over 600 villages were razed to the ground.

In the case of Kafr Qasem, the idea behind the plan, as the Israeli Haaretz pointed out, was to exploit a future war with Jordan for the evacuation of Arab villages in this Triangle. Some of the population would flee to Jordan, while others would be sent to detention camps in Israel.

The transcripts quote a few phrases regarding the secret, allegedly shelved, plan. Among them is "evacuation notice to village elders" – evidence that there was a plan to transfer some, or all, of the Arabs in the Little Triangle should the war escalate. Some of the witnesses speak of deporting them east, meaning toward Jordan. Others indicate that the intention was to expel them from their homes to other places within Israel.

Testimony of Israeli commanders shows that the Israelis were instructed to kill. "It's desirable that there be some fatalities," Chaim Levy, who commanded the Border Police's southern company, whose sector included Kafr Qasem, said according to the 1957 trial about the massacre. Replying to Levy's claim that it was desirable to have fatalities, a lawyer asked: "Despite this, he emphasised not to commit murder, right?" to which Levy replied: "I see no difference." Levy went on to reveal that he was given the order to kill. "Today I find this unreasonable. At the time, I thought it was reasonable," he said when probed by the lawyer.

Israeli fire kills two more Palestinian children (Electronic Intifada)

By Tamara Nassar

August 4, 2022

Israeli occupation forces arrested a top commander of the Islamic Jihad resistance group in the Jenin refugee camp in the occupied West Bank on Monday.

Since Friday, Israeli fire has also killed two Palestinian teens and escalated collective punishment of Palestinians in the besieged Gaza Strip.

On Monday, resistance factions fired on Israeli forces as they infiltrated the camp area. Youth also threw homemade bombs toward the Israeli invaders, according to Saraya al-Quds, the military wing of Islamic Jihad.

Israeli forces invaded Islamic Jihad commander Bassam al-Saadi's home, arresting him and firing at Palestinian citizens, injuring them.

Israeli forces shot and killed 16-year-old Dirar Riyad Luft Al-Haj Saleh with live ammunition during the raid on Monday.

At the time he was shot, Dirar and other camp residents had confronted Israeli invaders positioned some 50 meters away.

An Israeli sniper positioned on top of a residential building fired a live bullet at Dirar from approximately 90 meters away. The boy was hit in the back.

"He sustained an entry wound to his back right shoulder and the bullet expanded inside his body resulting in severe internal bleeding," Defense for Children International-Palestine said.

He was pronounced dead minutes later.

"Israeli soldiers seemingly shoot to kill with complete disregard for international norms, perpetrating war crimes, as the international community stands silent," Ayed Abu Eqtaish, DCIP's accountability program director, said.

Saraya al-Quds claimed that Dirar was a member of the "night confusion units" – demonstrators who use makeshift stun grenades to disrupt Israeli forces during raids – but it is unclear to what extent he was involved with the group.

"People familiar with [Dirar] said while he was pictured holding a gun, many boys his age do so, and it does not necessarily imply that he was involved in the shooting or was even a suspect," Tel Aviv daily Haaretz reported.

The Israeli army now fears retaliation from the Islamic Jihad headquarters in Gaza following its raid on Jenin in the West Bank.

The military shut down roads and rail traffic near the Israel-Gaza boundary fence in fear of retaliation, according to Haaretz.

The newspaper reported that Egyptian intelligence officials were holding meetings with leaders of political factions in Gaza supposedly to prevent an escalation.

Settler violence

Meanwhile, settler violence is on the rise.

A Palestinian child was fatally shot after an Israeli settler and a soldier fired live ammunition in his direction in the village of al-Mughayyir, near Ramallah in the occupied West Bank, last week.

Amjad Fashat Faheem Naser, 15, was participating in a march with about 200 other villagers against settler violence against them and their property on 29 July.

A number of Israeli soldiers were deployed in two military vehicles nearby and were joined by more. They fired stun grenades, tear gas canisters and live ammunition, according to DCIP.

Settlers also arrived in the area. As they retreated, however, an armed settler remained behind a stone barrier and fired live ammunition at Palestinians 70 meters away.

In the midst of the settler's live fire, a soldier appeared 15 meters away from fleeing Palestinians and fired at them too.

"It was at this moment that Amjad sustained a gunshot wound resulting in severe internal bleeding," DCIP said. He was shot with a live bullet in the back. Hours after being hospitalized, he succumbed to his wounds.

Whether Amjad was killed by the settler's fire or the soldier's fire is unclear.

"While they are civilians, Israeli settlers are issued firearms by the Israeli government and many subscribe to ultra-nationalistic beliefs that manifest in extreme violence towards Palestinians, including children," DCIP said.

Following Amjad's killing, the European Union's diplomatic mission in occupied East Jerusalem proclaimed itself "saddened by yet another young victim of settler violence."

The EU also called for a "rapid and transparent investigation," adding that it "firmly condemns the increase in settler violence and growing number of casualties, including children." Brussels is well aware, however, that any Israeli investigation would be a whitewash and that the EU's unconditional support for Israel encourages Israel to commit crimes against Palestinians with

full assurance of impunity.

The killings of Amjad and Dirar bring to 18 the number of Palestinian children killed by Israeli fire since the beginning of the year.

Punish Gaza

Israel claims to want to avoid an escalation with Gaza, but it is in fact escalating its collective punishment measures on the population there as its siege of the coastal enclave enters its 15th year.

The Israeli army closed the Kerem Shalom checkpoint, the only place Israel allows goods in and out of Gaza, as well as the Erez checkpoint, the only crossing for people between Gaza and Israel, on Tuesday.

Dozens of Palestinian medical patients were supposed to leave Gaza on Tuesday to be treated in the West Bank.

Israel's closure of Erez denies them access to "life-saving treatments, putting their lives at risk," Al-Mezan, a Gaza-based human rights group, said.

Fuel shortages will also be exacerbated by Israel's closure of Kerem Shalom. On average, Palestinians in the Strip have recently only had access to electricity for eight hours a day followed by eight hours of power cuts.

The conditions of the siege and this week's closures have created an "unprecedented deterioration in humanitarian and living conditions" in Gaza, Al-Mezan added.

Israel's Indiscriminate and Disproportionate Attacks on Palestinian Civilians Violates International Humanitarian Law, Indicate War Crimes (Al-Haq)

August 8, 2022

Since Israel launched its military offensive on the Gaza Strip on Friday 5 August, Al-Haq has traced a pattern of attacks against civilian objects, which indicate a breach of the principle of distinction and clearly violate the principle of proportionality in attacks. Such attacks may amount to war crimes, and a widespread and systematic attack against the civilian population amounting to crimes against humanity. Al-Haq is extremely concerned by the alarming number of casualties, including the killing of 46 Palestinians, of these sixteen children and four women, and the injury of at least 360 Palestinians in the Gaza Strip.

Breach of Principle of Distinction

Over the past 48-hours, Al-Haq's field researcher's preliminary investigations have revealed patterns of attacks illustrating where the Israeli Occupying Forces (IOF) bombed, shelled and used armed drones against civilian objects, primarily civilian homes, but also targeting a university, and a civilian jeep surrounded by a wedding party, which illustrate a clear breach of inviolable rules of the laws of armed conflict, such as the principle of distinction. Of particular concern is the direct targeting of civilians by Israeli armed drones and the targeting of densely populated residential areas. The timeline shows a sustained targeting of civilian properties at many intervals averaging one per hour over the 48-hour period.

On Friday at 4:15 pm Ala' Qadam, 5 and Yousef Qadam, 24 were killed in an air strike in Shujaiya, east of the Gaza Strip. Five minutes later, at 4:20 pm, a shell fired by the Israeli artillery hit and killed Dunian Ala'mour, 24 while she was in her home. On Friday 5 August, at approximately 11:30 pm, a shell fell on the house of Fuad Ghazi Abdullah Farajallah, 46, located in Block 9 in Jabalia refugee camp, which consisted of a ground floor and asbestos-roofing. Farajallah, his wife and three of his children sustained moderate to minor injuries, and the house was partially damaged. Also in the Gaza Governorate, on Saturday 6 August, at approximately 11:10 am, Israeli warplanes bombed the house of Ibrahim Hamdan Omran Shamlakh, 45, located in Sheikh Ajlin neighborhood, southwest of Gaza City. The house was inhabited by three families, numbering about 41 people. The bombing resulted in the complete destruction of the house, and severe damage to the neighbouring houses. Also on Saturday, August 6, at approximately 11:10 am, Israeli warplanes bombed an uninhabited house in the town of Bani Suhaila, east of Khan Yunis, owned by Al-Abad Mansour Al-Buraim. The bombing resulted in the complete destruction of the house and injured a 10-year-old child who was nearby. The same day, at approximately 12:15 am a shell landed on the roof of the building of Al-Quds Open University. The university is located in the northern Gaza Strip, in the town of Beit Lahia at the education junction. The shelling causing a hole in the roof of the building, damaging classrooms. At approximately noon on Saturday, 6 August, IOF warplanes targeted with three missiles a three-storey residential house, owned by the sons of the late Muhammad Muhammad Abd Khalifa. The property contained four apartments, inhabited by three families, numbering 12 people. It is located on Abu Hasira Street in Al-Shati refugee camp, west of Gaza City. The bombing caused the complete destruction of the house, and material damage to a number of neighbouring houses. Five persons were injured in the attack,

three of which were children, who were received for treatment at the Al-Shifa Hospital nearby. On Saturday, 6 August at around 1:35 pm, warplanes of the Israeli Occupying Forces (IOF) targeted civilians as they gathered around a civilian jeep owned by Mohammed Mahmoud Abu Qaida, near the Beit Hanoun crossing in the northern Gaza Strip. The family were preparing for wedding ceremony that was being held that day, and had gathered to transport the bride of their son Akram to her future marital house, fearing that the worsening situation might result in the cancelation of the wedding. Mrs. Naama Talba Hammad Abu Qaida, 60, the mother of the groom, was killed in the attack, and five children were injured. Also on Saturday, at approximately 3:55 pm the IOF bombed a gathering of civilians, in front of the house of Hussein Ali Al-Zwaidi, located in the Burat Jamil area, northeast of Beit Hanoun. His son Nour El-Din Hussein Ali Al-Zwaidi, 18 was injured in the attack by shrapnel to different parts of his body, and was hospitalised in intensive care. Ibrahim Shehda Salah Abu Salah, 42, was also injured and the bombing caused damage to the house. The following day, on Sunday, at approximately 4:45 am, IOF warplanes bombed, with one missile, land adjacent to the house of Harb Hassan Abu Thabet, 72, in Al-Nasr town, northeast of Rafah, in the southern Gaza Strip. The shelling and the scattering of missile shrapnel resulted in damage to Thabet's house and neighbouring houses, and the injury of 10 civilians, including three children and two women, who were transferred to Abu Yousef Al-Najjar Hospital in Rafah. Also on Sunday, at approximately 5:15 am, Israeli warplanes bombed, with two missiles, an uninhabited house, in the Al-Tanour neighborhood, east of Rafah, belonging to civilian, Muhammad Musa Abu Arad, 37. The bombing resulted in the complete destruction of the house.

During the reporting period, Al-Haq documented a further four, armed drone attacks, occurring over an hour between 3:30 pm and 4:30 pm on Saturday 6th August. Three of the drone attacks fired single missiles at civilian homes at the house of Abdullah Abu Harbid in the Nazaza area, the house of Nidal Sehvil located on Zimmo Street, and the house of Ayman al-Basiouni in al-Sikka Street in the Beit Hanoun area, while three missiles were fired on the civilian property of Ibrahim Nasser in Al-Bura Street which similarly indicate a breach of the principle of distinction. Two hours later, at approximately, 6:30 pm an Israeli drone targeted a gathering of civilians in the vicinity of Abu Sharekh roundabout in Jabalia, injuring three civilians, including a child. The civilians were transported to the Indonesian Hospital, with moderate injuries.

The abovementioned incidents reveal a widespread and systematic pattern of attacks targeting civilians and civilian objects in breach of the cardinal international humanitarian principle of distinction. This rule obliges warring parties to distinguish between civilians and combatants and civilian objects and military objectives and to direct their attack only against combatants and military objectives. The principle of distinction reflects customary international law and is therefore applicable to Israel's conduct of hostilities. Derived from this principle is the customary prohibition against attacks aimed at spreading terror within the civilian population. Notably, indiscriminate and widespread shelling have been considered as acts terrorising civilians, by the UN General Assembly along with the regular bombardment of cities. Given Israel's intense and frequent bombing and shelling of Palestinian civilian residential areas, such acts may amount to acts of prohibited violence aimed at terrorising the civilian population. Notably, Articles 8(2)(b)(i) and 8(2)(b)(ii) prohibit as crimes within the jurisdiction of the International Criminal Court, acts including "intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities" and "intentionally directing attacks against civilian objects, that is, objects which are not military objectives".

Breach of Principle of Proportionality

During the reporting period, Al-Haq documented an attack in a densely populated residential area which may be considered excessive in relation to the expected military advantage.

On August 6, at approximately 21:30 in the evening, the IOF carried out an attack against a military commander in Saraya Al-Quds, the military wing of Islamic Jihad, Khaled Mansour. The IOF targeted several houses in the Al-Sha'out neighbourhood in Rafah city, where the IOF warplanes launched a number of missiles, without warning. These targeted a three-storey concrete house belonging to Hussein al-Mudallal, and other nearby houses, in the Al-Sho'ut neighbourhood of the Rafah refugee camp, a densely populated residential area, west of Rafah, in the southern Gaza Strip. This resulted in fully destroying eight houses and the killing of three combatants from the Al Quds Brigades and seven civilians, including a child and two women, and the injury of 35 civilians, including 18 children and 12 women, in addition to the partial damage of a number of other houses. The deceased and injured were transferred to Abu Yousef Hospital in Rafah, and to the European Gaza Hospital in Khan Yunis.

Al-Haq warns that such attacks targeting military commanders in densely populated areas with the easy foreseeability of high civilian casualties may breach the principle of proportionality enshrined in Article 51(5)(b) of Additional Protocol 1 (1977). The latter requires parties to an armed conflict to employ means and methods of warfare that would not cause excessive damage to civilian lives or civilian objects in relation to the expected military advantage. Breach of such, also amounts to a war crime within the jurisdiction of the International Criminal Court, which criminalizes acts of "intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects ... which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated", when carried out in the context of an international armed conflict.

Failure to Provide Precautions in Attacks

Throughout the reporting period, and in a marked departure from previous hostilities, in the incidents documented, Israel failed to issue precautions in attacks, despite this being a core requirement both under Article 2(3) of the 1907 Hague Convention (IX) and Article 57(1) of Additional Protocol I, which are binding on Israel as customary international law. Those who are planning on an attack must, where “feasible”, issue precautions in attack and must call off an attack which is likely to cause excessive civilian damage. In this vein, Article 57(2)(b) of the 1977 Additional Protocol I states that with respect to attacks, the following precautions shall be taken: “An attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”.

Disproportionate Attacks on Agricultural Lands

Al-Haq recorded attacks on agricultural lands, resulting in the collateral wounding of a number of women and children nearby. Five civilians were injured as Israel carried out attacks on agricultural lands in Khan Younis and the Central Governorates.

On August 6, at approximately 17:30, Israeli warplanes bombed, with two missiles, empty land north of Al-Nuseirat camp in the Central Governorate, wherein a woman sustained minor injuries and bruises, and a number of civilian homes were damaged. In the new town of Abasan, east of Khan Yunis, at around 6:00 pm, on 6 August, a child Nayef Khaled Al-Owaidat, 10, was wounded with a flying stone to the head, and was transferred to the European Gaza Hospital, with moderate injuries, after Israel attacked agricultural lands nearby. Ten minutes later a woman in Abasan, east of Khan Yunis, was moderately injured and transferred to the European Gaza Hospital, as Israel continued its bombardments of agricultural lands. On Sunday, 7 August, two further civilians were wounded when IOF war planes bombed agricultural lands east of the town of Qarara, east of Khan Yunis. They were transferred to Nasser Medical Hospital, west of Khan Yunis, and their injuries were described as moderate.

The cases above, not only illustrate Israel’s continuance of disproportionate attacks resulting in excessive civilian casualties, but also illustrate the intentional attacks on the natural environment which may have longer term consequences. Notably, Article 35(3) of the 1977 Additional Protocol I, prohibits the employment of “methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.” Rule 5 of the codified customary international law, requires that parties to a conflict employ the principle of distinction and this also extends to the protect the environment from attack unless it is considered a military objective. Again, this requires proportionality in attacks and where incidental damage is excessive in relation to the direct and concrete military advantage, this will be considered a disproportionate attack. Give the presence of civilians, including women and children, in addition to the fundamental reliance on agricultural land for survival in light of the 15-year closure of the Gaza Strip, the direct attacks on agricultural lands may be considered a disproportionate use of force.

Intent to Commit International Crimes, Dahiya Doctrine Continues

On 5 August, on the lead up to the current military offensive on the Gaza Strip, Israeli Defense Minister Benny Gantz stated: “To our enemies in general and to the leaders of Hamas and Islamic Jihad I say explicitly, ‘Your time is limited. The threat will be removed one way or another’”. Moreover, in a joint statement, Prime Minister Yahir Lapid and Benny Gantz stated that “[a]nyone who tries to harm Israel should know: we will find you. The security forces will act against Islamic Jihad terrorists to eliminate the threat they pose to the citizens of Israel.” This traditional rhetoric reflects the Israeli military Dahiya doctrine which was explained by a former Israeli military official as follows: “We will wield disproportionate power against every village from which shots are fired on Israel, and cause immense damage and destruction. From our perspective, these are military bases [...] This is not a suggestion. This is a plan that has already been authorized.”

The above statements make it very clear that Israeli officials intentionally directed widespread and indiscriminate attacks on Gaza, and may therefore be prosecutable for a number of international crimes. Under the Rome Statute of the International Criminal Court, the above-mentioned acts amount to a number of war crimes, including attacking civilians, wilful killing, inhuman treatment, wilfully causing severe suffering as well as causing excessive incidental death or injury. They are further part of Israeli widespread and systematic attack against the Palestinian civilian population in the OPT, and are prosecutable as crimes against humanity of persecution, and apartheid. We therefore urge the Prosecutor of the International Criminal Court to include these incidents in its investigation in the Situation in Palestine. We further remind Third States of their obligation to apply their universal jurisdiction when appropriate, pursuant to Article 146 of the Fourth Geneva Convention.

Israeli court acquits soldier of the murder of 13-year-old girl in 2004 (Mondoweiss)

By Tareq S. Hajjaj
August 10, 2022

Palestinians go to the Israeli Supreme Court to demand justice, but there is no justice to be found in a colonial court

After 18 years of seeking justice for their murdered 13-year-old daughter, who was killed during the Second Intifada by an Israeli soldier, the Israeli Supreme Court dismissed the Al-Homs family's case against their daughter's murderer in July.

Eman Al-Homs was brutally killed in 2004 by Israeli forces in the Tel Al-Sultan refugee camp in Rafah, in the southern Gaza Strip. On that day, the hospital told the family that their daughter's body had been riddled with over 23 bullets — fired into her body after her death.

The Al-Homs family sued the Israeli army in 2004, citing the testimony of eyewitnesses as well as the testimony of the soldiers themselves, who were members of the brigade that carried out the murder and testified against the officer that, according to them, made the “confirming kill.” 18 years later, the Israeli court ruled to dismiss the case.

Eman Al-Homs' family petitioned the Israeli court, looking for justice, yet all they found out was that “the Israeli judiciary offers no justice at all,” Eman's father, 68-year-old Sameer Al-Homs, tells Mondoweiss.

The day of the killing When Eman and her sister Heba, 16, prepared themselves to leave home to go to school at 6 a.m. on October 5, 2004, neither them nor their family knew that this would be the last time they walked together. Since their schools were in opposite directions, Eman and Heba separated at some point through their journey. Eman's school was near an Israeli military tower known as Zo'rob, which confiscated a wide area in Rafah. The fence separating the school from the Israeli-controlled area was dilapidated, in some places had collapsed altogether, through which Eman wandered, unaware of her impending fate.

When the girl walked through the area, clearly wearing a school backpack and dressed in a school uniform, the Israelis shot her on sight.

According to the eyewitness who informed the family of what happened, when Eman heard the sound of the guns, she panicked from fright and disorientation, and appeared not to know where to go.

The family was first made aware that something wasn't right when the school called, asking whether Eman had gone to school or not. Only 10 minutes before, he had heard on a local radio station that a school girl was murdered at Zo'rob. Now worried, he called the station to ask about the name of the girl, only to hear the name of his own daughter.

The family told Mondoweiss that the Israeli forces first gunned her down from a distance, and when the vehicle reached her, the officer walked over towards her body and filled her with several more bullets.

“I was so shocked when I heard it — she was an innocent girl who just left home early for school in pursuit of her dreams, and she came back home a corpse, riddled with bullets,” her father says. “It is very hard for any father to see his daughter like that. Now add to that the feeling when you are told that it is now impossible to seek justice for her soul.”

Al-Homes could barely contain his rage and indignation. “For 18 years, we have waited for justice for our child, killed in the worst conditions one can imagine, and we got nothing from the Israeli courts. But my daughter's killer was rewarded and offered compensation. This system only protects killers,” he said bitterly.

When the family went to collect her from the Zo'rob military tower, “Israeli forces threw down her body from a high hill of sand,” her brother Sarhan says. “I went to her and held her body. It was full of thorns and sand from the fall, mixed up with her blood.”

At the hospital, a doctor who was also a relative of the family confirmed that over 23 bullets were fired into her body after her death. “The bullets left burns where they entered her body,” Sarhan says, explaining that the doctor told them a bullet shot into a live person's body leaves a different mark than if they were dead — the latter appearing as a burn mark at the entry site. He holds up a photo of Eman's body, wearing her school uniform clearly marked by the bullets and displaying the tell-tale burn marks. Her family keeps the photo as evidence to this day.

No justice in a colonial court

Eman's story received widespread international media attention in 2004 when her father first started the legal case, suing the Israeli captain responsible for the killing — referred to as “R” by the court. Israeli attorney Leah Tsemel was representing the family, and assured them that they had a strong case.

The family's only knowledge of the case came from their lawyer, as they could not travel from Gaza to Israel to stand in court.

Be'er Sheva District Court Judge Shlomo Friedlander said that the shooting was in violation of international law. However, he

accepted the Israeli government's position that the killing was carried out as part of a "wartime action."

By this ruling, the Israeli government was not liable in the case, and could not be required to pay compensation, according to Haaretz.

He was also charged with the illegal use of his weapon, while also being accused of obstruction of justice after asking his soldiers to alter their testimonies to the military investigators that were probing the incident, according to Haaretz.

The family's case was based on the testimonies of other soldiers serving alongside captain R. They said at the court that they had seen their commander make a "confirming kill," only to change their testimonies later.

R's father told Haaretz that the military court's ruling reinforced his faith in the IDF and the judicial system, adding that he expected a full apology.

As for Eman's father in Gaza, the whole world won't be able to give him closure for the murder of his daughter now, he told Mondoweiss.

"This is the Israeli justice that we got. After all these years of waiting, they prove that my daughter's blood is not worth anything to them — and now they've rewarded her killer," he says.

This is clearly stated in the ruling of the Israeli judge presiding over the case:

"There is no expression of ulterior motives, including revenge. The remarks reflect the danger entailed in the deceased's infiltration near the post, from the point of view of the soldiers, and their combat response to this threat until it was completely neutralized."

Israeli attorney Leah Tsemel, who represented the Homs family, says she wasn't surprised by the court's ruling. "It has been proven once again that the blood of a Palestinian, even if she was young and small, doesn't count for much."

The Palestinian courts have no power to prosecute Israeli criminals, so Palestinians go to the Israeli Supreme Court to demand justice for their loved ones — but there is no justice to be had in a colonial court system.

"All cases Palestinians submit to the Israeli courts in order to get justice are failing, because the Israeli judiciary system is politicized. When it comes to the Palestinians, this system only works to cover and protect Israeli crimes committed against Palestinians. We can see that clearly by looking into the Israeli court decisions," Tahseen Elayyan, a legal researcher at Palestinian human rights organization Al-Haq, told Mondoweiss.

"Sometimes the sentence for the deliberate murder of Palestinians is a few months in jail, a sentence that is also decreased by the pressure that Israeli officials put on the court — in the rare case when an Israeli is found guilty," Elayyan continued. "This justice system is not neutral and offers no justice to Palestinians"

Taking it global

But if there is no court in all of Palestine that can bring Israelis to account for their crimes against Palestinians, where should Palestinians seek justice?

Palestinian organizations have attempted to sue Israeli criminals in European courts, under the principle of "extraterritorial jurisdiction," which forces these countries to investigate the crimes that are presented to them regardless of where they were committed and who committed them.

"Unfortunately, all such cases have been rebuffed by the governments of these countries, because they will not confront Israel — countries like Britain, Spain, and Belgium," Elayyan says. "These countries changed their laws to escape having to prosecute Israelis."

After finding no justice in Palestinian courts, Israeli courts, or European courts, the last recourse available to Palestinians is the International Criminal Court (ICC).

"The ICC is a last resort for Palestinians," says Elayyan. "But so far there have been no actual steps on the ground by the ICC, despite the fact that it announced a year ago that it will investigate war crimes committed in the Palestinian territories."

"If the ICC fails to bring justice for Palestinians, this will send a very negative message — that international law cannot bring justice for you. We don't want that to happen, and the ICC investigation is still ongoing."

The Israeli human rights group B'Tselem issued a report in May 2016 about the response of the Israeli courts to crimes

committed by Israeli soldiers. “B’Tselem has demanded an investigation in 739 cases in which soldiers killed, injured, or beat Palestinians, used them as human shields, or damaged Palestinian property,” the report reads.

But an analysis of the responses B’Tselem received as to how the military law enforcement system handled these 739 cases are telling. In a quarter of cases (182), no investigation was ever launched, and in nearly half of the cases (343), the investigation was closed with no further action; actual charges brought against the implicated soldiers in only 25 cases. Another 13 cases saw soldiers referred for disciplinary action, while 132 cases remain at various stages of processing, and the Military Advocate General’s Corps was unable to locate 44 others.

Family disappointed

Eman Al-Homs’s family seek a just closure to their case, and want to see their daughter’s killer behind bars. Yet after all these years, all they got from the Israeli courts was a slap in the face.

“She was killed in a horrific way, and her soul deserves justice. I wanted to go to her grave and tell her that I did that for her, but I don’t think that will happen in this world,” her father says.

It is no question in Sameer’s mind what would happen had the roles been reversed. “What if the murdered girl were Israeli, and her killer were Palestinian? Do you think the case would have dragged on for so long?” he asks in indignation. “Do you think that the Israeli court will have dealt with him like the way it dealt with our daughter’s killer?”

Sameer Al-Homs plans on taking his daughter’s case to the ICC.

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ASIA

Afghanistan

Biden’s Assassination of al-Qaeda Leader Ayman al-Zawahiri Was Illegal (Truthout)

By Marjorie Cohn

August 6, 2022

President Joe Biden’s assassination of al-Qaeda leader Ayman al-Zawahiri in Afghanistan was illegal under both U.S. and international law. After the CIA drone strike killed Zawahiri on August 2, Biden declared, “People around the world no longer need to fear the vicious and determined killer.” What we should fear instead is the dangerous precedent set by Biden’s unlawful extrajudicial execution.

In addition to being illegal, the killing of Zawahiri also occurred in a moment when the United Nations had already determined that people in the U.S. had little to fear from him. As a United Nations report released in July concluded, “Al

Qaeda is not viewed as posing an immediate international threat from its safe haven in Afghanistan because it lacks an external operational capability and does not currently wish to cause the Taliban international difficulty or embarrassment.”

Just as former president Barack Obama stated that “Justice has been done” after he assassinated Osama bin Laden, Biden said, “Now justice has been delivered” when he announced the assassination of Zawahiri.

Retaliation, however, does not constitute justice.

Targeted, or political, assassinations are extrajudicial executions. They are deliberate and unlawful killings meted out by order of, or with acquiescence of, a government. Extrajudicial executions are implemented outside a judicial framework.

The fact that Zawahiri did not pose an imminent threat is precisely why his assassination was illegal.

Zawahiri’s Assassination Violated International Law

Extrajudicial executions are prohibited by the International Covenant on Civil and Political Rights (ICCPR), which the United States has ratified, making it part of U.S. law under the Constitution’s supremacy clause. Article 6 of the ICCPR states, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” In its interpretation of Article 6, The UN Human Rights Committee opined that all human beings are entitled to the protection of the right to life “without distinction of any kind, including for persons suspected or convicted of even the most serious crimes.”

“Outside the context of active hostilities, the use of drones or other means for targeted killing is almost never likely to be legal,” tweeted Agnès Callamard, UN special rapporteur on extrajudicial, summary or arbitrary executions. “Intentionally lethal or potentially lethal force can only be used where strictly necessary to protect against an imminent threat to life.” In order to be lawful, the United States would need to demonstrate that the target “constituted an imminent threat to others,” Callamard said.

Moreover, willful killing is a grave breach of the Geneva Conventions, punishable as a war crime under the U.S. War Crimes Act. A targeted killing is lawful only when deemed necessary to protect life, and no other means (including apprehension or nonlethal incapacitation) is available to protect life.

Zawahiri’s Assassination Violated U.S. Law

The drone strike that killed Zawahiri also violated the War Powers Resolution, which lists three situations in which the president can introduce U.S. Armed Forces into hostilities:

First, pursuant to a congressional declaration of war, which has not occurred since World War II. Second, in “a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.” (Zawahiri’s presence in Afghanistan more than 20 years after the September 11, 2001, attacks did not constitute a “national emergency.”) Third, when there is “specific statutory authorization,” such as an Authorization for Use of Military Force (AUMF).

In 2001, Congress adopted an AUMF that authorized the president to use military force against individuals, groups and countries that had contributed to the 9/11 attacks “in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”

Zawahiri was one of a small circle of people widely believed to have planned the 2001 hijacking of four airplanes, three of which were flown into the Pentagon and World Trade Center buildings. But since he did not pose “an immediate international threat” before the U.S. targeted him for assassination, he should have been arrested and brought to justice in accordance with the law.

The attack against Zawahiri violated Obama’s targeting rules, which required that the target pose a “continuing imminent threat.” Although Donald Trump relaxed Obama’s rules, Biden is conducting a secret review to establish his own standards for targeting killing.

Biden Continues to Launch Illegal Drone Strikes

In spite of the Biden administration’s claim that no civilians were killed during the strike on Zawahiri, there has been no independent evidence to support that assertion.

The assassination of Zawahiri came nearly a year after Biden launched an illegal strike as he withdrew U.S. troops from Afghanistan. Ten civilians were killed in that attack. The U.S. Central Command admitted the strike was “a tragic mistake” after an extensive New York Times investigation put a lie to the prior U.S. declaration that it was a “righteous strike.”

Biden declared that although he was withdrawing U.S. forces from Afghanistan, he would mount “over-the-horizon” attacks from outside the country even without troops on the ground. We can expect the Biden administration to conduct future illegal drone strikes that kill civilians. The 2001 AUMF has been used to justify U.S. military actions in 85 countries. Congress must repeal it and replace it with a new AUMF specifically requiring that any use of force comply with U.S. obligations under international law.

In addition, Congress should revisit the War Powers Resolution and explicitly limit the president’s authority to use force to that which is necessary to repel a sudden or imminent attack. Finally, the United States must end its “global war on terror” once and for all. Drone strikes terrorize and kill countless civilians and make us more vulnerable to terrorism.

Afghanistan: 8 Dead After Blast Rips Through Shi’ite Area of Kabul, IS Claim Responsibility (News 18)
August 7, 2022

The Islamic State (IS) militant group on Friday claimed responsibility for a deadly blast in a Shi’ite residential area in Afghanistan’s capital Kabul, the group said.

The Afghan police said at least eight people were killed and 18 wounded in the blast. The militant group said in a statement that 20 people were killed and injured in an attack launched in western Kabul.

“The explosion happened in a crowded place,” said Khalid Zadran, the city’s police spokesman. Video shared on social media purportedly of the blast site showed men rushing to help the injured after the incident.

The hardline militant group has claimed recent attacks, mainly on the minority Shi’ite community.

The IS affiliate operating in Afghanistan since 2014 is seen as the country’s most serious security challenge since the Taliban took control of the country in August last year.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

**Official Website of the Extraordinary Chambers [English]
Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)
Cambodia Tribunal Monitor**

Appeal verdict for living genocidal regime leading official scheduled for September (Khmer Times)
August 10, 2022

The Extraordinary Chambers in the Courts of Cambodia (ECCC) will pronounce an appeal judgment in Case 002 concerning former Pol Pot genocidal regime leading official Khieu Samphan on the morning of September 22.

The ECCC Trial Chamber first announced its verdict against the figure on November 16, 2018, sentencing him to life imprisonment for genocide, crimes against humanity and grave breaches of the Geneva Conventions of 1949. The sentences were combined in Case 002/01.

He has since appealed to the Supreme Court Chamber.

ECCC, the UN-backed tribunal, was set up in 2006 to seek justice for victims of the Pol Pot genocidal regime in Cambodia from 1975 to 1979.

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Bangladesh International Crimes Tribunal

Bangladesh court sentences 6 to death for war crimes during freedom movement (La Prensa Latina)
July 28, 2022

Bangladesh's war crimes tribunal sentenced six people to death on Thursday for crimes against humanity committed during the 1971 struggle for independence from Pakistan.

The three-judge bench of the International Crimes Tribunal, led by Justice Md Shahinur Islam, handed down the verdict against the convicts for the killing of unarmed freedom fighters and members belonging to the minority Hindu community in southwestern Khulna district, Prosecutor Mokhlesur Rahman Badal told EFE.

Badal said they were found guilty on all four charges brought against them for aiding, abetting, facilitating, and participating in crimes against humanity and genocide.

"They killed many people and set fire to many houses belonging to Hindus. The tribunal found all six accused guilty of the four charges brought against them and handed them death sentences for each charge," Badal said.

Five of the six accused in the case were arrested in 2017 and were present at the court when the verdict was announced, while one has been absconding and was tried in absentia, according to the prosecutor.

This is the 48th verdict in a war crime case since the tribunal was set up by Prime Minister Sheikh Hasina in 2010 as part of her electoral promise. Since the first ruling was announced in 2013, a total of 119 out of 135 accused have been sentenced for war crimes in Bangladesh, said the office of the prosecutor.

Two accused have been acquitted by the court, while the remaining 14 have died in jail during their trial.

Of those convicted, 84 were sentenced to death, four were handed life-terms, 25 were sentenced to be imprisoned until death, and six others got shorter jail sentences.

Six of those sentenced to death have been executed so far, and five of them were members of the country's largest Islamist Party, the Jamaat-e Islami, and one belonged to the main opposition Bangladesh Nationalist Party.

There are currently another 37 such cases pending before the court, according to the public prosecutor's office.

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War Crimes Investigation in Myanmar

Long-Awaited Rohingya Report Provides New Evidence of Genocide in Myanmar (Jurist)

By Rebekah Yeager-Malkin
August 4, 2022

The Commission for International Justice and Accountability (CIJA) released its long-awaited report Thursday on the Rohingya genocide in Myanmar. CIJA began its investigation in 2018, looking for evidence to clear a path toward international criminal prosecutions. CIJA has previously worked in Syria, gathering evidence on Bashar Al-Assad and IS.

According to the UN fact-finding mission in 2018, crackdowns on the Rohingya ethnic minority began in the Rakhine region of Myanmar in 2017. Refugees have described widespread massacres, sexual violence, and other crimes against humanity

throughout 2017. The UN used satellite footage to show the many villages that were burned, allegedly via arson. The current military junta in Myanmar claims these burns were committed by the Rohingya themselves. However, documents and testimony obtained by CIJA dispute this.

CIJA found 865 documents, initiated 10 interviews, and gathered 24 videos and over 3,500 files in total from military and border personnel insiders. The insider documents consistently refer to the Rohingya as “Bengali,” a reference to the false belief that the Rohingya aren’t really Burmese but actually Bengali invaders. The documents show a government effort to reach out to extremist Buddhist monks in the region to garner support ahead of the 2017 attacks, which the government referred to as “area clearance.”

One military presentation obtained by CIJA refers directly to potential global condemnation for the military’s actions. It specifically refers to the Responsibility to Protect Doctrine, which requires UN member states to step in if there is a risk of genocide, war crimes, ethnic cleansing, and crimes against humanity. The presentation asserts if other countries step in, Myanmar will become a “failed state.” It goes on to claim that, “[d]espite pressure from the UN and international community on the military regarding the issues in northern Rakhine and demands on the Myanmar government to accept Bengali refugees [the Rohingya], there is no likelihood of R2P being triggered and violating Myanmar’s sovereignty.”

The documents were also able to show a clear bureaucratic structure in the Tatmadaw, the military branch that carried out the 2017 operations. According to CIJA:

Document after document revealed the intrinsically bureaucratic character of the Tatmadaw, where senior commanders maintained a detailed awareness of all subordinate activity, controlling every aspect of decision making and operating procedures. Lower-level commanders were not trusted to make improvised decisions on the battleground, meaning that actions were always approved by the highest echelons of the armed forces.

Reuters has independently corroborated much of the CIJA report, lending it further credibility. The report has been sent to the International Criminal Court (ICC) for further action. While Myanmar is not an official ICC member state, many of the Rohingya refugees have fled to Bangladesh, which may give the ICC jurisdiction, as Bangladesh is a member state. Myanmar’s military junta has yet to respond to the report.

Myanmar Military Shows How Long it Had Planned Genocide (Arab News)

August 7, 2022

The military of Myanmar, the Tatmadaw, has long falsely insisted its genocidal actions against the Rohingya were provoked. The generals claim that the military operation that forced 800,000 Rohingya from their homes and from the country in 2017 was preceded by widespread and deadly attacks on military installations by guerrilla forces.

Even at the time, analysts were shocked by the brutality of the Tatmadaw’s actions and wondered why the military chose to overreact so viciously to small-scale trouble from insurgent groups.

We are beginning to know the answer. The genocide, the violence and the criminality — none of it was spontaneous, and it was not in reaction to anything. Instead, the violent campaign against the Rohingya had been meticulously planned and set into motion with premeditated malice. An investigation by the Commission for International Justice and Accountability, an independent war crimes investigator, indicates that documents exist from as far back as 2014 describing a “national project” of demonization and eventual expulsion.

In meetings before the expulsion of the Rohingya from Rakhine state in August 2017, the commission alleges, figures in the Buddhist priesthood and the military hierarchy told non-Rohingya to stay put while the soldiers conducted their ethnic cleansing and drove the Rohingya out. These pogroms are estimated to have involved the direct deaths of up to 10,000 people and led to a million or more fleeing their homes.

The documents allege that, throughout 2017, military commanders planned their future attacks and provocations. They planned to insert saboteurs into villages. And they plotted to convince locals that “Bengalis” — the incorrect term they used for Rohingya — were massing a terrorist army and must therefore be driven out before they could entirely overturn rural society. And they plotted to hide their own involvement until the last moment, to coordinate their actions and communications with the outside world, in a bid to obscure the genocide entirely or, at best, to present the rest of the world with a violent fait accompli.

Before the operation began, the commission alleges, the army flew in hundreds of additional troops in clear premeditation.

These killings and the expulsions were defended by the civilian leadership of Myanmar at the time, including the Nobel Peace Prize laureate Aung San Suu Kyi, who flatly refused to believe that the army would commit genocide and mass sexual violence

against the Rohingya. She even traveled abroad, including to the International Court of Justice, to defend the military against charges of genocide brought by Gambia.

While she was free, Suu Kyi's reputation never recovered for what she did when she held power. And now she is imprisoned — overthrown in a 2021 coup by the state — many former supporters of the military regime, who acquiesced to the genocide at first, wonder if doing so was worth it. Many of them are now, for the first time, telling advocacy groups and reporters about the things they did.

One soldier told Reuters about the systematic theft and looting of Rohingya property in Rakhine in which he participated in 2017.

More than 400 villages were destroyed during the ethnic cleansing of 2017. Documents collected by the commission list more than 7,000 individual buildings that were burned down between the end of August and the middle of September.

These are significant crimes, planned far in advance.

According to the commission, the Tatmadaw was worried about one thing in particular: The possibility of an international response. Military planners speculated about the possible negative consequences of their actions becoming too widely known and the prospect of some international intervention under the doctrine of the responsibility to protect in cases of genocide and war crimes. In this case, they need not have worried. The outside world was stunned by what happened, but did very little to punish the Tatmadaw's actions.

The documents allege that many of the officers involved in the massacres have since been promoted.

The commission is not complacent in its outlook. It has dealt with war crimes in Syria and Iraq and understands that dictatorship and corrupt military hierarchies remain in power until they are removed from power. It knows that even well-documented war crimes cannot be prosecuted unless there is the will and the means to do so.

But as it collects data and testimony — and makes the genocide of the Rohingya one of the better-documented events in recent history — there is hope. It is the hope of knowing that the truth can come out, regardless of what those in authority in 2017 and since have said. And knowing that, if other countries can muster the same courage and resolution as those who are campaigning to bring the generals of Myanmar to account at the International Court of Justice, some justice may still be done.

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TOPICS

Truth and Reconciliation Commission

Liberia: Palava Hut Hearing Goes to Bong (All Africa)

By Kieron Monks

August 3, 2022

The National Palava Hut mechanism, the restorative justice mechanism being used in Liberia to heal the wounds of the country's civil war, will hold its next hearing in Sanoyea District, Bong County from August 8 - 13, 2022.

The resurgence of the M23 group in Congo's restive east has exacerbated tensions between the neighbours, with Kinshasa accusing Kigali of backing the rebels.

Blinken was speaking in the Congolese capital Kinshasa, where he arrived on Tuesday for the second leg of a three-nation African tour and met President Felix Tshisekedi.

Rwanda has denied the allegations and Blinken is due to visit the country following a one-day stay in Kinshasa.

"We are very concerned by credible reports that Rwanda has supported the M23," the top U.S. diplomat told a press conference in Kinshasa.

"All countries have to respect their neighbours' territorial integrity," he added, saying he was "not turning a blind eye" and would discuss the issue with Rwandan President Paul Kagame.

Blinken said his trip to the region was to ensure U.S. support for mediation efforts led by Angola and Kenya "to prevent further violence, to end conflict (and) to preserve the territorial integrity of the DRC".

The DRC is seeking international support as it struggles with Rwanda over the M23, a primarily Congolese Tutsi group that is one of many operating in the troubled east.

After lying mostly dormant for years, the rebels resumed fighting late last year, seizing the strategic town of Bunagana on the Ugandan border in June and prompting thousands of people to flee their homes.

In a 131-page report to the UN Security Council seen last week by AFP, experts said Rwandan troops had intervened militarily inside the DRC since at least November.

Rwanda also "provided troop reinforcements" for specific M23 operations, the experts' report said, "in particular when these aimed at seizing strategic towns and areas".

Kinshasa and Kigali have had strained relations since the mass influx of Rwandan Hutus accused of slaughtering Tutsis during the 1994 Rwanda genocide.

Relations began to thaw after Tshisekedi took office in 2019 but the M23's resurgence has revived tensions.

The group, also known as the "March 23 Movement", first leapt to prominence in 2012 when it briefly captured the city of Goma before a joint Congolese-UN offensive drove it out.

Blinken arrived in Kinshasa from South Africa, where he said the United States was seeking a "true partnership" with Africa and was not vying with other powers for influence on the continent.

Tshisekedi was to "raise the questions of strategic partnership" between the DRC and the United States during his meeting with Blinken at the presidential palace, his office said in a statement Monday.

On the eve of Blinken's swing through the DRC and Rwanda, Human Rights Watch (HRW) urged him to condemn the M23 attacks and press Rwanda on its rights record, which included a "brutal" crackdown on dissent.

"As in 2012, the M23 are committing war crimes against civilians," said a HRW statement.

"Witnesses described summary killings of at least 29 people, including children, in June and July... The U.S. should raise with Rwanda the reliable reports that it is again supporting the M23's abusive conduct in eastern Congo."

The M23 is just one of scores of armed groups that roam eastern DRC, many of them a legacy of two regional wars that flared late last century.

One of the bloodiest militias is the Allied Democratic Forces (ADF) – an organisation the Islamic State group describes as its "Central Africa Province" affiliate.

The State Department placed the ADF on its list of IS-linked "terrorist" organisations in March 2021.

Peruvian ex-military wanted for rights violations faces extradition from Spain (Reuters)

August 9, 2022

A Spanish court has begun processing an extradition request filed by Peru against a former military officer charged with crimes against humanity stemming from a conflict against Maoist guerrillas in the 1980s, a court document showed on Tuesday.

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Terrorism

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Piracy

Iran Commander Says Naval Attack Repulsed In Red Sea (Radio Liberty)

August 10, 2022

A senior commander says Iran's navy repelled an attack on an Iranian vessel in the Red Sea overnight on August 9-10, but he didn't identify the type of ship or its attackers.

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Gender-Based Violence

How Colombia's Conflict Intensified Violence Against Women and the LGBTQI+ Community (InSight Crime)

By Laura Avila

August 4, 2022

The testimonies of women and LGBTQI+ persons in Colombia have revealed the disproportionate violence they suffered during the country's armed conflict, warning of the cycles of violence that persist today as armed groups dispute control of illicit economies like drug trafficking.

The recently published Final Report by Colombia’s Truth Commission (Comisión de la Verdad) investigated the impact of the country's conflict on Colombian society. One chapter, titled "My Body is the Truth," shared the experiences of 10,864 women and 408 LGBTQI+ persons that were victims of the armed conflict, explaining why these events occurred and how these

communities resisted. To date, more than 4.6 million women and more than 4,400 members of the LGBTQI+ community have been affected by the armed conflict, according to the victims registry.

One of the Truth Commission's main findings was that disputes between armed actors had a disproportionate impact on women. Controlling women's lives and bodies has been used as a way to appropriate territories, tear apart the social fabric, and control communities.

Similarly, the report concluded that the LGBTQI+ community suffered persecution and that the violence committed against them occurred because of their sexual orientation or gender identity.

Alejandra Miller Restrepo, the commissioner and director of this chapter, is a prominent leader of the feminist movement in Colombia and a member of the Ruta Pacífica de las Mujeres (Pacific Route for Women). She is also an investigator and university professor, and a former government secretary in Cauca department. Miller spoke with InSight Crime about the report's findings.

InSight Crime (IC): Why is it important to have a chapter focused on understanding violence against women and the LGBTQI+ population?

Alejandra Miller (AM): It is important to explain what happened to women and the conditions of inequality that previously existed but were deepened by the armed conflict. Women make up half of the population of this country, but we have historically been at a disadvantage, particularly during the armed conflict. During times of war, gaps in equality, violence, and impunity for crimes against women are exacerbated. This has a profound effect on what women mean for the social fabric, for communities and society, and as subjects deserving of rights.

If society as a whole and its decision-makers understand what happened to women and LGBTQI+ people during the conflict, then we will be able to take measures to avoid repeating them, and move towards righting inequalities in the country.

IC: What role do women play within these communities, and how has this role been exploited by armed groups looking to position themselves?

AM: Women are a key pillar of the social fabric; we are the caretakers of life and territories. Targeting women is therefore effective in military terms. For example, when women are displaced from their homes, they tend to move with their dependents, including children or parents. Displaced men tend to move alone.

Threatening a woman is therefore more effective when it comes to clearing territories: When women are directly affected, the family nucleus, and the collective nucleus of the community, are also affected.

IC: InSight Crime identified paramilitary fronts that used sexual violence as a tool of war, including the Tayrona Resistance Bloc. Why did the paramilitaries use such systematic and marked violence?

AM: Sexual violence has always been used by soldiers in war. But we observed that paramilitaries in particular, and especially those fronts located in the Caribbean, Meta, and Putumayo, used sexual violence to threaten people and and deprive them of their land. There was an intentionality behind sexual violence, linked to the control of territory for the benefit of economic and political interests.

Guerrillas [the now-defunct Revolutionary Armed Forces of Colombia - FARC and the National Liberation Army - ELN], also committed rape. However, they did not use it to practice control, but as just another practice. Those who exercised this type of crime were supposedly penalized, although, in reality, this did not happen.

We could not confirm whether public security forces used sexual violence as a strategy to control, although it must be made clear that this practice generated military gains and advantages.

IC: What was the end-goal of the violence against the LGBTQI+ population?

AM: We identified a pattern of persecution against LGBTQI+ persons simply for being LGBTQI+. They were persecuted for two related reasons: prejudice and social complicity. While acts of violence against women did undergo a process of normalization, though this happened less and less, violence against LGBTQI+ people relied on social complicity. In other words, armed actors, and especially the paramilitaries, won over communities with violence against the LGBTQI+ community through acts like so-called "social cleansing."

The most painful thing is that people applauded when LGBTQI+ persons were robbed of their lands, were silenced, or had their businesses destroyed because they were socially categorized as undesirables and people held prejudices against them.

IC: One of the Truth Commission's findings that could explain violence against women is the concept of 'warrior

masculinities.' Can you tell us a little more about this concept and the implications it has had on the actions of these groups?

AM: We found that there was an ingrained culture within groups of fighters that perpetrated violence and which was exacerbated by training for war. The values that were exalted in these fighters were the ultimate expression of patriarchal authority and violence.

The men who join these groups enter structures where force, authoritarianism, and domination gives them power. If these men saw women as subjects of subordination before joining these groups, then once they had a weapon in their hands, they saw women as cockroaches. Young people who came out of these training schools left with the idea of dominating those who have the least power: women, children, and the LGBTQI+ community.

For example, in paramilitary schools, extreme cruelty had to be demonstrated, because this is what shapes the masculine character. In the case of the guerrillas, it was different. They were peasants and conservative, so their logic was that they, the armed men, were the ones who had the power to exercise that control over these women. For them, it was a moral logic.

Men are often placed in dominating roles over women and others. But when these masculinities are given value with war and enabled with weapons, this generates a more cruel, violent, and subordinating reaction.

IC: What may have been the motivations of women to join these groups that were dominated by men?

AM: It seemed important that we question representations of women in war, and show that women can also make the decision to go to war.

[In the case of those who joined the FARC guerrilla], we found that there were women who went to war voluntarily because they believed in the political cause and that the country could be changed with arms.

Others went to war due to poverty, because they didn't have anything to eat, they had no education nor opportunities, and the guerrilla was the closest option they had. Others went because they faced domestic or sexual violence and saw the guerrilla as a way to escape those situations, and even to get revenge on their abuser.

There were a wide range of reasons.

IC: The report mentions that violence persists in some territories. What are the consequences of this on women today?

AM: Consequences include sexual violence, because armed actors always believe they are the owners of women's bodies. We have also seen the continued recruitment of boys and girls, men and women. And murders continue for different reasons: In the Cauca department, there is a relation between the murder of girls and the fighting.

IC: What do you see for Colombia's future in terms of conflict, organized crime, and peacebuilding?

AM: I am really hopeful because we appear to be in a moment of political shift. The [Truth Commission's] report, which contains recommendations aimed at stopping the fighting and moving towards peacebuilding, has been well received.

One of the recommendation outlines the need to advance in negotiations and to participate in talks with all armed actors. Negotiations with some actors will be carried out in political terms, and with others it will be a question of [their] submission. We will have to find the strategies for each of them.

On the other hand, we point out persistent factors that could lead to the conflict's reactivation, such as drug trafficking. In fact, one of the striking findings is that the war on drugs did not work. So, we will have to move towards market regulation and legalization.

Several issues must be addressed. The conflict is intertwined with the interests of political and economic actors. On the one hand there is dialogue, and on the other hand, we have to get serious on impunity, corruption, and the other factors that contribute to the persistence of conflict.

Mounting Proof Of Crimes Against Humanity In Myanmar: UN Probe (Barron's)

By Nina Larson

August 9, 2022

UN investigators on Tuesday reported mounting evidence of crimes against humanity, including murder, torture and sexual violence, committed in Myanmar since last year's military coup.

The United Nations' Independent Investigative Mechanism for Myanmar (IIMM) said women and children were particularly being targeted.

"There are ample indications that since the military takeover in February 2021, crimes have been committed in Myanmar on a scale and in a manner that constitutes a widespread and systematic attack against a civilian population," the investigators said in a statement.

Myanmar's military seized power on February 1 last year, ousting the civilian government and arresting de facto leader Aung San Suu Kyi.

The junta has waged a bloody crackdown on dissent, with the violence leaving more than 2,100 civilians dead and nearly 15,000 arrested, according to a local monitoring group.

The investigation team warned in its annual report that over the 12 months to the end of June, "the scope of potential international crimes taking place in Myanmar has broadened dramatically".

The IIMM was established by the UN Human Rights Council in September 2018 to collect evidence of the most serious international crimes and prepare files for criminal prosecution.

It cooperates with the International Court of Justice and the International Criminal Court among others.

"Perpetrators of these crimes need to know that they cannot continue to act with impunity," said IIMM chief Nicholas Koumjian.

The report said that according to the evidence collected, "Sexual and gender-based crimes, including rape and other forms of sexual violence, and crimes against children have been perpetrated by members of the security forces and armed groups."

Koumjian said the investigators were focusing in particular on crimes committed against women and children, which are "amongst the gravest international crimes, but they are also historically under-reported and under-investigated."

Children in Myanmar had been killed, tortured and arbitrarily detained, including as proxies for their parents, the report found.

They had also been subjected to sexual violence and conscripted and trained by security forces and armed groups.

The team, which has never been permitted to visit Myanmar, said it had nonetheless now collected nearly three million "information items", including interview statements, documents, photographs and geospatial imagery.

The investigators said the evidence they had collected indicated that "several armed conflicts are ongoing and intensifying on the territory of Myanmar".

They said they were drawing up case files on specific incidents of war crimes committed in the context of those armed conflicts, including intentional attacks directed at civilians, indiscriminate killings and the widespread burning of villages and towns.

Other UN experts and the IIMM itself had already warned that war crimes and crimes against humanity were being committed.

But on Tuesday, the investigators cautioned that more and more regions were becoming engulfed in the violence, and that "the nature of the potential criminality is also expanding."

They pointed to the junta's execution of four political prisoners last month, marking the first executions in the country in decades.

The IIMM also highlighted the ongoing plight of Myanmar's Muslim Rohingya minority, five years after a bloody 2017 crackdown that resulted in the displacement of nearly a million people.

Most of the around 850,000 Rohingya who were driven into camps in neighbouring Bangladesh are still there, while another 600,000 are in Myanmar's Rakhine state.

"While the Rohingya consistently express their desire for a safe and dignified return to Myanmar, this will be very difficult to achieve unless there is accountability for the atrocities committed against them, including through prosecutions of the individuals most responsible for those crimes," Koumjian said.

Last month, the International Court of Justice in The Hague threw out objections from Myanmar's military rulers and decided to hear a landmark case accusing the country of genocide against the Rohingya.

Commentary and Perspectives

ASEAN governments need to act on Myanmar (Human Rights Watch)

By Elaine Pearson

August 2, 2022

On my first trip to Myanmar for Human Rights Watch in 2012, I met the activist and writer Kyaw Min Yu (known as Ko Jimmy), who had recently been released from prison. It was a time of hope for Myanmar – the country was starting its experiment of “managed democracy” and hundreds of political prisoners had been released.

Ten years later, the military is fully back in charge and Ko Jimmy is dead.

Junta authorities executed him and the rapper-turned-politician Phyo Zeya Thaw on 23 July following death sentences handed down after trumped-up and politically motivated charges of terrorism. Two other men were also executed, supposedly for killing a military informant. All four were convicted following closed military trials that did not meet any semblance of due process.

At the Association of Southeast Asian Nations foreign ministers’ meeting this week in Phnom Penh, ASEAN leaders need to move beyond condemnation and take meaningful action.

Human Rights Watch had campaigned on behalf of Ko Jimmy and more than 2,000 other political prisoners for years. But his case really stuck in my mind. He was a leader of the 88 Generation Students, who led the student uprising against the military regime in 1988. For that, he went to prison at age 19. Released in 2005, he married a fellow activist and former political prisoner, Nilar Thein. They had a daughter together. But Ko Jimmy was imprisoned again in 2007 and Nilar Thein in 2008 following the so-called Saffron Revolution of monk-led protests and the ensuing crackdown.

From 2007 to 2012, when we advocated in Washington on behalf of political prisoners, we showed officials a smiling photo of Ko Jimmy, Nilar Thein and their newborn baby. I imagined that baby growing up without her parents. But in January 2012, both were released.

When I met them, with other 88 Generation Students, in May 2012, they were hopeful and optimistic. They were making plans for a truly democratic Myanmar.

Fast forward to 2022 and the junta’s oppressive rule feels like a nightmare. The executions of Ko Jimmy and others were the first in Myanmar in decades. This escalation is clearly designed to strike fear and show that the junta will stop at nothing to eliminate any perceived threats to its rule. Nilar Thein and her daughter are in hiding.

Many governments, the United Nations Security Council and ASEAN have roundly condemned these executions. In April 2021, ASEAN devised a “Five-Point Consensus” in which the nine ASEAN leaders and Myanmar’s junta chief, Senior General Min Aung Hlaing, agreed to an immediate end to violence in the country; dialogue among all parties; the appointment of a special envoy; humanitarian assistance by ASEAN; and the special envoy’s visit to Myanmar to meet with all parties.

In the 15 months since, the envoy was appointed, but Min Aung Hlaing ignored the rest of the agreement while overseeing a brutal nationwide crackdown on opponents of military rule. The junta’s widespread and systematic abuses, including mass killings, torture, arbitrary arrests and indiscriminate attacks on civilians, amount to crimes against humanity and war crimes. Security forces have killed more than 2,000 people and arbitrarily arrested more than 14,000.

ASEAN leaders have uncharacteristically publicly criticised a fellow ASEAN member. Cambodia’s government, as Chair of ASEAN, released a statement saying it was “extremely troubled and deeply saddened” by the execution of Ko Jimmy and three other opposition activists, which went ahead despite a personal appeal by Prime Minister Hun Sen to reconsider the sentences. Indonesian President Joko Widodo expressed his “disappointment”, calling it a sign of “a lack of significant progress in the implementation of the Five-Point Consensus”. Malaysia’s Foreign Minister Saifuddin Abdullah described the executions as a crime against humanity and said that “the junta is making a mockery of the Five-Point Consensus”.

ASEAN member states need to adopt tougher measures. Meanwhile, democratic governments including those of the Quad (Australia, India, Japan and the United States) and the European Union have been hiding behind “ASEAN centrality” as an

excuse to justify their own inaction. That approach actually helped shield the junta from accountability for its abuses.

The UN Security Council, while unanimously condemning the executions and calling for an end to violence, has failed to take meaningful action. Concerned governments within ASEAN and around the world should press the Security Council to impose an arms embargo and to refer the situation in Myanmar to the International Criminal Court. If Russia and China veto it, they will have to explain why to UN member states.

In the meantime, all governments should use every available mechanism to financially isolate the junta and its leadership. According to the Assistance Association for Political Prisoners, 76 prisoners are on death row in Myanmar. Their lives are in imminent danger.

Words are not enough. The junta will only respond to action.

Saving Lives in Time of War (Human Rights Watch)

By Kenneth Roth

August 8, 2022

The alternative to war constrained by the laws of armed conflict, or international humanitarian law, is what is known as total war—war fought without any effort to minimize harm to civilians; indeed, war fought to maximize civilian harm as a deliberate strategy. War is ugly, but total war is worse. That's the way, for example, that Russian and Syrian forces fought in Syria, and how Russian forces are now fighting in Ukraine. The civilian toll can be enormous.

So while there is no doubt that aggression should be opposed, should an organization like Human Rights Watch, as it seeks to uphold the Geneva Conventions and other laws of war, also address the crime of aggression? Given the practical difficulty of doing both, Human Rights Watch prioritizes upholding international humanitarian law, because of its demonstrated importance in saving lives amid armed conflict. We leave it to others to oppose aggression.

Fortunately, while violations of the laws of war are frequent, overt abandonment of international humanitarian law is less common. Many militaries purport to be guided by the laws of armed conflict, and the consequence is substantially less civilian suffering when war does break out. Given the resulting horror of unfettered war, one should be reluctant to abandon these life-saving norms on the unproven theory that upholding international humanitarian law somehow makes war more likely.

Aggression can underlie war crimes, and so might be understood as a root cause, although even a "defender" can still commit war crimes. In any case, both attacking root causes and curbing the war crimes themselves are laudable endeavors, leaving aside the question of who is best placed to pursue each. The one does not preclude the other.

International humanitarian law can be insufficient. Under its rules, many people can die "legally"—such as opposing combatants who can be targeted, or civilians who die as a collateral consequence of an otherwise lawful attack. But to abandon international humanitarian law because it doesn't avoid all death in time of war is to make the perfect the enemy of the good.

We should certainly strive to broaden the protection of international humanitarian law. Human Rights Watch has done this, for example, by helping to secure treaties that ban indiscriminate attacks, the use of antipersonnel landmines and cluster munitions, and declarations against the use of schools for military purposes and the use of explosives with wide-area effects in populated and urban areas. Similarly, we have pushed, in certain circumstances, for the application of more protective policing rules rather than the rules of war. But abandoning or deprioritizing international humanitarian law because it is imperfect would encourage recourse to total war.

The original reason that Human Rights Watch eschewed commentary on the crime of aggression was because of our sense that it would compromise our neutrality with respect to the reasons that governments go to war. That neutrality, we believe, is important for maximizing the possibility that our investigations of violations of international humanitarian law by all sides in a conflict will be heard and heeded—that they will not be rejected as partisan criticism.

Neutrality also provides a modicum of protection for our researchers in the field. The Ford Foundation argued in Human Rights Watch's early days that we and other human rights groups should protect our researchers by showing solidarity with rebel groups and focusing exclusively on governmental violations under a human rights framework, rather than one of international humanitarian law that applies to all sides in an armed conflict.

We rejected that approach because rebel groups can commit atrocities worthy of being addressed, and because a human rights framework is far less specific than international humanitarian law about the steps required in war to protect civilians. Instead, we opted to try to protect our staff by adopting the neutrality exercised by the International Committee of the Red Cross. Maintaining that neutrality was all the more important given that, unlike the ICRC's confidential representations, Human Rights Watch speaks publicly.

Among the other reasons that Human Rights Watch avoids the issue of aggression is because it is not well suited to our methodology. The organization has influence because we are able to base our judgments on careful, objective fact-finding, which we can introduce into the public domain to affect relevant policy debates. But the crime of aggression often reflects political judgments that our methodology is not designed to make. Consider the endless disputes about who the aggressor is in Tigray in Ethiopia, or the eastern Democratic Republic of Congo, or Yemen, or Israel-Palestine. Even on Ukraine, much of the world takes a different view from the prevailing Western one. And the issue is more complicated still if the question isn't who started a war but who escalated or continued it.

Moreover, if we are going to press governments not to go to war, we would also need to press them to stop fighting, yet the timing and conditions for a cease-fire tend to be highly political judgments. For example, should the Ukrainian government accept a possible cease-fire based on the loss of a significant slice of its territory, or should it insist as a precondition on a Russian withdrawal to the lines at the time of the invasion on Feb. 24, 2022, or even those before Russia's 2014 seizure of Crimea and parts of the Donbas? Human Rights Watch has no special capacity to make these judgments because they are political, not fact-based applications of human rights principles or international humanitarian law.

Aggression is not the only issue for which we exercise such restraint. Human Rights Watch also avoids opining on the right to self-determination, even though it is centrally featured in both of the U.N.'s international covenants—the International Covenant on Economic Social and Cultural Rights, and the International Covenant on Civil and Political Rights—because there is no principled way to determine what the relevant "self" is.

The laws of war require judgment calls, too—such as the issue of whether an attack was disproportionate. But Human Rights Watch avoids condemning "close call" violations. We reserve our voice for clear violations because those are the only ones for which we can generate significant pressure for change.

Our voice is respected not just in the abstract but because we are careful to speak only in accordance with our methodology of relying on the fact-based application of human rights principles. We diminish that respect when we deviate from that methodology and become just another progressive talking head.

Finally, it has been suggested that Human Rights Watch doesn't oppose aggression to stay in the good graces of powerful governments, specifically the United States. Yet Human Rights Watch devotes enormous energy to publicly and firmly criticizing violations of international human rights and humanitarian law by the U.S. government, as well as elements of its foreign policy that ignore human rights concerns. From virtually its beginning, Human Rights Watch has sought to engage with the U.S. government not by tempering our criticisms but by grounding them firmly in fact and principle. Why, after decades of such criticisms and condemnations, would we suddenly pull our punches on the crime of aggression?

Human Rights Watch is doing what we do best: in war, applying international humanitarian law, and leaving it to others to pursue the crime of aggression. Yes, the laws of armed conflict provide a powerful moral framework for assessing the means and methods of war. That has been true since the key international humanitarian law treaties today were adopted in 1949 and 1977. Human Rights Watch in its initial incarnation was founded in 1978 and began to apply international humanitarian law in its research and advocacy only in the mid-1980s.

Nothing prevents other human rights organizations from similarly developing the crime of aggression as a moral framework. In no other field would someone claim that the defense of rights precludes the development of such a political movement. We encourage others to take on that task, but at Human Rights Watch, we plan to stick with our proven contribution to saving lives in time of war.

The enduring animosity between Serbia and Kosovo (Saltwire)

By Henry Srebrnik

August 9, 2022

It is a point the Kremlin makes obsessively, and President Vladimir Putin reiterated it when UN Secretary-General Antonio Guterres visited Moscow in late April: The "Donetsk and Luhansk People's Republics" have just as much right to declare their independence as Kosovo did in 2008, Putin stated.

Russia has also invoked this Balkan "precedent" to justify recognising the independence of Abkhazia and South Ossetia — the UN and most states consider them still part of Georgia — in 2008 and annexing Crimea in 2014.

The breakup of the federal communist states of Czechoslovakia, the Soviet Union and Yugoslavia in the 1990s led to a proliferation of newly independent states. Slovakia and the Czech Republic agreed a swift, amicable divorce, but other breakups proved tougher.

Widespread crimes

In Yugoslavia, the war in Bosnia and Herzegovina between 1992 and 1995 was especially brutal, with widespread crimes against humanity. Serbian and Kosovar Albanian forces began to clash in the late 1990s and eventually NATO intervened with a massive 11-week bombing campaign against Serbia that lasted until June 10, 1999. NATO has had a peacekeeping force in Kosovo since then.

Yet even after 23 years, the enmity between Serbs and Kosovar Albanians shows little sign of abating. Air raid sirens were heard in Mitrovica in northern Kosovo on July 31, as Serb protesters blocked roads and shot at local authorities.

It was due to a new rule issued by Kosovo that anyone with a Serbian ID entering the country would need to replace it with an entry/exit permit. Also, ethnic Serbs in Kosovo with Serbian licence plates would be required to change them for Kosovar ones.

Currently, some 50,000 Serbs in northern Kosovo still use licence plates and documents issued by Serbian authorities, refusing to recognize the Pristina government and its institutions. This new dispute threatens to escalate into conflict between the two countries.

Yet even after 23 years, the enmity between Serbs and Kosovar Albanians shows little sign of abating.

Fierce resistance

The government in Kosovo's capital, Pristina, has been trying for years to assert full institutional control over the ethnic Serb-majority areas of northern Kosovo, but it has faced fierce resistance from residents who still consider their communities part of Serbia. Kosovo's northern border with Serbia has often been a hub of violence.

Serbia refuses to recognize Kosovo's independence and insists on protecting them. Serbian President Aleksandar Vucic stated that Serbia has "never been in a more complex and difficult situation" regarding Kosovo "than it is today." He asked for all sides to keep the peace but warned that "If they don't want to keep the peace, I'm telling you — Serbia will win."

Serbian politician Vladimir Đukanović wrote on Twitter that "Everything seems to me that Serbia will be forced to begin the denazification of the Balkans. I'd like to be wrong." Russia had claimed that it wanted to "denazify" Ukraine shortly before launching its invasion of the country in February.

Kosovar Prime Minister Albin Kurti placed the blame on Serbia. He claimed that "aggressive actions" were planned in statements and meetings ahead of time, blaming Vucic and Petar Petkovic, Serbian director of the Office for Kosovo and Metohija, for the unrest.

"The law and order and security bodies of our state are gathering information, monitoring the situation and will act in defense of the law and citizens, our sovereignty and territorial integrity," said the prime minister.

"The following hours, days and weeks can be challenging and problematic. We are facing the Serbian national-chauvinism that we know well. We will work day and night, we will be at the top of our duties, for you as citizens and for our democratic republic."

Urging calm Russia has always been an ally of Serbia, even amid its ongoing invasion of Ukraine. It also does not recognize Kosovo as an independent state. Russian Foreign Ministry spokesperson Maria Zakharova responded to the tensions, saying that Kosovo's plan to require temporary documents for Serbs "is a step towards their expulsion from Kosovo."

She added that Russia calls on Pristina "to stop provocations and respect the rights of Serbs in Kosovo." She also accused the West of wanting to "neutralize" Serbia with "Kosovo Albanian hands."

The unrest led to NATO stating that it was ready to intervene to stabilize the situation. The EU and U.S. also urged calm. They worry that Russia might escalate tensions in an effort to put pressure on them. Kosovo's government then announced it would delay the implementation of both the licence plate and identification decisions until September.

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Aiding and Abetting

Moscow Fuels Myanmar War Machine, Then Claims to Bring Peace (Polygraph)

By William Echols

August 5, 2022

On August 3, Russian Foreign Minister Sergey Lavrov made an official visit to Myanmar, underscoring Russia's support for the country's military government.

The visit came just over a week after Myanmar's military junta announced it had executed four pro-democracy activists – the country's first executions in decades – sparking international condemnation.

A Myanmar citizen shows a three-finger salute representing resistance to the military junta at a protest against the execution of pro-democracy activists at Myanmar's embassy in Bangkok, Thailand, on July 26, 2022. (Soe Zeya Tun/Reuters)

A Myanmar citizen shows a three-finger salute representing resistance to the military junta at a protest against the execution of pro-democracy activists at Myanmar's embassy in Bangkok, Thailand, on July 26, 2022. (Soe Zeya Tun/Reuters)

Myanmar has spiraled into chaos since February 2021, when the military seized power by force from the elected government.

As of August 5, the Assistance Association for Political Prisoners (AAPP), run by Myanmar citizens in exile, said 2,158 “people, pro-democracy activists and other civilians” have been killed as a result of the post-coup military crackdown.

Lavrov said Russia stood in solidarity with “efforts to stabilize the situation in the country” and welcomed planned elections next year. Analysts say the elections will be used to install a pro-military government.

Russia's Foreign Ministry spokeswoman, Maria Zakharova, weighed in on what she described as Lavrov's “rich visit.” In reference to U.S. House Speaker Nancy Pelosi's recent trip to Taiwan, Zakharova said Lavrov visited “to promote cooperation,” rather than provoke China.

“Russia brings cooperation, peace, [and] stability to the region. Russia operates on the basis of international law, mutual respect and the mutual consideration of interests,” Russian state broadcaster Sputnik quoted Zakharova as saying.

That is false. Russia, as a major supplier of arms to Myanmar's military government, is doing anything but bringing peace and stability to the region.

Russia, along with China, blocked the United Nations from condemning the February 2021 coup, a move that fit a long-standing pattern of shielding Myanmar's military from international rebuke for rights abuses and waging war on its own people.

In the month following the coup, Russian Deputy Defense Minister Alexander Fomin visited Myanmar to solicit arms sales. That visit overlapped with the bloodiest day of protests since the military takeover, with the military reportedly killing scores of people, including children, according to news reports.

During a speech on Armed Forces Day (March 27), when the crackdown occurred, Myanmar's military leader Min Aung Hlaing called Russia a “true friend.” Fomin received a medal from Min Aung Hlaing the previous day.

As summarized by the International Crisis Group, “Russia has thrown Naypyitaw (Myanmar's capital) a lifeline as it struggles to quash domestic resistance and secure international legitimacy, thus further antagonizing countries pushing for Myanmar's return to democracy.”

Myanmar's military rulers, in turn, supported Russia's illegal invasion of Ukraine, claiming that Russia was working “to consolidate its sovereignty.”

During his Myanmar trip, Lavrov thanked the Myanmar junta for its “balanced and responsible stance” on the war in Ukraine. Lavrov stressed the role of military cooperation and security in Russia's relationship with Myanmar, announcing the two sides would hold talks on military-technical cooperation in Russia later this month.

In July, Russia and Myanmar announced they would deepen defense collaboration after Min Aung Hlaing made an unannounced visit to Moscow. A July 21 report from the Hong-Kong based Asia Times said, “Russia has emerged as the most outspoken global power to support [Myanmar's] military junta.”

That report noted that Russian-made military hardware, including Hind Mi-35 helicopter gunships, transport helicopters, MiG-29 fighter jets and Yak-130 ground attack aircraft are being used in assaults on ethnic rebels in border areas, where other pro-democracy protesters have taken refuge.

“The assaults using Russian hardware are contributing to a new regional humanitarian crisis as refugees stream toward the Thai

and Indian borders,” Asia Times reported.

Radio Free Asia, a sister U.S.-funded news organization to Voice of America, has documented the use of Russian jets and attack helicopters to carry out airstrikes, at times firing into villages indiscriminately.

As noted in a February 2021 report from Japan’s Nikkei Asia, many of the light armored vehicles rolling through the streets at the onset of the coup were of Russian-design.

Nikkei Asia reported that just days before the military takeover, Russian Defense Minister Sergey Shoigu visited Myanmar to finalize a weapons deal, which included the Pantsir-S1 surface-to-air missile system, Orlan-10E surveillance drones and radar equipment.

In February, Myanmar’s independent Irrawaddy news reported a Russian military delegation including pilots visited the country as the regime ramped up air attacks on ethnic armed organizations and opposition People’s Defense Force groups.

In August 2021, a Myanmar military spokesman said: “Russia plays the central part in Myanmar’s air defense systems, followed by China.” He added that “cooperation between the air forces is expanding,” the Irrawaddy reported.

The anti-corruption group Justice for Myanmar said Russia is “a major supplier of arms and dual use goods for the Myanmar military.”

The group accused Moscow of “aiding and abetting the military’s genocide, war crimes and crimes against humanity.”

The group has called for sanctions against 19 Russian companies, many of which have continued to ship arms to Myanmar since the coup. Investigators at the rights group Myanmar Witness found Myanmar’s military had used Yak-130 aircraft acquired from Russia to unleash “unguided rockets and 23mm cannon fire in and around civilian-populated areas.”

On July 4, The Irrawaddy reported Russia had delivered two of six new Su-30 fighter jets to Myanmar in March, citing sources who formerly served with the Myanmar Air Force.

However, in their report, published July 28, Myanmar Witness said they were not aware of the Su-30 “being delivered to, nor employed by, the Myanmar military at this time.”

Russia, which for years was Southeast Asia's leading arms supplier, has seen sales plummet following sanctions over its 2014 seizure of Crimea and expanded invasion of Ukraine in February.

'More war crimes to come': Biden exploits extending Yemen's truce to sell missiles to Saudi Arabia, UAE (Al Mayadeen)

By Naseh Shaker

August 6, 2022

Minutes after the United Nations announced on August 2, 2022, that Yemen's warring parties agreed to extend the truce for another two months, US President Joe Biden's administration approved the selling of THAAD and Patriot missiles to countries of aggression on Yemen, notably to Saudi Arabia, and UAE in two deals valued up to worth more than \$5 billion.

The US State Department issued a statement welcoming the "announcement by the UN on the extension of the truce in Yemen", claiming that "this truce has brought respite from conflict to millions of Yemenis and saved thousands of lives".

At the same time, the State Department issued another statement approving the two massive arms sales deals to Saudi Arabia and UAE whom the United Nations investigators in a 2018 report said their airstrikes against Yemen caused the most civilian casualties and had hit residential areas, markets, funerals, weddings, jails, boats, and medical facilities.

Daniel Kovalik, a professor of International Human Rights at the University of Pittsburgh School of Law said the "Biden administration never had any intention to stop aiding the war efforts against Yemen."

"This is so because, since the war's inception in 2015, this has been a US war as much as a Saudi-UAE war", Kovalik told Al Mayadeen English. "However, Biden knows that this was not popular with the Democratic base".

The two arms sales include \$3.25 billion for Patriot missiles for Saudi Arabia and \$2.2 billion for high-altitude missiles for the UAE.

The State Department in its notice informing Congress of the sale said “The proposed sale will improve the Kingdom of Saudi Arabia’s capability to meet current and future threats by replenishing its dwindling stock of PATRIOT GEM-T missiles”.

"These missiles are used to defend the Kingdom of Saudi Arabia's borders against persistent Houthi cross-border unmanned aerial system and ballistic missile attacks on civilian sites and critical infrastructure in Saudi Arabia", the department added.

"He [Biden/his administration] has used pretexts and subterfuges to justify continued support of the war. The truce, which is constantly violated, has been one such pretext", said Kovalik.

"Biden has also claimed that he is only giving Saudi Arabia and the UAE defensive weapons when there really isn't such a thing in reality", noted Kovalik.

Biden abused the truce by selling arms

Biden also issued a statement on August 2 -published on the White House website- welcoming the extension of the truce in Yemen and claiming it "has brought a period of unprecedented calm in Yemen, saving thousands of lives and bringing tangible relief for countless Yemenis".

"Extending the truce in Yemen and reaching an ultimate resolution to the conflict was also a main topic of discussion during my recent visit to Saudi Arabia", his statement read, but some activists say Biden discussed how to approve the arms sales during the extension of the truce and that it is for this reason he wanted the extension.

"Biden's [support of] truce extension is simply window dressing. It is clear by his behavior in simultaneously approving the selling of arms to the Saudis, whom his administration calls 'a (USA) partner country that is a force for political stability and economic progress in the Gulf region', that his intentions toward the people of Yemen are not friendly," US activist, Pamela Bennet, told Al Mayadeen English.

The State Department said of the sale "This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in the Gulf region".

Bennet believes that Biden's support for the extension of the truce is for the sake of approving the arms sales deals with less criticism for him as a man who promised to end the war in Yemen.

Biden also said in his statement "it is now critical that all parties uphold their commitments under the UN-brokered truce and work towards peace".

However, Bennet wondered how peace can be achieved as a "goal" while Biden "sells arms", adding "it makes no sense unless war is the desired outcome".

"The side that he chooses to sell arms to is the Saudis. This exposes that the President of the United States, is totally without integrity and will do and say whatever the big shadow economic interest groups tell him to...", Bennet told Al Mayadeen English.

'Not serious'

Dave DeCamp, news editor of Antiwar.com said that President Biden's administration, by approving these new arms sales, showed itself as "not serious about ending the war".

"The fact that the Biden administration approved new arms sales for Saudi Arabia and the UAE, as the fragile truce in Yemen was extended, shows that President Biden is not serious about ending the war", said DeCamp.

"If he were, the US could cut off all military support for the Saudi-led coalition, which would force Riyadh to come to the table of negotiations and make real concessions", DeCamp told Al Mayadeen English.

"Instead, we see the new weapons sales and the Saudis not living up to their end of the truce by not fully lifting the blockade", added DeCamp.

Role of Congress

Bennet believes that "the best way to end the illegal and criminal war upon the sovereign nation of Yemen is to expose the special interests like big banks, and big oil".

She also agreed that the two arms sales deals show the US is preparing for a new chapter of war in Yemen rather than ending its unauthorized involvement in the Yemen war as some senators claim, they seek to do through invoking the War Powers Resolution.

"And it also shows that the atrocities committed seem to have had no effect on slowing down the brutal greed that is at the heart of

the war on the sovereign people of Yemen", Bennet told Al Mayadeen English in an email interview.

It is not clear yet what role Congress can play with the two arms deals as the approval was referred to Congress by the State Department.

In an apparent cover-up for the two arms sales deals, some senators during Biden's visit to Saudi Arabia introduced a joint resolution to direct the removal of U.S. Armed Forces from unauthorized involvement in the war between the Saudi-UAE-led coalition and Ansarullah in Yemen.

"The resolution, which is supported by a bipartisan group of more than 100 members of Congress in the House, is considered privileged in the Senate and can receive a vote on the floor as soon as ten calendar days following introduction", said Bernie Sanders on his website on July 14.

There have been fears that Sanders's position on this latest arms sales is going to be like Chris Murphy who partnered with Sanders in 2018 to invoke the War Powers Resolution to end U.S. involvement in the Saudi aggression against Yemen, but in December 2021 Murphy voted to support \$650 million sale of air-to-air missiles to Saudi Arabia and argued "it is for 'defensive weapons' against Yemen's Houthi", a claim used by the State Department in informing the Congress this week of the new arms sales.

"Over time, I have come to believe that the U.S. Congress is a show and a kind of theater", said Bennet. "They pick one or two representatives to play a role of pretending that peace is the goal, but in the end, they vote for war, as planned all along and as they are told by the big interest groups that pay their campaign donations".

Bennet estimated that "almost 97% of politicians are compromised in the United States. One or two, here and there are not".

"Therefore, it is foolish to expect help from Congress. The best defense is more journalism and getting the word out wherever possible", said Bennet.

"In short, it's business as usual. Biden will continue supporting this war which his former boss, Barack Obama, began, and Congress will continue to oblige", said Kovalik, the professor of International Human Rights

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WORTH READING

Prosecuting in a Time of War - Aggression, Immunities and the Preservation of Evidence in Ukraine

Paul Bradfield

August 9, 2022

In the midst of Russian aggression, on 2 March 2022, the Prosecutor of the International Criminal Court (ICC) formally opened an investigation into crimes committed in Ukraine since November 2013. The Situation in Ukraine poses numerous political and legal challenges for prospective cases at the Court. This article confronts three of these foremost challenges. First, the future ability of the court to prosecute the crime of aggression. Second, the question of immunity of officials of a non-state party to the Rome Statute, such as Russia; and third, preserving vulnerable evidence with a view to maximising public accountability and the deterrence of future crimes.

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