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

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Sudan & South Sudan

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Sudan's Al Burhan accuses rival Rapid Support Forces of war crimes in UN speech (The National News) By Willy Lowry
September 21, 2023

> **Sudanese army chief Gen Abdel Fattah Al Burhan accused the rival paramilitary Rapid Support Forces of war crimes and called for its designation as a terrorist group, in a speech to the UN General Assembly in New York on Thursday.**

"These rebel groups have committed crimes against humanity and war crimes in many corners of Sudan," Gen Al Burhan said of the RSF, which the army has been fighting for five months.

"They have carried out ethnic cleansing and forced displacement, as well as sexual violence and killing based on ethnicity.

"They are guilty of torture and actions that amount to war crimes in Darfur, Khartoum and other places," he said.

He also called for the international community to designate the RSF as a "terrorist group" and said, without elaborating, that the paramilitary's outside "sponsors" must be held accountable.

Gen Al Burhan's army has been locked in vicious fighting with the RSF, led by his one-time ally Gen Mohamed Dagalo, since mid-April. The war is essentially a battle for political and military supremacy in the vast Afro-Arab nation of 48 million people.

Shortly before Gen Al Burhan spoke, Gen Dagalo – better known as Hemedti – said in a video message to the UN that his forces were fully prepared for a ceasefire and comprehensive political talks to end the conflict.

Gen Dagalo appeared in military uniform, seated behind a desk with a Sudanese national flag behind him, as he read out his speech. His location was not clear.

Most of his recent communications have been audio messages, and his whereabouts have been a source of speculation.

"Today, we renew our commitment to the peaceful process to put a halt to this war," he said. "The RSF are fully prepared for a ceasefire throughout Sudan to allow the passage of humanitarian aid … and to start serious and comprehensive political talks."

Fighting was initially centred in the Sudanese capital but has since spread to several parts of the country, including the western region of Darfur, an area that has seen decades of violence.

RSF forces are trying to "obliterate the history" of Sudan, Gen Al Burhan has claimed.

Gen Al Burhan, who flew to New York from Port Sudan, where he has been based since fleeing Khartoum, sought to portray himself as Sudan's rightful leader and said he was "committed to our previous pledges to transfer power to the people of Sudan".

The war has plunged Sudan into a humanitarian crisis, which the UN High Commission for Refugees fears is only going to worsen.

An estimated five million Sudanese have now been forced from their homes, including more than one million who sought refuge in neighbouring nations, chiefly Chad, Egypt and South Sudan, stretching the region's capacity to respond to humanitarian needs.

Those trapped in Khartoum have been suffering lengthy cuts to power and water supplies, scarce health care and soaring food and fuel prices.

Gen Al Burhan said the conflict was no longer just a Sudanese problem.

"I would like to assure you that the danger of this war is now a threat to regional and international peace and security," he told the General Assembly.

El Burhan Tours Northern Sudan, Says RSF Involved in June 3 Sit-in Massacre (All Africa) October 2, 2023

> **The head of the Sovereignty Council and commander of the Sudan Armed Forces (SAF), Lt Gen Abdelfattah El Burhan, says that the Rapid Support Forces (RSF) were involved in the violent dispersal of the large sit-in in front of the army command in central Khartoum on June 3, four years ago. Lawyer El Moez Hadrat considers El Burhan's accusation "a strong personal confession that could have him convicted".**

Addressing military leaders in Atbara in Rive Nile state on Saturday, El Burhan accused the RSF of viewing the Sudanese nation after the ousting of Omar al Bashir in April 2019 as "a booty of which they would take their share".

Their demands clearly exceed national civilian and military projects such as the Zadna International Company for Investment, the Ariab Mining Company, and other military and civilian projects, he said.

He added that the repeated social media messages by the RSF on democracy and justice is "misleading and false".

El Burhan further accused the RSF of being involved in the June 2019 June 3 massacre, when government forces violently dispersed the sit-in set up by pro-democracy activists in from of the SAF General Command in Khartoum five days before the ousting of President Omar Al Bashir on April 11 that year. The mass attack started in the early hours of June 3, which was the eve of the last day of the Muslim holy month of Ramadan.

More than 127 protesters were killed, at least 700 people were injured, and over 100 others went missing.

This is the first accusation of its kind by the SAF leader against the RSF. Last month, Hemedti accused El Burhan of releasing army officers accused of being involved in the sit-in massacre.

Human Rights Watch said in a report on November 17, 2019 that the attacks on the demonstrators at the sit-in were "systematic and may amount to crimes against humanity," while the Sudan Central Doctors Committee reported that the Rapid Support militias threw the bodies of protesters in the Blue Nile, where 40 bodies were found floating.

'Personal opinion'

Prominent human rights defender and head of the committee that investigated the June 3 massacre in central Khartoum reacted to the speech by saying that "El Burhan expressed his personal opinion, which is not binding for the committee".

Adib told Radio Dabanga that investigation committee, formed by the then Prime Minister Abdallah Hamdok in accordance with the provisions of the 2019 Constitutional Document, is "fully independent". The committee was granted criminal investigation powers by the Public Prosecutor in accordance with the Criminal Procedure Code. "It is up to the competent court to decide whether the accusations are valid or not".

The lawyer confirmed that the committee has not yet completed the investigation. "We are still awaiting expert reports on the various video and audio recordings of the violence."

Retd Supreme Court Judge Abdallah Zamrawi commented on El Burhan's words in a post on X (formerly Twitter) and stated that "the Sudanese people will soon know who gave the orders to break up the sit-in at the General Command now the criminal thieves El Burhan and Hemedti are fighting each other.

"Knowing those responsible for that massacre and holding them legally and morally responsible is the first way to recover from this huge massacre - which will never be forgotten nor forgiven."

'Confession'

Lawyer El Moez Hadrat considers El Burhan's accusation as "a strong personal confession that could have him convicted".

He called on the investigation committee into the crime of dispersing the sit-in to lodge a criminal complaint against El Burhan and other military commanders "because this confession is almost sufficient".

"El Burhan was head of the Transitional Military Council when the crime was committed while the council represented the highest authority in Sudan," El Moez said. "He denied more than once the connection of the SAF and RSF with the June 3 massacre, and now he accuses the RSF. Another question is why has El Burhan been silent on the RSF involvement for the past four years?"

Army Lt Gen Shamseldin Kabbashi, spokesperson for the Military Council at the time, admitted in July 2019 that there had been an "error in the implementation of the security operation against the sit-in on June 3.

War

In his speech on Saturday, El Burhan said he holds RSF Commander Mohamed 'Hemedti' Dagalo and his deputy, Abdelrahim Dagalo, the "two brothers who only care about their own interests", responsible for the war.

He said the army would certainly win the battle. "We are confident of victory in the battle for dignity thanks to the people's support. This army is the army of the fatherland and there is no side or party that has power over it."

El Burhan further directed the government of River Nile state to start the new school year, regularise the educational process, and open the schools "in order to avoid a disruption of the school year".

On Sunday, El Burhan arrived in Dongola, capital of Northern State "as part of his field visits to the states". The state's state security briefed him about the situation in the region, especially the security situation.

The army commander also visited Dongola Military Hospital and the town's dialysis centre.

Radio Dabanga reported on Thursday that SAF commander Abdelfattah El Burhan and RSF leader Mohamed 'Hemedti' Dagalo had arrived in Saudi Arabia, raising hope for the country's population that the fighting would come to an end soon. No reports followed, so the news may have been a hoax.

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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

DR Congo army officer receives death sentence over protest killings (France 24) October 3, 2023

> **A military court sentenced a DR Congo army officer to death and handed 10-year prison terms to three others Monday over the August killing of more than 50 protesters in the eastern city of Goma.**

The defendants' lawyers have said they will appeal the decision, while two others standing trial were acquitted.

The death penalty is often handed down in the Democratic Republic of Congo, but it has not been applied for 20 years and is systematically commuted to life imprisonment.

During closing arguments on Friday, a senior public prosecutor had not requested capital punishment but life imprisonment for the main defendant, Colonel Mike Mikombe.

But the court handed Mikombe the death sentence with a charge of "murders", although charges of crimes against humanity were dropped.

The prosecutor also asked for sentences ranging between 10 and 20 years for the five other defendants.

The six soldiers had been on trial since September 5 over the deadly crackdown against a religious sect that called for demonstrations against the United Nations' presence in the region.

The crackdown saw 57 people killed, according to the latest official toll, and has led to renewed tensions in the North Kivu capital of Goma, an area plagued by violence by armed groups.

More than 140 civilians including around 30 minors were also arrested during the August 30 army operation.

Questions

In the aftermath, the government quickly announced the arrest of several soldiers and promised justice would be served.

But the trial did not answer all the questions about the circumstances of the killings.

Interior Minister Peter Kazadi has indicated that the elite Republican Guard intervened after the lynching of a police officer by members of the religious sect.

Witnesses -- including two army colonels but also sect members and local residents -- however say the operation began before the police officer died.

The same witnesses have also said that before the killings, negotiations between the army and the sect were progressing well, but the military then suddenly opened fire on the unarmed sect members.

The question remained whether Mikombe gave the order to shoot, and whether he was following orders or acting on his own.

He suggested in court that he had been misled by an operational order identifying the sect members as proxies of M23 rebels and the Rwandan army.

The M23 has captured swathes of territory in North Kivu province since 2021 -- one of several militias holding sway over much of the region despite the presence of peacekeepers.

Independent UN experts, the Kinshasa government and several Western nations including the United States and France accuse Rwanda of actively backing the Tutsi-led M23 -- claims that Rwanda denies.

Mikombe also called on the court to probe the military governor of North Kivu, General Constant Ndima, who was recalled to the capital Kinshasa for "consultations".

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

Gunmen kill 14, kidnap 60 in attacks in northern Nigeria (Reuters) By Ahmed Kingimi
September 24, 2023

> **Gunmen in Nigeria killed eight people on Sunday and abducted at least 60 others in two communities of northwest Zamfara state, residents and a local traditional leader said, two days after armed men kidnapped dozens from a university in the state.**

Elsewhere, in the northeast of the country suspected Islamist insurgents ambushed a convoy of vehicles under military escort, killing two soldiers and four civilians, said a police source and a motorist who witnessed the attack.

The attackers set fire to five vehicles and drove off with one truck, the witness said.

President Bola Tinubu is yet to spell out how he will tackle widespread insecurity. His economic reforms, including the removal of a costly fuel subsidy and freeing the naira currency, have increased the cost of leaving, angering citizens.

Residents said gunmen early on Sunday tried to attack a forward army base in a rural Magami community of Zamfara, but were repelled. Zamfara is one of the states worst affected by kidnappings for ransom by armed gangs known locally as bandits.

The gunmen in three groups attacked the army base and the communities of Magami and Kabasa, said a traditional leader who declined to be named for security reasons.

He said 60 people, mostly women and children, were kidnapped.

"The bandits rode many motorcycles with guns and other weapons (and) were shooting sporadically," Shuaibu Haruna, a resident of Magami, told Reuters by telephone.

Four people were killed during the attack, said Haruna, who attended their burial.

Isa Mohd from Kabasa community said four people were also killed and dozens of others kidnapped.

Police and army did not respond to requests for comment.

Attacks in the northwest are part of widespread insecurity in Nigeria. Islamist fighters still carry out deadly attacks in the northeast, gangs and separatists attack security forces and government buildings in the southeast, and clashes involving farmers and herders continue to claim lives.

Increasing Terror Threats from the Sahel to the Horn of Africa (Politics Today) By Isidore Agha
September 29, 2023

> **The rise of terrorism in the Sahel has created an atmosphere of instability that has led to military interventions in Mali, Burkina Faso, Chad, and, most recently, Niger. The states of the Sahel and the Horn of Africa share certain characteristics that make the emergence of terrorism possible: the states in these two regions are weak, non-institutionalized, while the lack of transparency and accountability continues to hamper effective governance processes.**

The rise of terrorism in the Sahel and the Horn of Africa is a major concern, not only for the well-being of citizens in these regions, but also because of the impact of instability on neighboring countries and regions. The Sahel region typically includes Mauritania, Burkina Faso, Niger, and Chad. The Horn of Africa includes Ethiopia, Somalia, Eritrea, and Djibouti. Frequent intrastate and interstate conflicts in these regions create an environment conducive to terrorist activity, and the 2011 crisis and overthrow of Muammar Gaddafi in Libya made the Sahel a center of terrorism in Africa.

After participating in the conflict in Libya, Tuareg fighters returned to Mali in 2012 and joined the National Movement for the Liberation of Azawad (MNLA) as part of its efforts to create a breakaway state. Violent extremist groups have also taken advantage of the political instability in Mali to expand their operations into Burkina Faso, Niger, and Chad. This has been achieved with the help of DAESH and al-Qaeda. In the Horn of Africa, al-Shabaab also received support from DAESH to expand its operations from Somalia into Kenya.

Terrorist threats in the Sahel

The countries of the Sahel are struggling with bad governance, economic decline, and complex processes of state development. Various efforts to achieve growth and development have been hampered by the rise of violent extremism perpetrated by terrorist groups. The main terrorist groups supporting violent extremism in the Sahel include Al-Qaeda in the Islamic Maghreb (AQIM), Boko Haram, the Islamic State in the Greater Sahara (ISGS), and Jama'at Nusrat al-Islam wal Muslimeen (JNIM).

Al-Qaeda in the Islamic Maghreb (AQIM) was formed in 2006. It was led by Abdelmalek Droukdel until 2020, when he was killed. AQIM was mainly made up of dissidents who had participated in the Algerian civil war in the 1990s. In the 1990s, the group was called the "Salafist Group for Preaching and Combat." In the 2000s, the GSPC pledged allegiance to al-Qaeda and aligned its operations with it. As a result, it adopted the name "Al-Qaeda in the Islamic Maghreb" in 2007. Between 2007 and 2010, AQIM operated almost exclusively in Algeria, with some limited operations in Mauritania in late 2007 and Niger in 2008. AQIM was involved in alliances with the Tuareg. In 2012, it led the MNLA against Malian forces.

Al-Qaeda's activities have far-reaching implications for regional and global politics. As a transnational terrorist organization, al-Qaeda benefits from the use of violence to advance its religious-political agenda. The ever-expanding characteristics of this non-state armed group and its ability to adapt and mutate in different geographical locations make it increasingly difficult to combat. Between 2008 and 2014, AQIM is estimated to have generated $125 million from kidnappings. The ambiguous nature of AQIM's operations makes it increasingly difficult to track the exact amount of money generated from arms, human trafficking, and kidnapping. Whatever the case, the funding from these illegal activities has allowed the groups to strengthen their fighting capabilities by purchasing modern weapons and attracting young followers.

The Islamic State in the Greater Sahara (ISGS), previously known as Islamic State Sahel Province (ISSP)/IS Sahel, emerged in Burkina Faso in September 2016. In October of the same year, DAESH recognized ISGS as its regional branch in West Africa. The group was led by Adnan Abu Walid al-Sahrawi, who was killed by the French in 2021. Since its creation, ISGS has mainly operated in the border regions of Burkina Faso, Niger, and Mali. It has also carried out sporadic terrorist attacks in Nigeria, Algeria, and Benin.

ISGS is known to have organized indiscriminate attacks against civilians and soldiers. In September 2016, ISGS launched an attack against the Burkina Faso army. This attack resulted in the death of three Burkina Faso soldiers. In October of the same year, the group attempted to destroy the Koutoukale prison in Niger. In 2017, it organized an attack on a U.S.-Nigerian patrol in Niger. Four U.S. soldiers, an interpreter, and five Nigerian soldiers were killed in the attack. In 2019, ISGS was renamed "Islamic State Sahel Province" (ISSP), or "IS Sahel." IS Sahel's growing capacity allows it to organize numerous attacks on military positions in the Sahel states. Between 2019 and 2020, the group killed more than 400 soldiers in Burkina Faso, Niger, and Mali.

The terrorist group Boko Haram has also contributed significantly to increasing insecurity and instability in the Sahel and its neighboring countries. Boko Haram was founded by Mohammed Yusuf in 2002. The group began its activities in northeastern Nigeria but has since expanded its attacks to countries such as Chad, Nigeria, and Cameroon, leading to a regional crisis. Boko Haram's operations are based on aggressive strategies such as guerrilla warfare, suicide bombings, and kidnappings.

Boko Haram derives most of its income from kidnappings for ransom. The terrorist group gained international notoriety in 2014 when they kidnapped 276 girls from a secondary school in Chibok, Borno State, Nigeria. The abduction demonstrated the extent to which the terrorist organization could pursue and achieve its agenda of fighting against Western education. In addition to the Chibok girls, the group has kidnapped numerous foreigners and ordinary civilians, demanding ransom for their release. Boko Haram's pledge of allegiance to the Islamic State has further strengthened its ability to expand and launch attacks against military and civilian targets across countries.

Violent extremism in the Horn of Africa

Almost all countries in the Horn of Africa have experienced terrorist activity with al-Shabaab standing out as the region's most significant terrorist group. Al-Shabaab emerged in Somalia in 2004, and in addition to its terrorist activities there, it has also carried out attacks in the neighboring countries of Uganda, Kenya, and Ethiopia. The aim of al-Shabaab is to overthrow the government and establish an Islamic state governed by Sharia law. The group has exploited the weakness of the Somali government to establish bases which it uses to prepare and launch attacks against civilians and the military.

In 2013, al-Shabaab attacked a shopping mall in Kenya, killing 67 people. In 2015, another 148 people were killed in an attack by the group on a university in Kenya. The group organized 14 hotel attacks in Nairobi in 2019. Al-Shabaab's terrorist activities remain a major concern in Somalia as well. In 2019, the group carried out truck bombings that killed 80 people, while car bombings in Mogadishu killed more than 100 people in 2022.

What is more, both Ethiopia and Eritrea face internal ethnic and political tensions, further complicating regional security dynamics. Yemen may not be part of the region but its proximity means that the Sahel is also vulnerable to the spillover effects of the conflict there.

Counterterrorism efforts

Various efforts are being made to counter the threat of terrorism in the Sahel and the Horn of Africa. Operation Serval was one of the first counterterrorism operations launched by the French army in Mali in 2013. It succeeded in preventing AQIM, the Movement for Oneness and Jihad in West Africa (MOJWA), and Ansar Dine from taking over the Malian capital, Bamako. The operation included numerous air strikes against jihadist groups.

Operation Barkhane, which followed Operation Serval in August 2014, is now responsible for counterterrorism operations in Mali, Niger, Chad, Mauritania, and Burkina Faso. These countries cooperate on security along the G5 Sahel coast. France deployed around 5,100 troops at the height of Operation Barkhane. In Operation Sabre, France deployed special forces and also led the multinational Takuba Task Force, which included special forces from Sweden, Estonia, and the Czech Republic.

The joint multinational task force was established in 2014 to counter the threat of Boko Haram, banditry, and organized crime. The Takuba Task Force was composed of Benin, Niger, Chad, Cameroon, and Nigeria. In 2017, the Sahel states of Mali, Burkina Faso, Chad, Mauritania, and Niger came together to form the G5 Sahel Force mentioned above. This regional counterterrorism force has gathered more than 5,000 troops to neutralize militant groups in the Sahel. In the case of the Horn of Africa, the United States launched a special operation against al-Shabaab.

U.S. forces conducted air strikes, provided military intelligence, and built the capacity of local partner forces to conduct ground operations. This counterinsurgency operation significantly reduced al-Shabaab's influence. The African Union Mission in Somalia (AMISOM) also played an important role: AMISOM's operations created the security conditions that allowed humanitarian organizations to operate outside Mogadishu. Between 2011 and 2012, AMISOM was able to reduce the areas under al-Shabaab control.

Niger's junta says jihadis kill 29 soldiers as attacks ramp up (ABC News) By Chinedu Asadu
October 3, 2023

Niger's junta says jihadis kill 29 soldiers as attacks ramp up (ABC News) By Chinedu Asadu October 3, 2023 https://abcnews.go.com/International/wireStory/nigers-junta-jihadis-kill-29-soldiers-attacks-ramp-103680104 At least 29 Nigerien soldiers have been killed by jihadis near the country's border with Mali, Niger's junta said, as they struggle to end a spate of attacks.

> **At least 29 Nigerien soldiers have been killed by jihadis near the country's border with Mali, Niger's junta said, as they struggle to end a spate of attacks.**

More than 100 extremists used homemade explosives to target the West African nation's security forces who were deployed at the border area on a clearance operation, Niger Defense Minister Lt. Gen. Salifou Mody said in a statement late Monday. It's the second such attack against Nigerien soldiers in a week.

During the month after Niger's military seized power, violence primarily linked to extremists soared by more than 40%, according to the Armed Conflict Location & Event Data Project. Jihadi attacks targeting civilians quadrupled in August compared with the month before, and attacks against security forces spiked in the Tillaberi region, killing at least 40 soldiers, the project reported.

"This attack unfortunately caused the loss of several of our valiant soldiers," Mody said Monday. "The provisional assessment of this attack is as follows: on the friendly side, 29 soldiers fell. … On the enemy side, several dozen terrorists were neutralized, fifteen motorcycles destroyed, a large quantity of weapons and ammunition seized."

The junta, which took over power after a July coup against Niger's democratically elected government, declared a three-day national mourning period for the dead.

It repeated claims made in the past that "destabilization operations" were being carried out by "certain foreign powers with the complicity of Nigerien traitors," without further details or proof.

Under growing pressure since the coup against Nigerien President Mohamed Bazoum, which the military said was carried out because of Niger's security challenges, the junta promised that "all efforts will be made to guarantee the security of people and their property throughout the national territory."

Niger has battled a jihadi insurgency linked to al-Qaida and the Islamic State group for years. And the junta's capacity to improve Niger's security has increasingly been questioned recently as attacks have increased since mutinous soldiers toppled in July.

Niger was seen as one of the last democratic countries in Africa's Sahel region that Western nations could partner with to beat back the jihadi insurgency in the vast expanse below the Sahara Desert. The United States, France and other European countries poured hundreds of millions of dollars into shoring up the Nigerien military.

Meanwhile, there were concerns about a possible crackdown on civil liberties after Samira Sabou, a popular journalist in Niger, was arrested for undisclosed reasons in the capital of Niamey, according to the Union of Journalists for African Free Press (UJPLA). The group said that the journalist was arrested on Saturday.

The Reporters Without Borders press freedom group also condemned Sabou's arrest and asked authorities to reveal where she was detained and allow her lawyer to see her. "She must be released without delay," the group said.

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Mali

Attack kills at least two people in Mali's besieged city of Timbuktu (Al Jazeera) September 22, 2023

> **At least two people have been killed and five wounded when artillery fire hit the northern Malian city of Timbuktu, a month and a half into a blockade by fighters in the area.**

Attacks in northern Mali have more than doubled since United Nations peacekeepers completed the first phase of their withdrawal last month after a decade of fighting armed groups, resulting in more than 150 deaths.

"The city of Timbuktu has come under terrorist shellfire this afternoon," the military said in a statement on Thursday, adding a "provisional toll" of two dead and five wounded.

The al-Qaeda-linked Support Group for Islam and Muslims (GSIM) in August declared "war in the Timbuktu region", warning supply trucks from neighbouring regions not to enter the city.

A month and a half later, tens of thousands of inhabitants remain almost completely cut off from the world and are struggling to survive.

Baba Mohamed, a seller at Timbuktu's market, said the situation is getting more desperate by the day. "The market is currently very difficult because if it goes on like this a lot of stores will close," he told Al Jazeera.

"If foodstuffs like oil, milk, sugar, rice and millet do not come in normally, it is going to be difficult for the population."

Fighters have extended their hold over rural areas around the better-defended towns in northern Mali, aiming to increase pressure on the central government.

Growing violence

After more than three years in power, Mali's military government is struggling to fight growing violence in a hard-hit northern region after demanding the withdrawal of about 17,000 UN peacekeepers.

At the same time, a 2015 peace deal with ethnic Tuareg rebels appears to have collapsed, deepening the security crisis.

The UN warned of an unfolding humanitarian crisis if the current situation continues in Timbuktu.

"The siege has created some kind of havoc. Those that can afford to leave Timbuktu leave Timbuktu," Mohammed Askia Toure, the UN refugee agency representative to Mali, told Al Jazeera.

"Our office in Mauritania are noticing the arrival of thousands and thousands of Malians fleeing Timbuktu, fleeing the region where today they do not have some kind of safe haven."

The UN Office for the Coordination of Humanitarian Affairs has already registered more than 33,000 people who have fled the Timbuktu and Taoudeni regions in northern Mali, heading for Mauritania and Algeria to escape the violence.

Armed groups almost doubled the territory they control there in less than a year, according to a recent UN report. In one brazen attack, fighters targeted a triple-decker passenger boat, killing 49 civilians.

Mali in meltdown as militants advance and U.N. withdraws (Reuters) By Edward Mcallister
October 3, 2023

> **Islamist militants in Mali began a blockade of Timbuktu by cutting road access in August and then shut off river and air routes in an offensive that has put the city once again on the frontline of a jihadist insurgency.**

The bombing began soon after. On Sept. 21, witnesses said rockets hit a hospital, killing two children, and landed near a school where survivors of a passenger boat attack that killed more than 100 people were sheltering.

"Our worry is the shelling," businessman Sory Touré said in Timbuktu, which was occupied by jihadists a decade ago. "It creates a real psychosis and leaves a lasting impression. I have this fear within me."

Since the United Nations began winding down its peacekeeping mission in July, al Qaeda affiliated militants launched an offensive in central Mali, fighting has resumed between the army and Tuareg rebels from the north and, in the east, Islamic State-allied insurgents have continued to carry out attacks.

Mali, run by a junta that has spurned the support of U.N. and French forces, is in meltdown and the violence risks adding to instability across West Africa's Sahel, a region already reeling from military coups in neighbouring Burkina Faso and Niger.

Experts compare Mali's situation now to its position in 2012 when another Tuareg rebellion was overtaken by jihadists who captured Timbuktu and pressed south towards the capital Bamako.

"This conflict is escalating fast," said Ulf Laessing, the Bamako-based head of the Sahel programme at the Konrad Adenauer foundation. "There is a risk of civil war."

Back in 2012, French forces and the U.N. intervened to halt the advance in Mali. But there will be no such intervention now.

Mali's military rulers, who consolidated power over two coups in 2020 and 2021, severed ties with former colonial power France and kicked out its troops. In June, it ordered the 13,000-strong force deployed by the United Nations to leave.

Russia's Wagner Group, which has sent 1,000 mercenaries to support the junta, has failed to fill the gap and is accused of attacks against civilians.

More than 650 people have died in conflict in Mali in the two months after the U.N. began pulling out, a more than 40% rise over the previous two months, U.S.-based group Armed Conflict Location & Event Data Project said.

Mali's authorities did not respond to specific requests for comment for this article. The army said in a statement on Monday that September had been a "turbulent" month but it would continue to fight its enemies to protect the nation and its people.

'TOO FEW TROOPS'

In 2013, French forces beat back Islamists. But they regrouped and waged a new campaign that has killed thousands and displaced millions in Mali, Burkina Faso and Niger, a band of countries on the edge of the Sahara. Insurgents also have a foothold in West African coastal states, including Benin, Togo and Ivory Coast.

Insecurity has spawned coups whose leaders have jilted regional and Western states. France said last week it would pull out troops from Niger. Domestic armies are struggling alone.

In Mali, fighting began in August between the army and an ethnic Tuareg group called the Coordination of Azawad Movements (CMA) around a base vacated by the U.N. Since then, CMA has attacked other Malian army bases, some hundreds of miles apart.

The group laid down arms in 2015 under a U.N.-brokered deal but says the army has encroached on its territory and says these are "times of war". The army calls CMA fighters "terrorists".

Al Qaeda-affiliated Jama'at Nusrat al-Islam wa al-Muslimin (JNIM) raided other military camps, attacked an airport, fired on passenger boats and launched its blockade of Timbuktu.

"The problem is Mali has too few troops and too little mobility," said Michael Shurkin, director of global programs at 14 North Strategies consultancy. "JNIM and CMA have freedom of movement over the entire area."

There is no evidence the groups coordinate, security experts said. But they have other ties. JNIM's leader Iyad Ag-Ghali is a former Tuareg rebel.

"They have each other's phone numbers. That doesn't mean they are in lock step, but they can communicate," Shurkin said.

'BAD TO WORSE'

Timbuktu, a centuries-old centre of Islamic learning, is now under siege. Food and other supplies are blocked, driving up prices for essentials. Traders in the city say sugar is up 25%, while charcoal for cooking, potatoes and onions are up 30%.

Residents wary of falling rockets avoid markets and a nightly curfew empties the streets.

"Things are going from bad to worse," said market trader Mohamed Massaya. "Our business has stopped working. We are making do with our old stocks."

Hundreds of survivors were brought to the city after a JNIM attack on Sept. 7 on the "Timbuktu", a boat carrying soldiers and residents from Gao. Ferry services stopped after that.

Salaha Maiga, a member of Mali's National Transitional Council, the junta's equivalent of a national assembly, told Reuters that 111 people were killed in the attack. Authorities originally said 64 died.

Survivors are struggling in the aftermath.

"We cannot describe the horror," said Aicha Sababou, who was on the boat. "Seeing dozens of people die and burying them together is scary. We are happy to rejoin our families even if there are still wounds we need to heal."

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Liberia

Rights Groups Accuse Pres. Weah of Unmet Commitments to Justice (Liberian Observer) September 21, 2023

> **President George Weah's failure to implement the commitment he made at the United Nations General Assembly in 2019 to begin to determine the venue, funding, and timing to establish a war and economic crimes court in Liberia to try atrocities committed during Liberia's civil wars is a "disappointment in the search for justice for victims of the crimes," the Secretariat for the Establishment of a War Crimes Court in Liberia (SEWACCOL) has said.**

"Weah supported a war crimes court prior to his election and committed to advance the court at the UN General Assembly in 2019 to help ensure the violence that brought so much pain and loss to Liberia will not happen again," the Secretariat for the Establishment of a War Crimes Court in Liberia said. "But he has failed to implement his promises leaving war victims in Liberia without redress."

During Liberia's armed conflicts from 1989-96 and 1999-2003, Liberians suffered widespread violations of international human rights and humanitarian law such as mass killings, rape, and other forms of sexual violence, summary executions, mutilation and torture, and use of child combatants.

The Truth and Reconciliation Commission (TRC), which operated between 2006 and 2009, recommended creating a war crimes court – the Extraordinary Criminal Court for Liberia – to try those responsible for grave crimes committed. Many of the TRC's recommendations, including for the war crimes court, have never been carried out.

"Civil society across Liberia is united in its call for a war crimes court and issued a resolution in support of a court in April 2023," said SEWACCOL. "We are asking all presidential candidates to commit to a court so that perpetrators of Liberia's war time crimes can finally be held to account. Seven presidential candidates have come out in support of a court during the election period, but not Weah."

On September 13 2023, at the first presidential debate organized by Truth FM and the media community in Liberia, seven presidential candidates agreed to establish a war and economic crimes court if elected.

A Civil Society resolution signed in April 2023 calls on the current and incoming government of Liberia to immediately take all necessary steps to implement the Truth and Reconciliation Commission (TRC) report released in 2009 and request assistance from the international community including the UN, US, EU, AU and ECOWAS to establish a court.

There has been important progress made national, regionally and internationally on the path to achieving the establishment of a war and economic crimes court for Liberia.

This includes the visit of the US Ambassador for Global Criminal Justice to Liberia in October 2022, the report of the UN human rights committee concluding observations recommendation on the establishment of a war crimes court to address past gross human rights violations and holding alleged perpetrators accountable in July 2018; support by 52 bipartisan legislators on the signing of legislative resolution for a court; solidarity calls by national institutions in support of the establishment of a war crimes court; and engagement with US Congressional offices to support Liberia's quest for the establishment of a war crimes court in DC.

But the key next step remains the government of Liberia taking concrete actions to advance a court, particularly requesting advice and assistance from the United Nations and other international partners such as the United States on moving forward with creating a court that can fairly and effectively try the crimes.

The few cases involving civil wars-era crimes to date have all occurred outside Liberia before United States and European courts. Authorities have been pursuing cases under the principle of universal jurisdiction, which allows national courts to try international crimes committed abroad, and for crimes related to immigration, such as lying on immigration forms.

Tension Mounts as Political Actors Predict Vote-rigging and Threaten Dire Consequences (Front Page Africa) By Lennart Dodoo
September 25, 2023

> **As the upcoming elections draw nearer, tension is mounting within the country, exacerbated by heightened concerns and vocal claims from various political figures, most notably the opposition Unity Party who continue to hint stiff reaction to their anticipated manipulation of the elections.**

It started with the biggest ally of the opposition Unity Party candidate, Sen. Prince Johnson of vote-rich Nimba County, who threatened a people's revolt, likening it to the Arab Spring, should the ruling Coalition for Democratic Change (CDC) attempt to manipulate the election results.

Sen. Johnson has not provided reasons for his suspicion of vote-rigging. He merely alludes to members of the CDC making statements like, "They'll take it."

Sen. Johnson's confidence in the Unity Party's victory in the election partially stems from a huge relentless turnout of supporters for its campaign launch on September 17, despite the heavy divulge that left parts of Monrovia flooded that day.

Sen. Johnson is a former warlord turned politician and a pastor.

In a sharp reaction, the ECOWAS Commission in Liberia issued a statement reminding all political leaders and actors of the Farmington River Declaration which they signed and committed to a peaceful process. The Regional body admonished political actors to refrain from making inflammatory comments that could incite followers and derail the electoral process.

However, over the weekend, the standard bearer of the Unity Party, Joseph Boakai, warned it would be the end of Liberia if the ruling CDC steals the election.

"…that's why you need to protect it. If they think they'll steal this election, you will not allow it because if they do it, that's the end of this country," said the 78-year-old former Vice President on his campaign trail.

There have been several social media reactions since these comments. Pictures of Pastor Joshua Milton Blayhi, a former fierce rebel general commonly known as 'General Butt Naked' wearing a robe with the inscription 'Rescue Soldier' on the back while on the breast of the robe the inscription "Don't Try It".

General Butt Naked's photo on social media has drawn a lot of public concern, particularly due to his dark past – the heinous crimes he committed during the war. He is on record for confessing to eating human organs during the civil war.

During the civil conflict, Blahyi assumed leadership of a unit comprised mainly of child soldiers, referred to as the Naked Base Commandos. Their operations primarily centered around the Monrovia area. Remarkably, this unit, which included Blahyi himself, often disregarded conventional clothing, wearing only shoes and amulets. This peculiar choice earned Blahyi the alias 'General Butt Naked.' Blahyi asserted that this practice bestowed upon him and his soldiers a supposed immunity to bullets. Throughout the conflict, Blahyi's forces committed numerous heinous acts, including cannibalism and human sacrifice.

In later accounts, Blahyi alleged that he had received a vision from a malevolent entity during the conflict. In this vision, the malevolent entity conveyed to him that he would become "a formidable warrior" and advised him to engage in human sacrifice and cannibalism to augment his power. Reflecting on the horrifying actions he and his soldiers perpetrated against innocent civilians during the conflict, Blahyi admitted in an interview, "At times, I would lurk beneath the water where children were playing, diving below to seize one, carrying them underwater and ending their lives. Sometimes, I engineered accidents, while other times, I simply took their lives."

Additionally, Blahyi administered psychoactive drugs to his soldiers in an effort to heighten their alertness and compliance with his commands. In a chilling recollection, he recounted that whenever the Naked Base Commandos captured a town, "I was compelled to perform a human sacrifice. They would present me with a living child, whom I would slaughter, extracting their heart to consume."

Upping the Ante

A female political activist who preferred anonymity for security reasons told FrontPageAfrica, "We all want a peaceful and credible election, but when people like Prince Johnson, Butt Naked start issuing threats, then there is a cause for concern. These people have a history in this country. There are people who are still living with the trauma from the atrocities these people committed. Their victims are still alive and the Unity Party needs to put this under control."

FrontPageAfrica has also seen other posts from supporters of the Unity Party have also been upping the ante on social media. Anthony V. Kesselly posted to Facebook: "If you think the patriotic warnings from JNB or PYJ are mere bluff, smoke your kush and try anything funny. We will see who born dog".

Mike B. Jabateh who affiliates with the Unity Party also wrote on Facebook, "It's time to wake up. We will not allow President Weah ex-girlfriend to rig the October 10 election. Wear your military and political jacket."

Mr. Philipbert Brown, Publisher of the Hot Pepper Newspaper wrote on Facebook, "We live to bear witness how ECOWAS and the West twice over-turned the presidential elections in favor of the Unity Party EJS & JNB. Did George Weah start a civil war?

Cyril Allen Cautions PYJ

At the same time, in a recorded message, Chief Cyril Allen of the ruling CDC called on Senator Johnson to refrain from making intimidating statements and beating war drums. He cautioned the Nimba County Senator not to plot to destroy the peace the country is currently enjoying for his personal "desire and ego".

"I'm certain that the people of Nimba do not make such callous and reckless statements that are made by him," Allen said.

He added, "We want to make it clear to Senator Prince Johnson that he's no lord and master in this country. No one is intimidated by his sentimental and threatening statements. He cannot threaten a legitimate national government."

Not Guns and War, But People's Power

Speaking to Voice of America, Senator Johnson clarified that he was not alluding to an armed rebellion but rather emphasizing the exercise of people's power. He stated, "I mentioned that any attempt to rig the elections would encounter resistance from the people of Liberia. The Constitution of the Republic of Liberia, Article One, states that all power is inherent in the people, and all free governments are instituted by their authority for their benefit and happiness. If their benefits are in jeopardy, their future is at risk, and the government becomes oppressive and dictatorial, leading to issues such as massive corruption, extrajudicial killings, drug trafficking, and the use of Liberia as a drug trafficking hub, then the people have the right to hold those responsible accountable when elections are rigged. The people's power can be harnessed in such situations. I did not mention firearms, nor did I advocate for war."

Senator Johnson accused the CDC of violating the Farmington Declaration and claimed that his statement was a warning aimed at the CDC, which he alleged has vowed to secure victory in the presidential election at any cost, including rigging it.

"They have always said, and it's an open secret in Liberia. The CDCians have said the UP (Unity Party) spent 12 years in government, they did nothing for the country. They have only spent six years and they have done so much. And so, whether the UP wins or not, they will take it by force. They are planning to rig. So, I don't know how they will do it. [Whether] they are using their influence and cash violence on the Election Commission. I don't know but they have openly said they will rig."

'No Return to Rebel Checkpoint' – Pres. Weah

Meanwhile, Pres. Weah has reacted to allegations of potential vote-rigging in the forthcoming election. During a thanksgiving service held for him upon his return from the UN General Assembly, Pres. Weah said, he is willing to step aside should he lose the election.

However, he warned that the country would not return to days where rebel checkpoints were erected, while at the same time cautioning his political counterparts to desist from threatening war.

President Weah emphasized his government's commitment to democratic principles, assuring Liberians that the nation was on the path to prosperity despite past challenges.

President Weah stated, "To all distinguished citizens, those who can hear my voice, I want to acknowledge the glory of God and assure you that in our country, there will be no return to a rebel checkpoint."

"We are moving forward towards prosperity, acknowledging Liberia's past difficulties while remaining steadfast in our belief in democratic values. Our nation will continue to thrive in peace," President Weah added.

He urged Liberians to actively work for peace, emphasizing its crucial role in national development. He also encouraged the public to ignore provocative statements from certain individuals, emphasizing that Liberians were committed to working in a peaceful environment and avoiding a return to civil conflict.

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EAST AFRICA

Uganda

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

Gov't to probe allegations of LRA funding, sex slave trade by ICC official (The Independent) September 24, 2023

> **The Government has picked interest in investigating the allegations against a former International Criminal Court (ICC) official over facilitating and financing the Lord's Resistance Army (LRA) rebel leader Joseph Kony.**

This comes just two days after Brigid Inder, a former Special Gender Advisor to former ICC Prosecutor Fatou Bansouda (2012-2016) was accused by LRA victims through their lawyer Joanna Frivet of funding the rebel leader between 2006 and 2017.

In a press statement released on September 21, Frivet revealed that numerous victims of the LRA alleged that Inder who was the founding Executive Director of Women's Initiatives for Gender Justice (WIGJ) personally and through intermediaries funded the LRA warlord.

Frivet alleges that witnesses who were former LRA abductees cite meetings that reportedly happened in the Garamba National Park in the Democratic Republic of Congo.

The first meeting reportedly took place in June 2006 and later others in 2007, 2008, 2010, and 2013. In each of the meetings, Inder allegedly handed cash in dollar bills in bags and envelopes to Kony.

Inder was also accused of reportedly using the junior staff of her organization WIGJ in The Hague, Netherlands to transfer large amounts of money through the Western Union and later picked by LRA members in Juba, South Sudan.

According to the press statement, Frivet is also accused of human trafficking for sexual slavery after two out of five women she purportedly took to meet Kony in 2016 in Garamba were forcibly retained by LRA soldiers. The women who are former "wives" of high-ranking LRA commanders were identified through a partnership of local NGOs in Northern Uganda.

Uganda's Attorney General Kiryowa Kiwanuka told URN in an interview Friday that the government has been informed about the allegations and has since commenced the processes of conducting an independent investigation.

"We did receive the information, the government is going to investigate the matter and has already commenced the processes," says Kiwanuka.

He added: "This is a serious criminal allegation and if found to be correct, the person will be prosecuted. We shall prosecute the person in accordance with the laws of Uganda."

He however remained tight-lipped on whether the government will liaise with the ICC to conduct the investigation.

The State Minister for Foreign Affairs Henry Okello Oryem says the revelation has exposed the truth about LRA's alleged Western sponsors citing that even when the government made it clear in the past, no one cared to listen.

"The Government and many of us have for years during the LRA been making it clear that there were Western sponsors of LRA disguising as NGOs, but nobody listened or they deliberately choose to be deaf…" says Oryem in a statement shared through WhatsApp.

Oryem says he is happy the truth is finally out.

"I am happy that today the truth and nothing else but the truth is finally out…," says Oryem.

Inder however in a press statement seen by Uganda Radio Network refuted the allegations describing them as sensational and untrue.

Inder said she had never met Kony before or even handed envelopes of money to the fugitive LRA leader

"I have never met Mr. Joseph Kony, I have never handed Mr. Kony envelopes full of money. I have never trafficked sex slaves or engaged in any form of trafficking. I have never recruited former 'wives' of the Lord's Resistance Army (LRA) commanders to take them to Mr. Kony in the bush," Inder's statement read in part.

Inder also noted that she had never resourced or engaged in any activities that were intended to support the military aspirations and conflict-related activities of the LRA.

Efforts to get comments from the ICC Outreach coordinator for East Africa Maria Mabinty Kamara were futile as she didn't reply to our request on the allegations on her official email.

The LRA led by Kony waged a violent rebellion against President Museveni's government from 1987 for two decades resulting in the death of more than 100,000 people and the displacement of 1.5 million people in Northern Uganda.

In 2005, the ICC indicted the fugitive LRA leader Kony, and four other top commanders including his second-in-command Vincent Otti, Dominic Ongwen, Okot Odhiambo, and Raska Lukwiya for war crimes in Northern Uganda.

Cases against Lukwiya and Odhiambo were withdrawn following their deaths in 2006 and 2013 respectively while Otti's death remains unconfirmed. Ongwen however became the first among the top five indicted to be prosecuted and sentenced to 25 years in prison by the ICC.

Uganda to grant amnesty to 46 former LRA rebel fighters (Newss Ghana) October 4, 2023

> **Uganda's Amnesty Commission has begun the documentation and registration process to grant amnesty to 46 former rebels of the notorious Lord's Resistance Army (LRA) repatriated from the Central African Republic (CAR), a spokesperson said Tuesday.**

The rebels, a faction that surrendered to the armed forces of the CAR, together with 91 of their children and wives, will be given amnesty certificates and resettlement packages, Moses Draku, the spokesperson of Amnesty Commission, told Xinhua over the telephone. "We shall give them amnesty. There is a process that they are supposed to go through. Once they are done, they will receive their certificates and package."

In July, August and September, Uganda received three batches of the members of the rebel faction that denounced the over two-decade rebellion and abandoned the LRA leader Joseph Kony, who is wanted by the International Criminal Court to answer charges of war crimes and crimes against humanity.

The LRA is a Ugandan rebel group that waged a 20-year-long insurgency until it was driven out of the country by the military in 2006 after failed peace talks. The rebel group fled to neighboring South Sudan, the Democratic Republic of the Congo, and the CAR.

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

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Kenya

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

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Norway can extradite man wanted by Rwanda for his alleged role in the African nation's 1994 genocide (Associated Press) September 22, 2023

> **A man arrested in Norway who is wanted by Rwanda for his alleged role in the African nation's 1994 genocide can be extradited, Norwegian police said Friday.**

The man in his 40s, who was not identified, was arrested in the Norwegian capital of Oslo nearly a year ago based on an extradition request by Kigali.

Oslo District Court ruled Sept. 19 that the man can legally be extradited to Rwanda, police said. It is now up to the Scandinavian country's justice ministry to decide whether he be deported, which is considered a formality.

Thea Elise Kjæraas, a spokeswoman for Norway's National Criminal Investigation Service, known by its Norwegian acronym KRIPOS, said it had carried out "a number of investigations to clarify whether the conditions for extradition have been met."

"We note that the district court shares KRIPOS' assessment that the conditions for extradition have been met," Kjæraas said.

An estimated 800,000 people were killed in Rwanda's genocide, which took place over the course of three months in 1994 when members of the Hutu ethnic group turned on the minority Tutsis, slaughtering them and moderate Hutus who tried to protect them.

France Arrests, Charges Rwanda Ex-official Over 1994 Genocide: Source (Barron's) September 23, 2023

> **France has arrested and charged a former top Rwandan regional official over the country's 1994 genocide, a source close to the case said on Saturday.**

Pierre Kayondo, who was prefect of the Kibuye region and also a former MP, was arrested on Tuesday and charged with complicity in genocide and crimes against humanity, the source, who asked not to be named, told AFP.

The Rwandan suspect has then been remanded in custody, the source added.

Kayondo had been targeted by an investigation in France since 2021 after a complaint was filed against him by a victims' association.

He was believed to have been living in the northern port city of Le Havre.

France has been one of the top destinations for fugitives fleeing justice over the Rwandan massacres in which around 800,000 people, most of them ethnic Tutsis, were slaughtered over 100 days.

A group representing genocide survivors in Rwanda told AFP it welcomed the "long-awaited" arrest of Kayondo.

"It marks a crucial step towards justice for the atrocities committed during the genocide," said Naphtali Ahishakiye, executive secretary of the Ibuka association.

"Kayondo's involvement in the genocide, including his abuse of governmental positions to incite violence, is well-documented," he added.

"We implore the authorities to ensure swift and impartial justice in this matter, so that the survivors and their families can find closure and healing."

Rwanda under President Paul Kagame has on occasion accused Paris of not being willing to extradite genocide suspects or bring them to justice.

But France has tried and convicted a former spy chief, two ex-mayors, a former hotel chauffeur and an ex-top official since 2014 while a former military policeman is currently on trial.

Relations between the two countries have also warmed considerably since a historians' report commissioned by President Emmanuel Macron and released in 2021 recognised France's "overwhelming" responsibilities in failing to halt the massacres, having backed a genocidal regime.

In their complaint, the Collective of Civil Parties of Rwanda (CPCR) accused Kayondo of taking part in the organisation of massacres and helping to set up armed groups.

CPCR co-founder Alain Gauthier expressed satisfaction that the "complaint was followed by the opening of an investigation and that justice took an interest in Mr Kayondo. It's good."

Rwandan genocide suspect arrested in the Netherlands (Reuters) By Bart Meijer
October 3, 2023

> **A former Rwandan military official who is suspected of having played a key role in the 1994 Rwandan genocide was arrested in the Netherlands on Tuesday, Dutch prosecuters said.**

Pierre-Claver Karangwa, 67, was detained in a Dutch investigation into his role in the genocide, which prosecutors started after the Dutch Supreme Court in June this year said he could not be extradited to Rwanda out of fear of an unfair trial.

Rwanda has accused Karangwa of playing a key role in the massacre of nearly 30,000 Tutsis in Mugina parish near the Rwandan capital Kigali in April 1994 and had asked for his extradition in 2012. In a court case over his possible extradition in December 2022, Karangwa said he was innocent of the crimes he was accused of.

Karangwa, who has lived in the Netherlands since 1998, had his Dutch nationality revoked over the genocide accusations, theoretically paving the way for his extradition.

But the Supreme Court denied this because of Karangwa's position as an opposition politician.

The Dutch prosecutors said they suspected Karangwa of being involved in burning down a house with dozens of women and children in it following the attack on Mugina parish.

An estimated 800,000 ethnic Tutsis and Hutu moderates were killed during Rwanda's genocide, orchestrated by an extremist Hutu government and executed by local officials and ordinary citizens.

The Netherlands has tried and convicted other Rwandan genocide suspects before under universal jurisdiction, and has in the past also extradited genocide suspects to Rwanda.

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Somalia

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Ethiopia

Ethiopia's Lalibela Rocked By Artillery Fire: Residents (Barron's) September 21, 2023

> **The historic Ethiopian town of Lalibela was rocked by the sound of heavy artillery on Wednesday as federal government troops fired towards areas where local militias were believed to be hiding, residents said.**

Lalibela, a UNESCO World Heritage site, lies in the region of Amhara, which has for months been the scene of fighting between the national army and a local militia known as Fano.

The government of Prime Minister Abiy Ahmed imposed a six-month state of emergency in early August after the Amhara clashes erupted, raising concerns about Ethiopia's stability just months after a peace deal ended a two-year war in neighbouring Tigray.

From Wednesday evening "heavy artillery was used from inside the city to the outskirts of Lalibela where allegedly Fano are there in the forest area," said Lalibela resident and tourism sector worker Ayalew, who did not want to give his full name.

"I am inside my home for now and they (Ethiopian troops) are going door to door, checking youths for possible Fano supporters," he told AFP Thursday, adding that he could hear sporadic gunfire.

It is impossible to verify the situation on the ground in Amhara as media access to the region is heavily restricted.

Aneley, a tuk-tuk (three-wheeled taxi) driver, said the sound of artillery was "very heavy" and lasted through the night Wednesday, adding that soldiers were arresting any youths found outside.

A 38-year-old shopkeeper who requested anonymity said Lalibela was now quiet, with banks functioning and some public transport operating although there had been no internet for several weeks.

"But there is high level of tension and fear, with soldiers often beating residents as well as stealing (from them)," he said, recounting numerous arrests.

Lalibela is renowned for its rock-hewn churches but like other cities in Amhara was also caught up in the brutal war between government forces and Tigrayan rebels as well as the latest regional clashes.

Amhara's regional forces fought alongside federal government troops in the Tigray war. But in April, Abiy's government announced it was dismantling regional forces across the country, triggering protests by Amhara nationalists who said it would weaken their region.

Ethiopia's human rights body on Friday accused federal forces of carrying out extra-judicial killings in Amhara and mass arbitrary detentions in the region and elsewhere.

And on Monday, the UN-backed Commission of Human Rights Experts on Ethiopia said the situation in Africa's second most populous country remained "extremely grave".

"Atrocities, war crimes and crimes against humanity are still being committed in the country," the commission said.

Beyond Tigray, the experts warned that "hostilities in Ethiopia are now at a national scale, with significant violations increasing particularly in Amhara region, but also ongoing in Oromia and elsewhere".

UN investigators warn of risk of 'future atrocities' in Ethiopia (Reuter's) By Emma Farge
September 21, 2023

> **U.N.-appointed investigators warned on Thursday that more atrocities were likely in Ethiopia and called for continued scrutiny of Addis Ababa's human rights record as their work faces termination amid strong African-led opposition.**

Thousands died in a two-year conflict between the government and regional forces from Tigray, which formally came to an end in November last year. Both sides accused each other of atrocities, including massacres, rape and arbitrary detentions, but each denied responsibility for systemic abuses.

The International Commission of Human Rights Experts on Ethiopia, composed of three independent experts, said earlier this week in a report that war crimes and crimes against humanity were still being committed in Ethiopia.

Its two-year mandate is up for renewal in the ongoing Human Rights Council session in Geneva although so far no request has been submitted amid what diplomats describe as strong opposition, mostly from African states.

Ethiopia, which denies committing widespread abuses, has strongly opposed the probe and tried to cut its work short.

Mohamed Chande Othman, chair of the Commission, told the 47-member council it would be "premature" to end its work and urged it to renew, referring to ongoing violations in the region of Amhara.

"Failure to do so would not only be an abdication of the Council's responsibility, it would send a devastating message to the victims and survivors of this conflict," he said.

He told the Council that "...the situation in Ethiopia exhibits most of the indicators for future atrocities..." and accused Ethiopia of conducting "a deliberate effort to evade regional and international scrutiny".

And he criticised Ethiopia's approach to justice as "deeply flawed", saying there had been no credible evidence of legitimate investigations or trials of its soldiers which it accuses of attacking civilians.

Ethiopia's government and its armed forces have repeatedly denied that their soldiers committed widespread crimes and have promised to investigate complaints of individual abuses.

Ethiopia's ambassador Tsegab Kebebew said the Commission had "grossly mischaracterised the positive and widely acclaimed political developments in Ethiopia". He did not directly address the other criticisms. A spokesperson for Ethiopia's government did not immediately respond to a request for comment.

Ivory Coast envoy Konan François Kouame said that it considered the work of the U.N. Commission as now being terminated and urged the council to instead support Ethiopian-led measures.

EU announces new aid package to Ethiopia, the first since the war in the Tigray region ended (Associated Press) October 3, 2023

> **The European Union has pledged assistance worth 650 million euros to Ethiopia, nearly three years after it cut direct aid to the East African country over atrocities committed in a bloody civil war.**

Jutta Urpilainen, the EU commissioner for international partnerships, announced the agreement during a press conference with Ethiopian Finance Minister Ahmed Side in the capital, Addis Ababa, on Tuesday.

"It is time to gradually normalize relations and rebuild a mutually reinforcing partnership with your country," said Urpilainen, describing the aid package as "the first concrete step" in this process after a cease-fire ended the war last November.

The EU aid package was initially worth 1 billion euros ($1.04 billion) and was due to be given to Ethiopia from 2021 to 2027, but it was suspended in late 2020 after fighting broke out in the northern Tigray region. The U.S. also halted assistance and legislated for sanctions.

Ahmed said the aid would help boost Ethiopia's post-war recovery and facilitate badly needed economic reforms at a "critical juncture" for the country.

"This strategic partnership is now back on track," he said.

However, direct budgetary support to Ethiopia's government remains suspended and will not be restored until "very clear political conditions" are met, Urpilainen said without specifying.

She added that a program from the International Monetary Fund was also needed first.

Earlier Tuesday, Urpilainen held meetings with Ethiopian Prime Minister Abiy Ahmed and Moussa Faki Mahamat, the chairman of the African Union Commission.

The Tigray war killed unknown thousands and was characterized by massacres, mass rape and allegations of enforced starvation. The EU has long insisted it would not normalize relations with Ethiopia until there was accountability for these crimes.

Ethiopia has tried to block a U.N. probe from investigating the atrocities and has launched its own transitional justice process, which human rights experts say is flawed. The U.N. probe has said all sides committed abuses, some amounting to war crimes.

The EU's aid pledge to Ethiopia came a day before the deadline for renewing the mandate for the investigation at the U.N. Human Rights Council in Geneva.

On Tuesday, the U.N. experts warned that more independent investigations into Ethiopia's "dire human rights situation" were needed due to the "overwhelming risk of future atrocities."

"There is a very real and imminent risk that the situation will deteriorate further, and it is incumbent upon the international community to ensure that investigations persist so human rights violations can be addressed, and the worst tragedies averted," said Steven Ratner, one of the U.N. experts.

A report by the U.N. panel last month cited "grave and ongoing" atrocities in Tigray and questioned Ethiopian officials' commitment to delivering true accountability.

Last week Human Rights Watch said the EU should submit a resolution at the U.N. Human Rights Council calling for continued investigations into atrocities.

"Not doing so would be renouncing its own commitments," the rights group said.

UN investigation into Tigray abuses to end despite reports of more atrocities (The Guardian) October 4, 2023

> **A United Nations investigation into human rights abuses committed during Ethiopia's Tigray war has been terminated, despite urgent warnings from its members about the risk of future violations in the east African country.**

The mandate of the International Commission of Human Rights Experts on Ethiopia (ICHREE) will expire later this month, after a deadline passed on Wednesday to table a resolution renewing it to the UN Human Rights Council.

The deadline expired a day after investigators had stressed the need to continue the work, saying there was "an overwhelming risk human rights atrocities would continue [in] Ethiopia" without them.

In an analysis published on Tuesday, the human rights experts criticised a transitional justice process launched by Ethiopia as "deeply flawed", and said Eritrean troops were continuing to commit rape and other sexual violence in Tigray.

They said Ethiopia's overall human rights situation had "deteriorated abruptly" since a ceasefire ended the two-year civil war in November, citing the eruption of recent fighting in Amhara, Ethiopia's biggest state, and the continuation of conflict and instability elsewhere in the country.

Mohamed Chande Othman, the chair of the UN investigation, said: "Our report shows that the overwhelming majority of risk factors for future atrocity crimes are present in Ethiopia, including ongoing serious violations, widespread violence and instability, and deeply entrenched impunity."

The Tigray war was one of the bloodiest of recent times; hundreds of thousands of people were killed and the conflict was marked by mass rape, massacres and torture.

ICHREE was established in late 2021, on the recommendation of a joint investigation by the UN and Ethiopia's human rights body. Its reports provided the most detailed picture of human rights abuses in Tigray, which was subjected to a severe communications blackout where news often took months to reach the outside world.

The commission has concluded that all sides committed abuses and said the government probably used starvation as a weapon of war against Tigray.

Its termination represents a major victory for Ethiopia, which has impeded the investigations while dismissingthe commission as politically biased. In May, the African Union ended its own investigation, a decision it buried in a routine communique.

On Tuesday, the EU announced €650m (£563m) of aid to help Ethiopia's economic development and postwar recovery. The European bloc had planned to disburse the aid to Ethiopia between 2021 and 2027, but it was suspended in late 2020 because of the Tigray war.

Jutta Urpilainen, the EU commissioner for international partnerships, described the aid package as the "concrete first step" towards normalising relations with Ethiopia, but said more progress on human rights would "be required to continue broadening our partnership".

The EU has previously said it would not renew full ties with Ethiopia until there is accountability for the wartime atrocities, and its decision not to support ICHREE's renewal has drawn sharp condemnation from rights groups.

"The EU should promote human rights and accountability in Ethiopia by committing to a resolution to continue investigations into violations, report on the implementation of ICHREE's recommendations, and seek public reporting to the Human Rights Council on Ethiopia's situation," Human Rights Watch said in a statement.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb Ex-Soldiers Plead Not Guilty to Abusing Prisoners (Balkan Insight) October 5, 2023

> **Former Bosnian Serb Army soldiers Bosko Peulic, Petar Duric and Davor Peulic pleaded not guilty to committing war crimes against Croat prisoners of war and civilians in the Travnik and Skender Vakuf areas in 1992.**

Bosko Peulic, Petar Duric and Davor Peulic told the Bosnian state court in Sarajevo on Thursday that they are not guilty of committing war crimes against prisoners of war and against civilians in Travnik and Skender Vakuf (since renamed Knezevo).

Peulic is being tried in his capacity as the commander of the 122nd Light Infantry Brigade and later the 22nd Light Infantry Brigade of the Krajiski Corps of the Bosnian Serb Army, Djuric as the commander of a military police unit, and Peulic as the commander of the Communication Centre of the Bosnian Serb Army.

The prosecution alleges that Peulic knew about the murders of 13 prisoners of war — members of the Croatian Defence Council, the Bosnian Croat wartime force — on the Galic plateau on Mount Vlasic in the Travnik municipality, and failed to take measures to punish subordinates who committed the crime.

The defendants are all accused of participating in the illegal imprisonment and inhumane treatment of civilians and prisoners of war in an improvised detention facility in the basement of the PTT (postal, telegraph and telephone service) in Skender Vakuf.

A date for the start of the trial will be announced later.

Bosnian Tries Serb 'White Eagles' Fighter for Raping Prisoners (Balkan Insight) October 5, 2023

> **Borislav Gligorevic went on trial at the Bosnian state court in Sarajevo on Thursday, accused of raping three women from May 25 to June 2, 1992 — captives who were illegally imprisoned together with about 400 other civilians by Bosnian Serb forces in houses in the village of Liplje.**

Prosecutor Eldina Biuk said in her opening statement said that witnesses will confirm that residents of Liplje were arrested and held in the houses.

"The fact that in the nine days that they were imprisoned [in the houses in Liple], around 50 women and girls were raped and 25 civilians were killed, shows what they survived," Biuk said.

She said that Gligorevic, as a member of the White Eagles unit, which was part of the Zvornik Territorial Defence force, was aware that a widespread and systematic attack on the Bosniak civilian population was happening in the area.

The indictment alleges that Gligorevic raped one victim in the house where she was imprisoned, and when she begged him not to do it, he told her not to resist because she would be forced into it anyway — either by him or by others.

"After raping the victim… he did not allow her to leave the room and get dressed, instead he kept the victim in that room all night and raped her twice more during the night," the indictment says.

It also alleges that another victim was raped by a soldier, and then Gligorevic raped her too, as she cried and begged him to let her go to her children.

He is further accused of raping a third woman who was repeatedly taken to nearby houses and sexually abused by other soldiers.

"All three victims recognised the accused based on the photographs," said Biuk.

The defence did not make an opening statement at Thursday's hearing.

Gligorevic, who is being held in custody, has said that he lives in the city of Pancevo in Serbia.

The first witness at the trial will be heard on October 20.

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Domestic Prosecutions In The Former Yugoslavia

War Crimes Arrests of Three Kosovo Serbs Anger Belgrade (Balkan Insight) September 21, 2023

> **Serbian President Aleksandar Vucic called on foreign diplomats to intervene after police in Kosovo arrested three Serbs suspected of committing war crimes against civilians during the 1998-99 conflict.**

Serbian President Aleksandar Vucic on Wednesday demanded international intervention to free three Serbs who were arrested in Kosovo on suspicion of committing war crimes.

"We invite all international representatives to react, to do everything in their power so that Serbs can survive on the territory of Kosovo and Metohija, so that people who are not guilty of doing anything to anyone are released to their homes," Vucic told media on Wednesday night during a visit to the United States.

He vowed to raise the issue of Kosovo, where arrests of Serbs on various charges in recent months have angered Belgrade, at the UN General Assembly in New York on Thursday.

Kosovo's special prosecution announced on Wednesday that police arrested "three persons of Serbian nationality today for the criminal offence of 'war crimes against the civilian population'".

The special prosecution added that the three men were remanded in custody for 48 hours.

BIRN contacted the prosecution for further details about the charges, but did not receive any response by the time of publication.

The head of the Serbian government's office for Kosovo, Petar Petkovic, said after the arrests on Wednesday said that one of those held is an elderly man, a cancer patient who was arrested in the northern city of Mitrovica.

Petkovic said the second man arrested is a former policeman and displaced person, and was arrested in the northern Kosovo municipality Zvecan. He claimed that the police "first blocked off the whole of Zvecan" before the arrest.

The third man arrested is 73 years old and comes from Vucitrn/Vushtrri in southern Kosovo. Petkovic claimed that "he was literally kidnapped" with the assistance of workers from the Kosovo Energy Corporation, to whom he opened the door.

"Today's arrests, brutal arrests… by the Kosovo police are carried out exclusively on the orders of [Kosovo Prime Minister] Albin Kurti, who wants to expel the Serbian people from Kosovo and Metohija," Petkovic said.

Kosovo Bosniak Pleads Not Guilty to War Crimes Against Civilians (Balkan Insight) October 2, 2023

> **Ekrem Bajrovic, an ethnic Bosniak who was a member of Serbian forces during the Kosovo war in 1998-99, pleaded not guilty in Pristina to involvement in crimes including the beating, torture and killing of civilians.**

Ekrem Bajrovic entered a not guilty plea at Pristina Basic court on Monday, where he is on trial for allegedly committing war crimes against ethnic Albanian civilians in the municipality of Istog/Istok during the Kosovo war.

According to the indictment, during the war in Kosovo in 1998-99, in the municipality of Istog/Istok and surrounding villages, Bajrovic, an ethnic Bosniak with citizenship of Kosovo and Montenegro, was involved in the murder, beatings, arrests, torture and inhumane treatment of civilians.

Bajrovic is accused of having committed the crimes as a member of Serbian police and military forces, individually as well as in collaboration with others.

The indictment states that in the village of Saradran/Staradan on May 8, 1999, a column of fleeing ethnic Albanian civilians who were heading towards Albania was stopped by Serbian police and military forces, among whom was Bajrovic.

The men were separated from the rest of the group and had their money and other valuables taken from them. They were then placed in the yard of a house and lined up with their hands raised, facing a wall. Members of Serbian forces then physically assaulted them.

During the beating, the men were taunted by being asked: "Where is NATO?" and "Where is the KLA [Kosovo Liberation Army]?", according to the indictment.

The indictment says that the men were then sent to a house where at least 16 were shot and only one survived.

On May 7, 1999, in the same village, Bajrovic is also accused of participating in the arrest, kidnapping and mistreatment of 84 civilians. They were initially separated from a column of fleeing ethnic Albanians and had all their money and valuables taken, the indictment claims.

They were taken to a bar in the village of Gurakoc/Djurakovac, where they were mistreated and tortured.

According to the indictment, Bajrovic led the violence, as well as hitting one of the victims with the butt of a machine gun.

The civilians were then transferred to the local police station, where they were tortured and threatened with death, suffering serious bodily injuries and trauma, the charges allege.

Montenegro Arrests Three Suspects Wanted by Kosovo for War Crimes (Balkan Insight) October 5, 2023

> **Over the past two weeks, Montenegrin police have arrested three people wanted by Kosovo for allegedly committing war crimes against civilians in 1999, sparking criticism from pro-Serbian politicians in the country.**

Montenegrin police said on Thursday that Kosovo citizen Illir Berisha is being held on an Interpol 'red notice' seeking his arrest and extradition to Pristina to face charges of committing war crimes against civilians — the third suspect to be arrested in the country for alleged Kosovo war crimes in the past two weeks.

Montenegrin police ordered 48-year-old Berisha into extradition custody after he was arrested in the coastal town of Herceg Novi.

"Berisha is wanted by Interpol NCB UNMIK [the Interpol office in Kosovo] to ensure his presence in the criminal proceedings that are being conducted against him due to the well-founded suspicion that he committed the criminal offence of war crimes against the civilian population," Montenegro's Police Directorate said in a statement.

On October 1, Montenegrin police also arrested a Serb from Kosovo, Zivko Vuksanovic, 62, who the Kosovo authorities want to try for war crimes.

On September 25, 61-year-old Momcilo Bulatovic, another Serb from Kosovo, was arrested. Bulatovic is accused of committing war crimes against civilians in the area around the town of Pec/Peja in 1999.

The Higher Court in Bijelo Polje ordered Vuksanovic and Bulatovic into extradition custody.

On October 1, Milan Knezevic, one of the leaders of the pro-Serbian For the Future of Montenegro party, urged the Montenegrin authorities to stop arresting Serbs for alleged war crimes.

He said that Kosovo is not recognised as a state by pro-Serbian parties in Montenegro.

"We certainly will not tolerate this kind of terror against the Serbs that they're trying to spread to Montenegro as well. Especially since Montenegro has become a haven for the most hardened criminals around the world who pay for their freedom by corrupting the relevant institutions," Knezevic wrote on X, formerly Twitter.

The Montenegrin authorities haven't commented on the arrests.

As a part of Yugoslavia, Montenegro participated in the 1990s wars, although there was no fighting on its own territory. Since the country became independent in 2006, it has held just eight trials for war crimes committed in Croatia, Bosnia and Herzegovina and Kosovo, and only low-level perpetrators have been brought to court.

The only verdict in Montenegro issued for war crimes in Kosovo has been in the case of former Yugoslav Army soldier Vlado Zmajevic, who was sentenced to 14 years in prison for the murder of four ethnic Albanian civilians in Kosovo in 1999.

Montenegro's Court of Appeal in December 2019 upheld the verdict convicting Zmajevic of killing the civilians in the village of Zegra, near Gjilan/Gnjilane during the Kosovo war.

In its last progress report on Montenegro on October 2022, the European Commission said that the country continued to implement its war crimes prosecution strategy with limited achievements.

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Turkey

Erdogan To Meet Azerbaijani President On September 25 (RadioFreeEurope) By ARP
September 24, 2023

> **Turkish President Recep Tayyip Erdogan will meet his Azerbaijani counterpart, Ilham Aliyev, in the Azerbaijani exclave of Naxcivan on September 25, the Turkish presidency said. The "latest developments" in Nagorno-Karabakh will be at the heart of the meeting, the presidency said in a statement. The meeting follows a lightning Azerbaijani offensive which recaptured the separatist Nagorno-Karabakh enclave, mainly populated by ethnic Armenians. The Turkish president has repeatedly expressed his support for Azerbaijan's army this week.**

Turkey launches new attacks on PKK in Iraq (DW) October 4, 2023

> **Turkish Foreign Minister Hakan Fidan on Wednesday announced that Turkish forces had carried out retaliatory airstrikes on Iraqi positions held by the outlawed Kurdistan Workers' Party (PKK) — the group that claimed responsibility for a bomb attack in the Turkish capital Ankara Sunday.**

Sunday's attack targeted Turkey's Interior Ministry. One assailant blew himself up, injuring two security officers, while another was killed in a shoot-out with police.

Authorities have since detained dozens of "suspects," mainly in predominantly Kurdish southeastern Turkey, which borders Iraq and Syria.

Turkey warns third parties in Iraq and Syria

In televised comments, Fidan said Turkish jets had carried out two airstrikes on PKK sites in Iraq.

"From now on, all infrastructure, large facilities and energy facilities belonging to the PKK or the YPG [People's Defense Units, a PKK-affiliated Kurdish militia group] in Iraq and Syria are legitimate targets for our security forces," he warned.

"Our armed forces' response to this terrorist attack will be extremely clear and they [PKK] will regret committing such an act."

"I recommend that third parties stay away from these facilities," he added.

Turkey carried out airstrikes in Iraq within hours of the Sunday attack, as well as again on Wednesday, "neutralizing" a large number of PKK militants.

Turkish intelligence agents operating in Syria also reportedly killed a Kurdish militant suspected of being behind a bomb attack that killed six people in Istanbul last year.

Syrian Kurds say Turkey committing war crimes Fidan said Turkish intelligence had determined that the two men behind Sunday's bomb attack had entered the country via Syria, where he also said they had been trained.

Yet that claim was flatly denied by Mazloum Abdi of the US-backed Syrian Democratic Forces (SDF), who said the attackers had not "passed through our region."

"Turkey is looking for pretexts to legitimize its ongoing attacks on our region and to launch a new military aggression," he wrote on X, formerly Twitter. "The threat to target the region's infrastructure, economic resources and populated cities is a war crime, something we have witnessed before."

The SDF, which was instrumental in the defeat of the so-called Islamic State (IS) in Syria, is a Syrian-Kurdish force comprised of numerous factions, including the YPG.

The PKK — which Turkey, the US and the EU all consider to be a terror organization — has fought a decades-long insurgency against Ankara that has killed tens of thousands of people since the conflict began in 1984.

Turkey has launched repeated cross-border attacks in both Iraq and Syria and threatens to expand its incursion into Syria.

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Kosovo Specialist Chambers

Kosovo Bosniak Pleads Not Guilty to War Crimes Against Civilians (BalkanInsight) By Aulona Alaj
October 2, 2023

> **Ekrem Bajrovic entered a not guilty plea at Pristina Basic court on Monday, where he is on trial for allegedly committing war crimes against ethnic Albanian civilians in the municipality of Istog/Istok during the Kosovo war.**

According to the indictment, during the war in Kosovo in 1998-99, in the municipality of Istog/Istok and surrounding villages, Bajrovic, an ethnic Bosniak with citizenship of Kosovo and Montenegro, was involved in the murder, beatings, arrests, torture and inhumane treatment of civilians. Bajrovic is accused of having committed the crimes as a member of Serbian police and military forces, individually as well as in collaboration with others. The indictment states that in the village of Saradran/Staradan on May 8, 1999, a column of fleeing ethnic Albanian civilians who were heading towards Albania was stopped by Serbian police and military forces, among whom was Bajrovic. The men were separated from the rest of the group and had their money and other valuables taken from them. They were then placed in the yard of a house and lined up with their hands raised, facing a wall. Members of Serbian forces then physically assaulted them. During the beating, the men were taunted by being asked: "Where is NATO?" and "Where is the KLA [Kosovo Liberation Army]?", according to the indictment. The indictment says that the men were then sent to a house where at least 16 were shot and only one survived. On May 7, 1999, in the same village, Bajrovic is also accused of participating in the arrest, kidnapping and mistreatment of 84 civilians. They were initially separated from a column of fleeing ethnic Albanians and had all their money and valuables taken, the indictment claims. They were taken to a bar in the village of Gurakoc/Djurakovac, where they were mistreated and tortured. According to the indictment, Bajrovic led the violence, as well as hitting one of the victims with the butt of a machine gun. The civilians were then transferred to the local police station, where they were tortured and threatened with death, suffering serious bodily injuries and trauma, the charges allege.

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Azerbaijan

Nagorno-Karabakh: Azerbaijan arrests former Karabakh leader (BBC) By Marita Moloney
September 28, 2023

> **Azerbaijan has arrested a former leader of Nagorno-Karabakh as he tried to leave the enclave for Armenia, officials say.**

Ruben Vardanyan, a businessman who headed the separatist government from November 2022 until February, was among thousands trying to leave.

Around 50,000 ethnic Armenians have now fled Nagorno-Karabakh, which was seized by Azerbaijan last week.

Mr Vardanyan's wife appealed for support to ensure his safe release.

"Ruben has stood with the Arsakh people during the 10-month blockade and has suffered with them in their struggle for survival," said Veronika Zonabend.

Azerbaijan's border service said he had been taken to the capital, Baku, and handed over to other state agencies.

As they crossed the border on Tuesday, thousands of ethnic Armenians were subject to rigorous checks from Azerbaijani border control.

Azerbaijani authorities claimed to be looking for "war crimes" suspects, and one government source told Agence France Presse news agency that the country intended to apply an "amnesty to Armenian fighters who laid down their arms in Karabakh".

"But those who committed war crimes during the Karabakh wars must be handed over to us," they said.

Nagorno-Karabakh is recognised as part of Azerbaijan and had been controlled by ethnic Armenians for three decades.

Fears of fresh violence came when Azerbaijan mounted an effective blockade of a vital route into the enclave in December 2022.

On 20 September, a ceasefire brought 24 hours of fighting to an end. Azerbaijan and the Karabakh authorities have started talks about the integration of the enclave into Azerbaijan.

But many of the region's 120,000 ethnic Armenians fear they have no future in Nagorno-Karabakh. Armenia's prime minister said "ethnic cleansing" had started in the region.

Karabakh authorities said at least 200 people had died in last week's fighting, while Azerbaijan said on Wednesday that 192 of its soldiers had been killed.

Traffic jams have lined the road out of Karabakh towards Armenia for days and a BBC team saw families crammed into cars, boots overflowing and roof-racks piled high with belongings. Western governments have been pressing Azerbaijan to allow international observers into Karabakh to monitor its treatment of the local population.

Germany became the latest country to join these calls on Tuesday, with Foreign Minister Annalena Baerbock calling for "transparency".

"It would be a sign of confidence that Azerbaijan is serious about its commitments to the security and well-being of the people of Nagorno-Karabakh if it allows international observers," she said on X, formerly known as Twitter.

Also on Tuesday, US Secretary of State Antony Blinken urged Azerbaijan's President, Ilham Aliyev, to provide "unconditional protections and freedom of movement for civilians". He also called for "unhindered humanitarian access to Nagorno-Karabakh".

UN Secretary General Antonio Guterres also urged both sides to respect human rights.

Nagorno-Karabakh exodus amounts to a war crime, legal experts say (Reuters) By Anthony Deutsch and Stephanie van den Berg
September 29, 2023

> **As tens of thousands of ethnic Armenians flee their homes in Nagorno-Karabakh, several international experts say the exodus meets the conditions for the war crime of "deportation or forcible transfer", or even a crime against humanity.**

Nagorno-Karabakh is internationally recognised as part of Azerbaijan but populated mainly by Armenian Christians who set up the self-styled Republic of Artsakh three decades ago after a bloody ethnic conflict as the Soviet Union collapsed.

By Friday, over 90,000 of the estimated population of 120,000 had fled into Armenia, the RIA news agency cited the Yerevan government as saying.

The exodus has evoked the spectre of the 1988-94 war between Armenians and their Azeri neighbours, part of a history of ethnic bloodshed and displacement going back generations that scars the region's folk memory and has bred deep mutual fear and suspicion.

Hikmet Hajiyev, foreign policy adviser to Azerbaijani President Ilham Aliyev, told journalists in Brussels on Tuesday: "Sometimes in international press ... we find certain metaphors that ethnic cleansing is taking place or Azerbaijan is conducting genocide ...

"There was no verified fact on the ground of any kind of violence against the local civilians." Whatever the history and the lack of independent reports on events inside the isolated territory, several international legal experts believe the mass flight fits the legal definition of a war crime.

The ICC's founding documents say that, when referring to forcible transfer or deportation, "the term 'forcibly' is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment".

Such a "coercive environment" was created in Nagorno-Karabakh before the offensive by Azerbaijan's obstruction of essential supplies, said international lawyer Priya Pillai and Melanie O'Brien, visiting professor at the University of Minnesota and president of the International Association of Genocide Scholars.

Big gains in a 44-day war in 2020 had put Azerbaijan in a position to block the flow of food, fuel and medicines from Armenia along the Lachin corridor - for three decades Karabakh's lifeline through hostile territory.

"So the fear/apprehension of the population — due to the coercive environment created by the months-long blockade and the recent armed attack — would meet the threshold for this crime," Pillai said, adding that it would be a more severe 'crime against humanity' if considered to be part of a widespread attack. There is, however, no swift path to prosecution because neither state belongs to the International Criminal Court (ICC), the permanent tribunal for war crimes, crimes against humanity and genocide.

O'Brien believes the blockade - which Baku said was needed to prevent weapons smuggling - was in effect the start of a genocide because it was implemented with the aim of "deliberately inflicting conditions of life designed to bring about the physical destruction of the targeted group".

The first prosecutor of the ICC, Luis Moreno Ocampo, agreed with O'Brien's argumentation, noting that a ruling of genocide did not require mass killings.

"For me, it's obviously a genocide," he said.

For Azerbaijan, however, retaking control of Nagorno-Karabakh helps to redress the traumas of 1988-94. Around 30,000 people were killed in fighting to establish separate homelands, according to "Black Garden: Armenia and Azerbaijan Through Peace and War", a 2003 book by Thomas de Waal.

At the same time, some 500,000 Azeris from Karabakh and the areas around it were expelled from their homes while 350,000 Armenians left Azerbaijan and 186,000 Azerbaijanis left Armenia.

The Lemkin Institute for Genocide Prevention, a legal think-tank, warned in a 127-page report on Sept. 5, days before Azerbaijan's offensive, of the dire potential consequences.

"It would almost assuredly result in the forced displacement of Armenians from Artsakh (Nagorno-Karabakh) and the widespread commission of genocidal atrocities, reflecting those committed in the Second Nagorno-Karabakh War of 2020 and subsequent hostilities," it said.

"If the Armenians of Artsakh were to be displaced ... it would result in the genocidal destruction of a people, as the Artsakh Armenians would lose their distinct identity."

The Violent End of Nagorno-Karabakh's Fight for Independence (The New Yorker) By Masha Gessen
September 29, 2023

> **A thirty-five-year war reignited last week. Hundreds of people died. Tens of thousands may have been displaced. The world, focussed on the United Nations General Assembly and the war in Ukraine, barely noticed. On September 19th, Azerbaijan started shelling towns and military bases in Nagorno-Karabakh, an Armenian enclave that had long fought for independence. In less than a day, the self-proclaimed republic was effectively disarmed and forced to capitulate. Russian forces, ostensibly there to prevent just this kind of outcome, offered little or no resistance. The most generous reading of the situation is that they were caught unawares. The least generous is that Russia had given its approval to the attack, perhaps in exchange for maintaining a military presence in the region.**

The Karabakh conflict dates back to 1988. It prefigured a dozen others that would erupt in what was then the Soviet Union and Yugoslavia. Nagorno-Karabakh was, legally, an autonomous region within Azerbaijan, a constituent republic of the U.S.S.R. As Mikhail Gorbachev's government loosened political restrictions, Karabakh Armenians demanded the right, which they argued was guaranteed to them by the Soviet constitution, to secede from Azerbaijan and join Armenia, also a Soviet constituent republic. Moscow rejected the demand. Meanwhile, shoot-outs between ethnic Armenians and ethnic Azeris in Nagorno-Karabakh sparked violence elsewhere. In February, 1988, anti-Armenian pogroms in the Azerbaijani town of Sumgait left dozens dead. Two years later, a week of anti-Armenian violence in Baku, Azerbaijan's historically multiethnic capital, killed dozens more. Thousands of ethnic Armenians fled Azerbaijan, where their families had lived for generations. Some left on a plane chartered by the chess champion Garry Kasparov, probably the best-known Azerbaijani Armenian, who was also leaving his motherland forever.

In 1991, the Soviet Union broke apart and each of its fifteen constituent republics became a sovereign state. For Karabakh Armenians, this meant that any legal basis for their secessionist aspirations had vanished. Nagorno-Karabakh became one of several ethnic enclaves in the post-Soviet space that was fighting for independence from the newly independent country of which they were a part—South Ossetia and Abkhazia tried to break free from Georgia, the Transnistria Region fought to separate from Moldova, Chechnya wanted out of Russia. In the early nineteen-nineties, each of these conflicts became a hot war. In every case outside its own borders, Russia supported the separatist movements—and, in most cases, used the conflicts to station its own troops in the region. Two decades later, Russia used the same playbook to foment armed conflict in eastern Ukraine.

Fighting in Nagorno-Karabakh lasted until 1994. Both sides engaged in ethnic cleansing: the deliberate displacement and killing of people based on their ethnicity. Moscow secretly supported Azerbaijan in the conflict. The war ended with a de-facto victory for the Armenians, who were able to establish self-rule on a large part of the territory they claimed, even though not a single country—not even Armenia—officially recognized the independence of Nagorno-Karabakh. Whether it was because the Armenians won, or because the conflict ended when Russia had been destabilized by its own bloody constitutional crisis, Nagorno-Karabakh was the only conflict region in the former empire where Russia did not station its troops.

For the next three decades, the political paths of Armenia and Azerbaijan, two neighbors inextricably linked by blood and war, diverged. Azerbaijan transitioned from Soviet totalitarianism to post-Soviet dictatorship, with a ruling dynasty, censorship, and widespread political repression. One of the world's original oil powers, Azerbaijan also grew comparatively wealthy. It nurtured diplomatic, economic, and military ties with neighboring Turkey and with Israel, which views Azerbaijan as an ally in any confrontation with Azerbaijan's next-door neighbor Iran. Armenia, at least formally, undertook a transition to democracy. That transition hit a dead end in October, 1999, when a group of gunmen burst into the parliament and assassinated nine people, including all the leaders of one of the two ruling parties. The leader of the surviving party, Robert Kocharyan, led the country for another decade, and his clan remained in power until 2018, when a peaceful revolution seemed to start a new era. The new leader of Armenia, Nikol Pashinyan, is a former journalist.

In both countries, Nagorno-Karabakh remained the focus of political life. For Azerbaijan, the pain and humiliation of the 1994 defeat formed the centerpiece of the national narrative. "Azerbaijan got its independence in parallel with the war, so Nagorno-Karabakh has played a major role in shaping Azerbaijani national identity," Shujaat Ahmadzada, an independent Azerbaijani political scientist, told me. "There was the memory, the images of internally displaced people, adding to the narrative of having suffered injustices. And conflict is important to keeping and solidifying power."

In Armenia, what became known as the Karabakh Clan has held power for most of the post-Soviet period. Kocharyan is a former leader of the self-proclaimed Nagorno-Karabakh Republic. Armen Martirosyan, an Armenian publisher and longtime political activist, told me that, in 2018, he had hoped that Nikol Pashinyan would finally represent a "party of peace." But even Pashinyan, who was born in 1975, was compelled to claim that he had got his political start in Nagorno-Karabakh. "Seven out of eight of our political parties are parties of war," Martirosyan said.

Both sides continued to arm themselves. The self-proclaimed Nagorno-Karabakh Republic formed its own armed forces, aided and supplied by Armenia. Azerbaijan imported arms from Israel. "It shouldn't be a surprise to anyone that an oil-rich country with an authoritarian regime can put together a well-trained, cohesive army," Alexander Cherkasov, a Russian researcher in exile who has been documenting ethnic conflicts in the region for thirty-five years, said. In 2020, Azerbaijan attacked Nagorno-Karabakh. Fighting lasted forty-four days. Thousands of people died. Azerbaijan reëstablished control over much of the self-proclaimed republic and adjacent territories. In the end, Moscow brokered a ceasefire that rested on the presence of Russian peacekeepers in Nagorno-Karabakh. The status of the self-proclaimed republic remained undecided but, for the time being, it seemed that a shrunken Nagorno-Karabakh would continue to be self-governed.

Less than fifteen months later, Russia launched its full-scale invasion of Ukraine. Hundreds of thousands of Russians fleeing political persecution, the draft, and Western economic sanctions flooded into Armenia. Security guarantees offered to Armenia by Russia began to seem less reliable, and the price of these guarantees seemed to rise. According to Arman Grigoryan, an Armenian-born political scientist at Lehigh University, Pashinyan launched a "grandiose project of pulling Armenia out of Russia's orbit." Apparently counting on Russia's waning influence in the world and weakening interest in the region, Pashinyan dragged his feet on signing a peace treaty with Azerbaijan, at least one that involved having Russia at the table. He also did not deliver on one of the obligations Armenia had accepted as part of the 2020 ceasefire agreement: to provide Azerbaijan with an overland corridor to Nakhchivan, the country's exclave on the other side of the Armenian border, three hundred miles from Baku. Such a corridor would, under the terms of the ceasefire agreement, be controlled by the Russian security services. Pashinyan's reluctance was understandable, but his hope that Western support would allow him to stall indefinitely proved unfounded. Pashinyan also took a number of diplomatic—or, rather, undiplomatic—steps that galled Russia. Most recently, he asked the Armenian parliament to ratify the Rome Statute, the founding document of the International Criminal Court, which has indicted Vladimir Putin for war crimes allegedly committed against Ukraine. (Russia, like the United States, has not ratified the Rome Statute.)

Late last year, Azerbaijan started ratcheting up pressure on Nagorno-Karabakh. In December, a blockade was imposed, apparently aimed at cutting off the only supply route to the enclave. People found some ways to circumvent it, but over time the situation grew dire. Thomas de Waal, a London-based senior fellow with the Carnegie Europe Endowment for International Peace, who has been documenting the Karabakh conflict for nearly thirty years, told me that "thousands of people were without gas and there was bread rationing, down to two hundred grams a day. This and having to walk everywhere for miles, for anything. And then, out of nowhere, getting shelled."

The shelling on September 19th was shocking, but it was by no means unexpected. Ahmadzada, the Azerbaijani researcher, told me that Azerbaijan had been pursuing what he calls a "three-'D' strategy": deinternationalization, deinstitutionalization, and deterritorialization. The conflict was effectively deinternationalized when all sides agreed to a peace agreement brokered by Russia, leaving out the more conventional (and arguably more trustworthy) European or U.N. actors. Deinstitutionalization has been achieved in the latest round of fighting, with self-rule now clearly off the table. The next stage would likely be the forced exodus of Armenians from the region. This is also known as "ethnic cleansing," a phrase that has resurfaced in reference to the Karabakh conflict.

On September 22nd, de Waal tweeted that, watching the events in Nagorno-Karabakh, he was experiencing "a disturbing déjà vu of the beginning of the Bosnia war." Perhaps more accurately, the events are reminiscent of the 1991-94 Karabakh war, whose atrocities were overshadowed by atrocities committed in the former Yugoslavia. "And of course today we are seeing pictures of convoys on mountain roads, people having grabbed their possessions and abandoned their homes," de Waal told me on the phone. "I am having flashbacks to the early nineteen-nineties." At first, Armenian and Karabakh authorities talked of evacuating only the people whose homes had been destroyed in the fighting. But Armenian N.G.O.s put out the call for people experienced in building refugee camps at a large scale. The population of Nagorno-Karabakh is believed to be around a hundred and twenty thousand people, though, according to de Waal, some eighty thousand to a hundred thousand people were in the region when it was attacked. About half of them are now believed to have left their homeland. On September 27th, Azerbaijan arrested Ruben Vardanyan, an Armenian-born entrepreneur and philanthropist who had made billions in Russia before moving to Nagorno-Karabakh to lead its government in 2022. (Vardanyan resigned his position in February, in an effort to facilitate negotiations with the Azerbaijani side.) Vardanyan, who had stayed in the region during the shelling, was apparently also trying to leave when he was detained. On September 28th, the government of the self-proclaimed republic announced its intention to disband by the end of the year.

The Nagorno-Karabakh independence project has ended. But, Grigoryan told me, the Azerbaijani-Armenian conflict is not over. "Azerbaijan has the military capability to take over southern Armenia, possibly on the pretext of needing a corridor to Nakhchivan." Russia may have an interest in maintaining a military presence in the region, and further conflict could serve as the pretext. For now, the Russian media machine is working to destabilize the political situation in Armenia. Russia's chief propagandists, at least two of whom happen to be ethnic Armenians, have blamed the defeat in Nagorno-Karabakh on Pashinyan. They have unleashed diatribes against him, employing obscene language. Under a special legal arrangement between the two countries, Russian television is widely broadcast in Armenia. "I have understood that Armenia should not insert itself in the games big countries play," Martirosyan, the publisher, said. "Because the big ones will have a spat and kill a small country. Or at least hurt it very badly."

THE EVOLVING NAGORNO-KARABAKH CONFLICT — AN INTERNATIONAL LAW PERSPECTIVE — PART II (Lieber Institute, Westpoint) By Michael N. Schmitt, Kevin S. Coble
September 29, 2023

> **International Armed Conflict Armenia and Azerbaijan have been involved in a continuous "international armed conflict" almost since they declared independence. Common Article 2 of the four 1949 Geneva Conventions (to which Armenia and Azerbaijan are parties) sets forth the accepted definition of such conflicts: "declared war or of any other armed conflict which may arise between two or more [States], even if the state of war is not recognized by one of them." It also extends the status to "all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance." Thus, international armed conflict can exist because of hostilities between States or an ongoing occupation (or both).**

Concerning the former, the 1960 Geneva Convention III Commentary to Common Article 2 explains: any difference arising between two States and leading to the intervention of members of the armed forces is an armed conflict within the meaning of Article 2, even if one of the Parties denies the existence of a state of war. It makes no difference how long the conflict lasts, how much slaughter takes place, or how numerous are the participating forces. The International Committee of the Red Cross (ICRC) endorsed this interpretation, with which we agree, in its 2016 Geneva Convention I Commentary to the article (para. 237). Over the past decades, hostilities between Armenia and Azerbaijan have easily crossed the requisite intensity threshold for international armed conflict. Yet there have been significant lulls in the fighting since 1991. This brings into play the second basis for the existence of an armed conflict — belligerent occupation. Article 42 of the Hague Regulations annexed to the 1907 Convention (IV) Respecting the Laws and Customs of War on Land provides, "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised." In other words, there is a two-part, factual test for occupation: 1) "the ousted government is incapable of publicly exercising authority in that area;" and 2) the foreign army is "in a position to substitute its own authority for that of the former government" (Benvenisti). As Yoram Dinstein has observed, "Effective control is a conditio sine qua non of belligerent occupation" (para. 136).

Admittedly, the NKR has the trappings of an independent State, including a President and Prime Minister, a National Assembly, typical ministries for, inter alia, foreign affairs, justice, and the economy, and a well-organized and equipped Defence Army. Nevertheless, it is clear that Armenian civil and military authorities have controlled Azerbaijani territory to the exclusion of Azerbaijani authority, both directly and by proxy, since 1992. Indeed, in Chiragov v. Armenia, the Grand Chamber of the European Court of Human Rights considered the matter (see also Sargsyan v.Azerbaijan and Milanovic'sdiscussion). The Grand Chamber discussed how the NKR is integrated into and dependent on Armenia. For example, its residents are issued Armenian passports; politicians hold, at different times, positions in both Armenia and the NKR; Armenian law-enforcement agencies operate in the territory; and Armenian courts exercise jurisdiction in it (paras. 78 and 182). Based on these and other relevant facts, it concluded that "the 'NKR' and its administration survive by virtue of the military, political, financial and other support given to it by Armenia which, consequently, exercises effective control over Nagorno-Karabakh and the surrounding territories, including the district of Lachin" (para. 186).

Indeed, the international community has regularly characterized Nagorno-Karabakh and the surrounding area as occupied by Armenia. As noted, the UN Security Council did so in four resolutions in 1993 alone. For example, the first "[d]emand[ed] the immediate cessation of all hostilities and hostile acts with a view to establishing a durable ceasefire, as well as immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan" (UNSCR 822). Like the other three, it "[r]eaffirm[ed] . . . respect for sovereignty and territorial integrity of all States in the region," as well as "the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory." Even more broadly, in 2008, the UN General Assembly passed Resolution 62/243. It referenced previous resolutions and Minsk Group reports, which referred to the territory as occupied, and "demanded the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan" (the United States, United Kingdom, and Russia voted against the resolution on unrelated grounds). Similarly, two years later, an OSCE Minsk Group Field Assessment Mission identified the region as the "Occupied Territories of Azerbaijan." Even the 2020 ceasefire agreement required Armenia to "return the Kelbajar region to the Republic of Azerbaijan by November 15, 2020, and the Lachin region by December 1, 2020," thereby confirming the authority and control Armenia exercised over the territory. There appears to be broad consensus that Armenia has long occupied Nagorno-Karabakh and the surrounding area. As a consequence, an international armed conflict existed throughout this period.

Armenia claims it no longer maintains forces in the area. Yet, that does not mean it was not occupying its adversary's territory. As Tristan Ferraro has convincingly argued, "a state [is] an occupying power for the purposes of IHL when it exercises overall control over de facto local authorities or other local organized groups that are themselves in effective control of a territory or part thereof." In support, he points to the International Criminal Tribunal for the former Yugoslavia Trial Chamber judgment in the Tadic case, which found that "'the relationship of de facto organs or agents to the foreign Power includes those circumstances in which the foreign Power 'occupies' or operates in certain territory solely through the acts of local de facto organs or agents" (para. 584), as well several other decisions from that body and the International Court of Justice (Ferraro, p. 159). In other words, to qualify as an occupying power, a State must be in overall control of a proxy group that effectively controls the area. Although some degree of Armenia's control over the occupied territory was lost in 2020, enough survived to meet the requisite tests (see also Vité p. 74-75). Thus, NKR's "governance" preceding the recent round of fighting affected neither the fact of occupation nor the existence of the Armenia-Azerbaijan international armed conflict.

However, depending on how the facts on the ground unfold, the occupation may be coming to an end. Once Azerbaijan supplants NKR authority, the requisite NKR effective control will be absent, as will Armenian overallcontrol. Of course, as Yoram Dinstein has cautioned, "A definitive close of the occupation can only follow upon a durable shift of effective control in the territory from the Occupying Power to the restored sovereign" (para. 832). But it appears that shift might be underway. As to the ceasefire, it has no bearing on the existence of the ongoing international armed conflict. As one of us previously explained, "ceasefires" suspend hostilities, "armistices" end the armed conflict, and "peace treaties" restore peaceful relations between the belligerents (see also Dinstein p. 36-64). Azerbaijan and Armenia had only entered into ceasefire agreements in the past, thereby temporarily halting hostilities. And because Armenia is not a party to the current agreement, it is but an agreement between Azerbaijan and proxy forces in the field (ceasefires are typically between fielded forces). Hopefully, the parties will move towards an armistice agreement or even a peace treaty. Still, for now, Armenia and Azerbaijan remain parties to an international armed conflict (on the separate issue of when the application of IHL ends, see Milanovic).

Azerbaijan's interference with the Lachin corridor, the only supply route from Armenia to Nagorno-Karabakh, raises additional legal issues regarding humanitarian assistance (see Pejic). The relevant rules are found in the Geneva Conventions, especially Geneva Convention IV on the protection of civilians, and customary international law. Although the 1977 Additional Protocol (I) to the Geneva Conventions also addresses humanitarian assistance (arts. 68-71), it is inapplicable here since Azerbaijan is not a party.

Under IHL, the party in whose power civilians and other protected persons find themselves is responsible for satisfying their basic needs. In this regard, Article 55 of Geneva Convention IV provides that "[t]o the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate." It, therefore, fell to Armenia and its NKR proxy to care for the population of the occupied territory.

Should an occupying power be unable to supply the population with the necessary assistance, it must, under Article 59 of Geneva Convention IV, "agree to relief schemes on behalf of the said population, and . . . facilitate them by all the means at its disposal." Further, Article 10 emphasizes the right of humanitarian organizations to provide assistance: The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief. Armenia had complied with this obligation by allowing the delivery of assistance into occupied areas through the Lachin corridor. This raises Azerbaijan's responsibility. By Article 59, All Contracting Parties shall permit these consignments' free passage and guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power. The ICRC contends that this is a customary law obligation, reflected in Rule 55 of its Customary International Humanitarian Law study: "The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control." We agree.

Therefore, the question is whether Azerbaijan's actions were justified based on its right of control. In this regard, the 1958 Commentary to Article 59 provides, "The State granting free passage to consignments can check them in order to satisfy itself that they do in fact consist of relief supplies and do not contain weapons, munitions, military equipment or other articles or supplies used for military purposes." While the State is entitled to prescribe routes and timing consistent to address security concerns, any decision that limits qualifying humanitarian assistance must not be "arbitrary" (see Pejic).

Although Azerbaijan asserts that security reasons justified interference with transit through the Lachin corridor, the claim is not credible, at least not in light of the extent to which the humanitarian assistance was blocked. For instance, Azerbaijan's involvement in the protests blocking the Lachin corridor is at issue in an ongoing International Court of Justice case brought by Armenia alleging violations of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). The court has noted that "restrictions on the importation and purchase of goods required for humanitarian needs, such as foodstuffs and medicines, including lifesaving medicines, treatment for chronic disease or preventive care, and medical equipment may have a serious detrimental impact on the health and lives of individuals" (para. 55). Accordingly, in February 2023, it ordered Azerbaijan to "take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions." (para. 67). Although this ruling was based on Azerbaijan's CERD and 2020 ceasefire obligations, the logic applies equally to the IHL obligations set forth above. It seems clear that Azerbaijan has violated the order (reaffirmed in July) and its humanitarian assistance obligations under IHL. Fortunately, aid, including from the ICRC, is beginning to trickle in.

Azerbaijan's failures to abide by the 2020 ceasefire agreement's terms regarding transit through the Lachin corridor and suspension of hostilities amount to "material breaches" of the agreement, which are defined by the Vienna Convention on the Law of Treaties as "violation of a provision essential to the accomplishment of the object or purpose of the treaty" (art. 60(3)). The law governing material breaches of a ceasefire is found in the Regulations annexed to the 1907 Hague Convention IV (the treaty uses the term "armistice" to refer to what is today labeled a "ceasefire"). They reflect customary international law. Article 36 of the Hague Regulations provides that parties to a ceasefire may resume their operations despite the ceasefire so long as they provide advance notice to the adversary (see also Dinstein paras. 171-75). There is no indication that Azerbaijan did so either before it interfered with the Lachin corridor or launched its current operations.

Article 40 provides the remedy for such breaches: "Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately." Accordingly, Armenia could have denounced the agreement when Azerbaijan violated it by impeding traffic in the Lachin corridor. It elected not to do so. And concerning the most recent hostilities, Armenia could likewise have denounced the ceasefire and resumed hostilities. It has not availed itself of that remedy, and it is difficult to see how it might make out a case for reparations under the law of State responsibility on the basis of injury suffered (see Articles on State Responsibility, arts. 31 and 34).

The 20 September ceasefire between Azerbaijan and the NKR provides for demilitarization of the latter's forces. That appears to be underway, and there are reports that Azerbaijan is considering amnesty for members of those forces who voluntarily put down their arms. Generally, combatants enjoy belligerent immunityfrom prosecution for actions during an armed conflict that comply with IHL and do not require a separate grant of amnesty. This raises the question as to why one might be necessary here.

NKR soldiers satisfy the conditions for combatant status articulated in Article 4(A)(2)of Geneva Convention III on prisoners of war — being commanded by a person responsible for subordinates, having a distinctive sign or emblem like a uniform, carrying weapons openly, and conducting operations in accordance with the law of war. However, most members of the NKR forces are nationals of Azerbaijan. This precludes them from claiming belligerent immunity for participating in the conflict because, as the DoD Law of War Manual notes, "international law does not prevent a State from punishing its nationals whom it may capture among the ranks of enemy forces" (§ 4.4.4.2). Although there is a debate as to whether nationals of a detaining State are entitled to prisoner of war status (Biggerstaff/Schmitt here and herearguing against such status), the ICRC 2020 Commentary to Article 4 is in accord on the matter of belligerent immunity (para. 972). Thus, without Azerbaijan's agreement to amnesty, NKR soldiers who hold Azerbaijani nationality will be at risk of prosecution in Azerbaijani courts for violations of that State's domestic law (especially treason). To infuse stability into the crisis, therefore, Secretary of State Blinken has urged Azerbaijan to grant amnesty broadly.

Former ICC Prosecutor Luis Moreno Ocampo has labeled the current situation a genocide (see his earlier report here). Similarly, in a 22 September statement to the Security Council, the Armenian Minister of Foreign Affairs charged, "The intensity and cruelty of the offensive makes it clear that the intention is to finalize ethnic cleansing of the Armenian population of Nagorno-Karabakh . . . . [W]e have a situation where there is not an intent anymore, but clear and irrefutable evidences of policy of ethnic cleansing and mass atrocities." Armenia's Prime Minister similarly has observed, "I consider strange Azerbaijan's statement that they will leave a humanitarian corridor for the civilian population to leave Nagorno Karabakh. This is a direct act of ethnic cleansing." Whether Azerbaijan's authorities are committing genocide, crimes against humanity, or war crimes is fact-dependent and beyond the scope of this post. Nevertheless, in light of past abuses, the international community's attention must remain firmly fixed on issues of international criminal law as the situation unfolds.

Similarly, tens of thousands of Nagorno-Karabakh residents are fleeing to Armenia and beyond. This implicates refugee law, such as that outlined in the 1951 Conventionrelating to the Status of Refugees and its 1967 Protocol. According to Article 1 of the Convention, a refugee is, inter alia, a person who: owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. Accordingly, ethnic Armenians holding Azerbaijani nationality who flee Nagorno-Karabakh will be entitled to treatment as refugees by those countries to which they travel (see Grignon).

Finally, Azerbaijan owes international human rights obligations, such as respecting and protecting the right to life, to all individuals on its territory, irrespective of nationality. Human rights obligations are subject to the condition of feasibility in the circumstances. Now that Azerbaijan controls the territory previously occupied by Armenia and its proxy government, its international human rights law duties loom large. The international community is accordingly ratcheting up pressure on Azerbaijan to "uphold its obligations to respect the human rights and fundamental freedoms of the residents of Nagorno-Karabakh and to ensure its forces comply with international humanitarian law" (see, e.g., comments by U.S. Secretary of State Blinken).

This is not a simple case, legally or factually. And it is one in which, over the decades, there has been legal and moral blood on the hands of both parties and their proxy forces. We want to reemphasize that the discussion above is but a bird's eye view of select issues. All are more nuanced than possible to explore here. Moreover, the situation on the ground is evolving rapidly. In light of the risks the crisis poses to the affected civilian population and to regional and international instability (especially in light of Russia's involvement), the international community must guard against allowing its attention to be distracted.

Azerbaijan arrests several former top separatist leaders of Nagorno-Karabakh (Associated Press) October 3, 2023

> **Authorities in Azerbaijan arrested several former separatist leaders of Nagorno-Karabakh on Tuesday after reclaiming control of the Armenian-populated breakaway region in a lightning military operation last month, a top Azerbaijani news agency said.**

Arayik Harutyunyan, who led the region before stepping down at the beginning of September, was arrested and was being brought to the Azerbaijani capital, the APA news agency said. Arkadi Gukasian, who served as the separatist president from 1997 until 2007, and Bako Sahakyan, who held the job from 2007 until 2020, also were arrested Tuesday along with the speaker of the separatist legislature, Davit Ishkhanyan, APA said. The wave of arrests come as Azerbaijani authorities move swiftly to establish their control over the region after a blitz offensive that triggered an exodus of over 100,000 people — more than 80% of its ethnic Armenian residents. While Azerbaijan has pledged to respect the rights of ethnic Armenians, most of them have rushed to flee the region, fearing reprisals after three decades of separatist rule. In a 24-hour campaign that began Sept. 19, the Azerbaijani army routed the region's undermanned and outgunned Armenian forces, forcing them to capitulate. The separatist government then agreed to disband itself by the end of the year, but Azerbaijani authorities are already in charge of the region. After six years of separatist fighting ended in 1994 following the collapse of the Soviet Union, Nagorno-Karabakh came under the control of ethnic Armenian forces, backed by Armenia, turning about 1 million of its Azerbaijani residents into refugees. After a six-week war in 2020, Azerbaijan took back parts of the region in the South Caucasus Mountains, along with surrounding territory that Armenian forces had captured earlier. Azerbaijan's presidential office said the country has presented a plan for the "reintegration" of ethnic Armenians in the region, noting that "the equality of rights and freedoms, including security, is guaranteed to everyone regardless of their ethnic, religious or linguistic affiliation." It said the plan envisages improving infrastructure to bring it in line with the rest of the country and offers tax exemptions, subsidies, low-interest loans and other incentives. The statement added that Azerbaijani authorities have held three rounds of talks with representatives of the region's ethnic Armenian population and will continue those discussions.

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Russia

UN: There's "continuous evidence" Russian forces are "committing war crimes in Ukraine" (CNN) By Sharon Braithwaite and Stephanie Halasz
September 25, 2023

> **There is "continuous evidence" Russian forces are "committing war crimes in Ukraine," the United Nations Human Rights Council said.**

The council alleged that attacks in Ukraine include "unlawful attacks with explosive weapons, attacks harming civilians, torture, sexual and gender-based violence, and attacks on energy infrastructure"

The council's Independent International Commission of Inquiry on Ukraine said it had "documented explosive weapons attacks on residential buildings, a functional medical facility, a railway station, a restaurant, shops and commercial warehouses. These attacks led to civilian casualties, the damage or destruction of key facilities, and the disruption of essential services and supplies."

The commission heard from torture victims and quotes one person as saying, "every time I answered that I didn't know or didn't remember something, they gave me electric shocks … I don't know how long it lasted. It felt like an eternity."

The commission reported Russian soldiers committing sexual violence against women of ages ranging from 19 to 83 years, and said it continues to "investigate individual situations of alleged transfers of unaccompanied minors by Russian authorities to the Russian Federation."

Furthermore, the commission said it is investigating what caused the Nova Kakhovka dam to collapse in June.

U.N. experts decry war crimes by Russia in Ukraine and look into genocide allegations (Los Angeles Times) By Jamey Keaten
September 25, 2023

> **GENEVA — Independent U.N.-backed human rights experts said Monday they have turned up continued evidence of war crimes committed by Russian forces in their war against Ukraine, including torture — some of it with such "brutality" that it led to death — and the rapes of women up to 83 years old.**

Members of the U.N. Independent Commission of Inquiry on Ukraine also expressed concerns about allegations of genocide by Russian forces, and said they're looking into them. The team said its evidence showed crimes committed on both sides, but vastly more — and a wider array — of abuses were committed by Russian forces than by Ukrainian troops.

The commission delivered its latest findings in an oral update to the Human Rights Council, laying out its observations about unlawful attacks with explosive weapons, sexual and gender-based violence, and other crimes in the war, which entered its 20th month on Sunday.

"The commission is concerned by the continued evidence of war crimes committed by the Russian armed forces in Ukraine during its first mandate," commission Chair Erik Mose told the council, which created his investigative team in March last year, just days after Russian forces invaded. The panel is now working under a second mandate.

The main targets of torture were people accused of being informants for Ukrainian forces, and the mistreatment at times involved use of electric shocks, it found.

"In some cases, torture was inflicted with such brutality that it caused the death of the victims," Mose said.

The commission, in its report, said Russian soldiers in Ukraine's southern Kherson region "raped and committed sexual violence against women of ages ranging from 19 to 83 years," and often "family members were kept in an adjacent room hence being forced to hear the violations taking place."

No representative of Russia was present in the vast hall of the U.N. office in Geneva where the council was meeting to hear Mose's comments.

Last year, the U.N. General Assembly in New York stripped Russia of its seat in the 47-member-country body to show its opposition to President Vladimir Putin's war on Ukraine.

Speaking to reporters, the experts said they have received no feedback from the Russian side, whereas there was "considerable cooperation" from the Ukrainian side, Mose said.

Commission member Pablo de Greiff told reporters that their work would be improved if they were given better access to information from the Russian side.

"We want to exercise our impartiality in the most thorough way," De Greiff said.

Russia Hits Ukrainian Port in Drone Attack (VOA News) By [AUTHOR]
September 26, 2023

> **Ukraine said Tuesday that Russian forces used 38 drones to attack the country overnight, and that some made it past Ukrainian air defenses and caused damage at a port in the Odesa region.**

Oleh Kiper, the governor of Odesa, said on Telegram that the Russian attack damaged port infrastructure in the Izmail area, which is a key part of Ukrainian grain exports on the Danube river.

Kiper said the attack injured two people and damaged more than 30 vehicles.

Ukraine's air force said it destroyed 26 of the 38 Iranian-made Shahed drones deployed by Russia.

In the Kherson region in southern Ukraine, officials said the Russian attack overnight injured at least four people.

The governor of Russia's Kursk region, which borders Ukraine, said Tuesday that a Ukrainian drone dropped an explosive on an electricity substation, knocking out power to several villages.

Roman Starovoit said on Telegram there were no reported injuries from the attack.

Russia attacks Cherkasy Oblast with drones, injures 1 (The Kyiv Independent) By Daria Shulzhenko
October 1, 2023

> **Russian troops launched a drone attack against Cherkasy Oblast overnight, injuring one person, Governor Ihor Taburets reported.**

According to the governor, an industrial infrastructure facility was hit in the city of Uman, causing a fire at the grain depot.

One person was hospitalized following the attack, said Taburets.

He did not provide further details.

Ukraine's Air Force reported that Russia launched nearly 30 Shahed 131/136 drones against Ukraine.

Sixteen of them were destroyed, the Air Force said.

Earlier today, Natalia Humeniuk, spokesperson of Ukraine's Southern Operational Command, said that Ukraine's air defense downed at least 15 drones over Odesa and Mykolaiv regions.

On Sept. 26, local air defense downed four drones over Cherkasy Oblast. However, an infrastructure facility in the region was hit, Taburets reported.

Earlier on Sept. 21, a Russian attack against Cherkasy Oblast injured 11 people.

Russian attacks on southern ports near Romania's border labeled as war crimes by Romania's Foreign Minister (global.espreso.tv) October 2, 2023

> **Romanian Foreign Minister Luminița Odobescucriticized Russia's regular air attacks on Ukraine's southern ports bordering her country and called Russia's actions war crimes.**

She specifically referred to these actions as war crimes, as reported by European Pravda. Odobescu pointed out that some of these Ukrainian ports, which have been targeted by Russian air attacks, are situated in close proximity to Romania, on the opposite side of the Danube River. She highlighted that remnants of Russian attack drones have even been discovered in Romania. "The Russian attacks on civilian infrastructure, including ports along the Danube near the Romanian border, constitute war crimes. Russia's activities near our border undermine Ukraine's economy, global food security, and civil navigation in the Black Sea," she emphasized. Odobescu also affirmed that Romania will continue to support Ukraine in the transit of grain. According to her, "solidarity roads" in Romania have facilitated the transportation of up to 25 million tons of products. "We are working closely with the Ukrainian government, the European Commission, and our partners to increase transit capacity from 2 to 3-4 million tons by the end of the year," she stated. Additionally, she expressed hope that negotiations for Ukraine's accession to the EU would commence by the end of 2023. The consequences of Russian shelling for Romania On the night of September 3-4, Russia carried out a massive strike on southern Ukraine with Iranian 'kamikaze' drones. According to Ukrainian border guards, some of the drones crashed and exploded on the territory of Romania, a NATO member state. Foreign Minister Dmytro Kuleba said that there was photographic evidence of the drones crashing in Romania. On Wednesday, September 6, Minister Angel Tilvar confirmed that a team from the Ministry of National Defence had found suspected pieces of a Russian drone in Romania. Romania promptly informed NATO about the discovered fragments, which appeared similar to Russian military drones. NATO expressed support and closely monitored the situation. On September 12, it was reported that Romania's Ministry of Defense had initiated the construction of a shelter for the local population in the village of Plauru, near Izmail, Ukraine. Additionally, Romania decided to relocate air defense equipment closer to the border. Romania's Ministry of Foreign Affairs strongly protested against Russia for the drone debris falling on its territory. The Russian Ambassador was summoned, and consultations with NATO were initiated. Romania's Deputy Chief of Defense Staff announced that the Romanian military was prepared to shoot down Russian drones if necessary. Romania had deployed approximately 600 military personnel and radar systems in the Danube Delta region. President Klaus Iohannis emphasized that the Russian UAV attacks were not targeted at Romania but deemed them unacceptable. On September 26, the Orlivka border crossing point with Romania ceased operations due to Russian strikes in the Izmail district of Odesa. During the attack, a bus with children was present, and civilian infrastructure at the checkpoint sustained damage, including the destruction of nearly 30 international trucks, six of which were completely incinerated. Additionally, on the evening of Friday, September 29, Russian attack UAVs were launched against Ukraine. These Shaheds moved from the Black Sea to Odesa and also targeted an infrastructure site in the neighboring Vinnytsia region. During this attack, the radar surveillance system detected a potential violation of Ukraine's airspace, which was confirmed by Romania's Ministry of Defense.

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MIDDLE-EAST

Iraq

Turkey launches new attacks on PKK in Iraq (DW) October 4, 2023

> **Ankara has said it will continue its pursuit of those behind a Sunday bomb attack on the Turkish Interior Ministry. Syrian Kurds say they have no connection and claim Turkey's actions amount to war crimes.**

Turkish Foreign Minister Hakan Fidan on Wednesday announced that Turkish forces had carried out retaliatory airstrikes on Iraqi positions held by the outlawed Kurdistan Workers' Party (PKK) — the group that claimed responsibility for a bomb attack in the Turkish capital Ankara Sunday.

Sunday's attack targeted Turkey's Interior Ministry. One assailant blew himself up, injuring two security officers, while another was killed in a shoot-out with police.

Authorities have since detained dozens of "suspects," mainly in predominantly Kurdish southeastern Turkey, which borders Iraq and Syria.

In televised comments, Fidan said Turkish jets had carried out two airstrikes on PKK sites in Iraq.

"From now on, all infrastructure, large facilities and energy facilities belonging to the PKK or the YPG [People's Defense Units, a PKK-affiliated Kurdish militia group] in Iraq and Syria are legitimate targets for our security forces," he warned.

"Our armed forces' response to this terrorist attack will be extremely clear and they [PKK] will regret committing such an act."

"I recommend that third parties stay away from these facilities," he added.

Turkey carried out airstrikes in Iraq within hours of the Sunday attack, as well as again on Wednesday, "neutralizing" a large number of PKK militants.

Turkish intelligence agents operating in Syria also reportedly killed a Kurdish militant suspected of being behind a bomb attack that killed six people in Istanbul last year.

Fidan said Turkish intelligence had determined that the two men behind Sunday's bomb attack had entered the country via Syria, where he also said they had been trained.

Yet that claim was flatly denied by Mazloum Abdi of the US-backed Syrian Democratic Forces (SDF), who said the attackers had not "passed through our region."

"Turkey is looking for pretexts to legitimize its ongoing attacks on our region and to launch a new military aggression," he wrote on X, formerly Twitter. "The threat to target the region's infrastructure, economic resources and populated cities is a war crime, something we have witnessed before."

The SDF, which was instrumental in the defeat of the so-called Islamic State (IS) in Syria, is a Syrian-Kurdish force comprised of numerous factions, including the YPG.

The PKK — which Turkey, the US and the EU all consider to be a terror organization — has fought a decades-long insurgency against Ankara that has killed tens of thousands of people since the conflict began in 1984.

Turkey has launched repeated cross-border attacks in both Iraq and Syria and threatens to expand its incursion into Syria.

KNK: "Turkey declared intention to systematically commit war crimes" (Medya News) October 5, 2023

> **In a strongly worded statement on Wednesday, the Executive Council of the Kurdistan National Congress (KNK) condemned Turkish Foreign Minister Hakan Fidan's recent declaration that all infrastructure and energy facilities in North and East Syria (also known as Rojava) and Iraqi Kurdistan would be considered "legitimate targets."**

Such military actions against civilian infrastructure violate international humanitarian laws and constitute war crimes, KNK said.

KNK criticised the international community's silence on Turkey's "bold declaration of intent to systematically commit war crimes," accusing organisations like NATO, the United Nations, and the Global Coalition Against ISIS of implicit approval through their inaction.

The statement follows widespread Turkish airstrikes in northern Syria on Thursday, including the al-Misheirfah neighbourhood in al-Hasakah (Heseke), where locals report civilian casualties.

The Syrian Democratic Forces (SDF) had also accused Turkey of war crimes, and denied claims that perpetrators of Sunday's major attack in Ankara had been in their territory.

Turkish aggression has put the lives of five million people in Kurdish-held Syria and Iraq, KNK said and called for immediate international action to prevent further what they call ethnic cleansing.

KNK's final call addressed peoples around the world, to express their "uncompromising opposition" to Turkey's aggressive actions and support for the peoples of Syria.

Meanwhile, in a statement on Thursday, the Autonomous Administration of North and East Syria (AANES) said Turkish drones, at least 15 of them, had struck a camp for displaced persons and a factory, resulting in multiple casualties. AANES also called on the US-led Global Coalition against ISIS and Russia, guarantor states in the region, to take a clear stance.

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Syria

The uprising in al-Suwayda Syria presents the world a moral test — again (The Interpreter) By Rima Flihan
October 4, 2023

> **Twelve years after the 2011 popular revolution in Syria began against the dictatorial regime in Syria, local people have again turned out in demand of rights. This at a time when much of the world thought that the uprising in the country had ended, especially following regional normalisation in May this year with the Syrian regime returning to a seat in the Arab League.**

In al-Suwayda governorate, southern Syria, thousands of people have joined peaceful demonstrations in recent weeks calling for a change in the regime. They want the dictator Bashar al-Assad gone and the implementation of UN Security Council Resolution 2254, unanimously adopted in December 2015, requiring the formation of an "inclusive transitional governing body with full executive powers". Much of the population in al-Suwayda have turned out, comprising the country's Druze minority, protesting daily for more than a month.

This uprising came after several opposition voices spoke against the regime on the Syrian coast, birthplace of Assad.

Over the past 12 years, the regime has grimly clung to power, committing crimes against humanity and war crimes, including bombing civilians and the use of internationally prohibited chemical weapons. The regime has specifically targeted hospitals, schools and popular markets, practised torture and driven people from their homes. More than half of the Syrian people have been displaced, according to the United Nations, among the worst humanitarian disasters of the modern era.

The regime has survived due to support from Russia and Iran, who are complicit in heinous crimes against the Syrian people. The rest of the world offered only a tepid response to such crimes, which perhaps encouraged Russia to cross red lines in Ukraine, as they did in Syria, with no accountability. Now there is also concern about China's interest in dealing with the Syrian regime.

Despite the persecution, Syrians in al-Suwayda still want political change and are brave enough to demand freedom and dignity. This movement is also compelled by economic need. While Syrians suffer in poverty and often without basic services, Assad and his family enjoy a luxurious life. Corruption is rife, with the regime linked to the burgeoning "Captagon" trade, making Syria the main manufacturing and supplying source of the drug, according to international reports.

These pressing problems in Syria and the regime's ability to take military control may have prompted nearby Arab countries to adopt a step-by-step "solution". But the regime has shown its true nature and will not take any steps. It continues to deny the suffering of Syrians and refuses to release detainees or reveal the fate of those forcibly disappeared. For years this obstinate regime has suffocated the country with a flood of excuses and propaganda and does so even now.

The movement in al-Suwayda places Arab countries in a different position, as it is clear today that the regime has not "won" as claimed and is not interested in implementing any steps or commitments in line with the Arab League initiative. The regime's response is to accuse demonstrators of collaborating with the West, seeking to divide the country throughout its security and media figures. Fears remain that the regime may turn to force to end the peaceful demonstrators, as it has done before.

Neighbouring countries do not want any new refugee waves. This view was clearly expressed by King Abdullah of Jordan in the UN General Assembly last month, saying "Jordan's capacity to deliver necessary services to refugees has surpassed its limits". This should be taken as a clear message to the regime — do not use violence again.

The al-Suwayda uprising has sparked hope for many Syrians in and outside the country, encouraging protests in Daraa, northern Syria, and various other governorates. This again reflects the legitimate aspirations of Syrians for democracy, to end the dictatorship and hold war criminals accountable. These steps are essential to resolve the regional security tensions associated with refugees and to allow people to return home. For the world, it's a chance to right past mistakes and deal differently with the legitimate uprising of Syrians through real pressure to achieve a political solution.

[Turkish threat to strike US-backed Kurdish forces in northern Syria (Arab News) October 4, 2023

> **Turkiye warned on Wednesday that Kurdish infrastructure in Syria was a legitimate target for airstrikes after concluding that two militants who carried out a suicide bomb attack in Ankara came from Syria.**

The warning is a veiled threat to the US, which supports the Syrian Democratic Forces — the de facto Kurdish army in northeastern Syria.

Its main component is the Kurdish People's Protection Units, the YPG, which Turkiye views as an offshoot of the outlawed Kurdistan Workers Party, the PKK.

Two PKK members carried out last Sunday's attack, the first bombing in the Turkish capital since 2016.

Police shot one dead and the other died when his device detonated outside the Interior Ministry, injuring two security officers.

"As a result of the work of our security forces, it has become clear that the two terrorists came from Syria and were trained there," Turkish Foreign Minister Hakan Fidan said on Wednesday. "From now on, all infrastructure, large facilities and energy facilities belonging to the YPG and the PKK in Iraq and Syria are legitimate targets for our security forces. I recommend that third parties stay away from these facilities."

Turkiye conducted air raids against PKK bases in the northern mountains of Iraq hours after Sunday's attack, and the Defense Ministry published images on Wednesday showing PKK targets being hit in Iraq the night before.

Iraqi Defense Minister Thabet Al-Abbasi is expected in Ankara on Thursday for talks with counterpart Yasar Guler amid increased tensions over the Turkish airstrikes.

Turkish President Recep Tayyip Erdogan has already launched a series of armed incursions into northern Syria and repeatedly threatened to expand attacks against the YPG.

Sunday's bombing coincided with the opening of a session of the Turkish parliament in which members will be asked to ratify Sweden's membership of NATO.

Turkiye's ratification has been held up by anger over the refusal by the Swedish police to ban marches by the PKK and their supporters in Stockholm.

Some analysts believe the PKK may be trying to block Turkiye's ratification because it would herald an improvement in Ankara's ties with Washington.

Turkiye has been trying to persuade the US to drop its support for the Syrian Democratic Forces, a policy shift that Ankara may expect in return for its ratification of Sweden's membership, analysts say.

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Yemen

Yemen: End unfair trial against human rights defender Fatma al-Arwali (Amnesty International) September 25, 2023

> **The Huthi de facto authorities must ensure that woman human rights defender Fatma al-Arwali receives a fair trial in line with international standards or is immediately released, Amnesty International said today.**

Since the moment of her arrest by Huthi security forces in August 2022 Fatma al-Arwali has been subjected to a string of flagrant human rights violations at the hands of security and intelligence services, including being forcibly disappeared, held incommunicado and in prolonged pre-trial detention. Her right to fair trial has been jeopardized by her lack of access to legal counsel, including in the first session of her trial on 19 September.

"Fatma al-Arwali's unfair trial before the Sana'a-based Specialized Criminal Court, a court which specializes in security-related crimes, illustrates the Huthis' utter disregard for international fair trial standards", said Grazia Careccia, Amnesty International's Deputy Regional Director for the Middle East and North Africa.

"Al-Arwali has been in detention for over a year, held in horrible conditions in an underground room and denied visits from her family. Her case is yet another stark reminder of how the Huthis have instrumentalized the Specialized Criminal Court as a tool of repression making a mockery of justice."

Huthi security forces arrested Fatma al-Arwali at a checkpoint in al Manshour in Ta'iz governorate on 13 August 2022. They forcibly disappeared her for about eight months during which her family looked for her in every police station and prison in Sana'a. They later informally learned that she had been held incommunicado at the security and intelligence detention centre in Sana'a following her arrest. Enforced disappearance is a crime under international law.

Al-Arwali was the former head of the Yemen office of the women leadership union of the Arab league and was active in promoting women's rights.

On 31 July 2023, prosecutors charged al-Arwali with aiding "UAE aggression" and providing coordinates to disclose Huthi's armed forces and "people's committees" locations, a charge that carries the death sentence, and her case was transferred to the Specialized Criminal Court (SCC).

Since 2015, Amnesty International has documented the cases of over 60 individuals, who have been brought before the Sana'a-based SCC, including journalists, human rights defenders, political opponents, and members of religious minorities who were subjected to unfair trials on spurious or trumped-up charges by this court. Virtually all of them have been tried on spying charges, which are punishable by death under Yemeni law.

UNFAIR TRIAL Based on interviews with her lawyer, al-Arwali was not granted basic due process rights in the proceedings up to the trial. He said he was not able to visit her a single time in detention.

Al-Arwali's lawyer attended the first hearing on 19 September, but the judge refused to record his presence as her legal representative in the court record.

Al-Arwali told the judge that she was being held in dire conditions in a room underground and has not seen the sun for over a year. She also requested to see her children. The lawyer said he asked the court to record this statement in the hearing report but that the judge refused.

The lawyer said that security members of the security and intelligence service who were present in the court tried to remove him from the court after advising al-Arwali to request a copy of her casefile. The judge then told al-Arwali that there was no need for a lawyer.

Under international standards of fairness, everyone arrested or detained and everyone facing criminal charges has the right to legal counsel of their own choosing, to enable them to protect their rights, prepare their defense and to challenge their detention. This right also serves as an important safeguard against torture and other ill-treatment and to mitigate the risks of coerced "confessions".

"Unless al-Arwali receives a fair hearing before a competent, independent and impartial court where concrete, credible and admissible evidence provides that she has committed an internationally recognized offence, she must be immediately released with all charges dropped," said Grazia Careccia.

Bahrain says attack by Yemen rebels kills a Bahraini officer and a soldier on the Saudi border (The San Diego Union-Tribune) September 25, 2023

> **DUBAI, United Arab Emirates — A drone attack by Yemen's Houthi rebels killed a Bahraini officer and soldier who were patrolling Saudi Arabia's southern border early Monday, Bahrain's military command said. The Houthis did not immediately acknowledge carrying out the attack as efforts to strike a peace deal between Riyadh and the rebels continue. The military statement, carried by the state-run Bahrain News Agency, says "a number" of Bahraini soldiers were also wounded in the strike, without elaborating.**

"This terrorist attack was carried out by the Houthis, who sent aircraft targeting the position of the Bahraini guards on the southern border of the kingdom of Saudi Arabia despite the halt of military operations between the warring sides in Yemen," the statement said. It did not identify the site of the attack.

Bahrain later repatriated the bodies to the island kingdom, where they were met by an honor guard and top military officials.

The tiny island nation of Bahrain is a close ally of Saudi Arabia, which has led the war against the Houthis. The deadliest attack to strike Bahrain in the conflict so far had been a September 2015 missile strike by the Houthis in Marib that killed five of its troops, along with 52 Emirati and 10 Saudi troops.

A cease-fire had largely stopped the violence, and the Saudi-led coalition and the Houthis have appeared close to a peace agreement in recent months.

It was unclear if the attack would derail those efforts by Saudi Arabia and its allies.

In a statement from Riyadh, the Saudi-led military coalition mourned those killed and claimed there had been attacks targeting an electrical distribution site and a police station on its southern border by "some Houthi elements."

"In line with the positive efforts being made to seek to end the crisis and reach a comprehensive political solution, the leadership of the joint forces of the coalition affirms its rejection of repeated provocations and reserves the right to respond at the appropriate time and place," Brig. Gen. Turki al-Maliki said in a statement.

Yemen's war began in 2014 when the Houthis swept down from their northern stronghold and seized the capital, Sanaa, along with much of the country's north. In response, a Saudi-led coalition intervened in 2015 to try to restore the internationally recognized government to power.

The fighting soon devolved into a stalemated proxy war between Saudi Arabia and Iran, causing widespread hunger and misery in Yemen, which even before the conflict had been the Arab world's poorest country. The war has killed more than 150,000 people, including fighters and civilians, and created one of the world's worst humanitarian disasters, killing tens of thousands more.

Saudi Arabia and Iran restored diplomatic relations earlier this year in a deal brokered by China, further raising hopes for an end to Yemen's conflict. Earlier this month, Saudi Arabia welcomed a Houthi delegation for peace talks, saying the negotiations had "positive results."

A U.N.-brokered cease-fire had already largely halted the violence, and Yemen has seen only sporadic clashes since the truce expired nearly a year ago. But diplomats have warned that the situation remains volatile.

Yemen's internationally recognized government condemned the attack. Foreign Minister Ahmed Bin Mubarak said he spoke by phone with Bahrain's chief diplomat, Abdullatif al-Zayani, offering his condolences and solidarity with Bahrain.

Bahrain, an island nation in the Persian Gulf off the coast of Saudi Arabia, was rocked by an uprising in 2011 inspired by the Arab Spring protests elsewhere in the region. Many from the country's Shiite majority called for the overthrow of Bahrain's Sunni monarchy. Bahrain quashed the revolt with aid from Saudi Arabia and the United Arab Emirates, and blamed much of the unrest on Shiite-majority Iran.

Fourth soldier from Bahrain dies of wounds after Yemen's Houthi rebels attack troops on Saudi border (Yahoo Finance) September 29, 2023

> **DUBAI, United Arab Emirates (AP) — A fourth Bahraini soldier has died of wounds from an attack earlier this week by Yemen's Houthi rebels targeted forces patrolling Saudi Arabia's southern border, the island kingdom said late Friday.**

The state-run Bahrain News Agency, citing a military statement, identified the slain soldier as 1st Lt. Hamad Khalifa al-Kubaisi.

Al-Kubaisi "succumbed to the injuries he had suffered as a result of the Houthi act of aggression last Monday, while performing his sacred patriotic duties defending the southern borders of Saudi Arabia," the statement said.

Yemen's Iranian-backed Houthi rebels have not claimed the attack. The attack on Monday, which also wounded a number of soldiers, threatened recent progress in winding down Saudi Arabia's eight-year war against the Houthis.

The Saudi-led military coalition said it had "the right to respond at the appropriate time and place." However, there has been no such response yet amid efforts to reach a peace deal to end the war. Saudi Arabia also sought to blame "elements" of the Houthis, not the overall power structure of the rebel group.

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Houthi drone attack kills 2 gov't soldiers in N. Yemen (Big News Network) October 2, 2023

> **ADEN, Yemen, Oct. 1 (Xinhua) -- At least two members of Yemen's government forces were killed in a drone attack carried out by the Houthi militia in the country's northern province of Saada, a military official told Xinhua on Sunday.**

The local military official, who asked to remain anonymous, said that the drone attack occurred on Saturday during a large military parade held by the government in the Baqoum district within Saada province.

During the parade, the Houthi rebels launched a barrage of explosive-laden drones towards the military gathering, and one drone managed to evade the military's interception and strike its intended target, killing two soldiers and injuring several others, according to the official.

This incident occurred a mere week after another Houthi drone strike claimed the lives of four Bahraini soldiers belonging to the Saudi Arabia-led Arab coalition, near the Saudi-Yemen border.

On Wednesday, Yemen's Prime Minister Maeen Abdul-Malik Saeed urged the government's military forces to remain vigilant against Houthi attacks.

Saeed expressed deep concern about the recent uptick in Houthi attacks, which openly defy regional and international efforts to bring peace and revive the stalled political process in Yemen.

Yemen has been embroiled in a devastating civil war since 2014, with the Houthis fighting against the internationally recognized Yemeni government. A Saudi-led coalition intervened in the conflict in support of the Yemeni government in 2015.

Yemen's special security commander survives car bomb attack, 6 injured (Big News Network) October 3, 2023

> **ADEN, Yemen, Oct. 2 (Xinhua) -- Chief of Yemen's special security forces Fadhal Baash survived an assassination attempt on Monday when a car bomb targeted his convoy in the country's turbulent southern province of Abyan, a government official told Xinhua.**

The "terror" attack took place in the provincial capital of Zinjibar as Baash's convoy was returning to the southern port city of Aden from a work trip, the local government official said on condition of anonymity.

He confirmed that at least six bodyguards were injured in the bombing, some critically, but the commander himself escaped unharmed.

No group has yet claimed responsibility for the attack, but authorities suspect al-Qaeda in the Arabian Peninsula (AQAP), which has previously targeted the Yemeni army and government officials in similar bombing and shooting attacks.

Baash was appointed by the Saudi-backed Yemeni government as commander of the elite Special Forces, overseeing the operations targeting AQAP strongholds in Abyan and other southern provinces.

The bombing comes amid instability and violence in war-ravaged Yemen after years of civil war between the country's government and the Houthi militia.

AQAP and other extremist elements who remain active, particularly across central and southern regions of the country, have taken advantage of the chaos to seize territory and carry out attacks on security forces and government institutions.

Yemen has been embroiled in a devastating civil war since 2014, with the Houthis fighting against the internationally-recognized Yemeni government. The Saudi Arabia-led coalition intervened in the conflict in support of the Yemeni government in 2015.

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ASIA

Afghanistan

War crimes investigators won't have access to all evidence heard in Ben Roberts-Smith defamation case (The Guardian) September 27, 2023

> **War crime investigators will not see evidence from Ben Roberts-Smith's defamation trial that could lead to the contamination of their probe, a judge has been told.**

On Wednesday, the federal court let the Office of the Special Investigator view a wide range of transcripts and evidence from the lengthy and hotly contested defamation proceedings.

However the OSI, which is examining potential war crimes in Afghanistan, will not be allowed to see certain material from the case, including from when Roberts-Smith and others were compelled to give evidence.

Representing the war veteran, barrister Arthur Moses SC said the sensitive material would have been unlawfully obtained by the OSI and could have potentially "contaminated" any criminal probe.

"Had they had access to what they wanted to access, there could have been the corruption of yet another investigation," he told Justice Robert Bromwich.

The federal court ruled in June that reports by Nine and the Canberra Times alleging Roberts-Smith's involvement in four murders while deployed in Afghanistan were substantially true.

He has not been criminally charged and is appealing against the judgment of Justice Anthony Besanko.

After the decision, the commonwealth sought all sensitive court documents used in the trial but later reversed course and limited its request after being grilled by Justice Bromwich at a hearing earlier this month.

At that time, the court heard the OSI and Australian federal police were jointly investigating 33 alleged offences by defence force members in Afghanistan between 2005 and 2016.

The OSI was established after an inquiry by the inspector general of the Australian defence force into soldiers' conduct in Afghanistan.

Redactions will now be made of closed-court transcripts, outlines of evidence, material on a secure laptop and certificates issued by the court protecting individuals who gave evidence against self-incrimination.

These redactions will be made by lawyers at the Australian government solicitor and then reviewed by a separate team of special counsel before being passed on to the OSI.

The commonwealth has been ordered to pay Roberts-Smith's legal costs regarding access to the material after the ex-soldier raised concerns about the potentially contaminating documents in June.

Moses argued the federal government had "capitulated" to his client's concerns, ultimately limiting the material it could gain access to.

After Justice Besanko dismissed the defamation case in June, the newspapers sought court orders that Roberts-Smith and his financial backers at Seven and billionaire Kerry Stokes' private company, Australian Capital Equity, pay their legal costs.

In that dispute, Seven, ACE and Roberts-Smith have appealed against a decision ordering them to produce tens of thousands of documents to the publications, which hope to prove that the ex-soldier's supporters were heavily involved in the defamation trial.

Australia urged to establish 'permanent, specialized international crimes unit' to probe Afghan war crimes (Anadolu Ajansı) September 28, 2023

> **An independent think tank urged Australia on Thursday to establish a "permanent, specialized international crimes unit," amid allegations of war crimes in Afghanistan.**

The Australian Centre for International Justice said in a policy paper that Canberra's current approach and institutional capacity to investigate the international war crimes, is "weak."

"Australia's approach to date has been to leave the responsibility for international crimes investigations to generalist teams within the Australian Federal Police or to set up ad hoc units with a limited mandate — such as the Office of the Special Investigator to investigate allegations of war crimes in Afghanistan," it said.

The approach leads to a waste of time and resources, an inability to develop and retain multidisciplinary expertise, a lack of institutional networks and cooperation and ultimately the risk that "Australia becomes a safe haven for perpetrators of atrocity crimes."

The government is investigating up to 40 murders by Australian soldiers in Afghanistan in the past decade.

The Office of the Special Investigator was established after the release of the Brereton Report in late 2020, which found "credible evidence" that soldiers murdered civilians and prisoners in Afghanistan.

"The establishment of a permanent, specialized international crimes unit would finally open up a pathway for survivor communities in Australia to seek redress for atrocity crimes, and for Australia to effectively coordinate with national and international authorities in an effort to close the impunity gap for international crimes," said the paper.

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Bangladesh International Crimes Tribunal

Bangladesh: How West-funded human rights groups are siding with Islamists to target Hasina government (Firstpost) By Sahidul Hasan Khokon
September 30, 2022

> **There are dozens of NGOs working on human rights in Bangladesh. Most of them run on donations from the Western world. For obvious reasons, they have to remember from where they are guided.**

Since the independence of Bangladesh, people of various minority communities, including Hindus, have been persecuted repeatedly by religious fundamentalists in the Muslim-majority country. However, there is no precedent for these NGOs talking about the principles of human rights here.

In recent years, we have witnessed large-scale incidents of minority persecution in Bangladesh. Abhaynagar in Jessore or Nasirnagar in Brahminbaria, the incidents of Hindus leaving their homes are still scarred in everyone's mind.

In these cases, no Western-funded NGO has come forward to publish any human rights report. The activities of these NGOs prove that the West is not worried about the rise of religious fundamentalism.

However, these NGOs have been seen to play a role in standing by religious fundamentalists. There are prior examples of these NGOs trying to tarnish the image of Bangladesh by creating human rights reports based on false information about them.

In 2013, a false human rights report by an organisation called "Adhikar" centering a rally by Hefajat Islam, a top religious fundamentalist group in Bangladesh, sparked a global media frenzy.

At that time, the government took legal action against this human rights organisation. The case recently proved that the rights report made by the religious fundamentalist group Hefajat Islam was false.

Due to this, two officials of the NGO, including the head of the organisation, were jailed. The Western world is now standing for two officials sentenced! It is now being written about in the world media. This article is to capture the analysis of that event.

Bangladesh has criticised the international protest against the imprisonment of "Adhikar" secretary Adilur Rahman Khan for the crime of tarnishing the country's image by publishing human rights reports with false and fabricated information.

In the judgement, which was announced on 14 September, Judge AM Zulfikar Hayat of Dhaka's cyber tribunal said that, in his observation, Adilur's organisation has tarnished the country's image by spreading false information through the report. And experts say, through this verdict, a long-standing falsehood has been defeated.

On 5 May 2013, 'Adhikar' published a deceiving report about the operation conducted by the law enforcement forces against the violence and riots that took place at the rally of the religious organisation Hefazate Islam in Dhaka. Where it was said, "at least 61 members of Hefazate Islam were killed in the rally in the operation of the law enforcement forces." However, Adilur could not present any evidence to support this fabricated claim to the government.

Analysts say that Adilur-led organisation 'Adhikar' published the fake report mainly to embarrass the ruling government and tarnish the country on human rights issues. It has been more clearly proved in the prison sentence given by the court for publishing the report with false information.

What happened at Shapla Chattar (Square)?

Hefazete Islam organised a rally and 'Dhaka siege' programme on 5 May 2013 at Shapla Chattar in Motijheel, declaring the leaders and activists of Ganajagran Manch, an organisation formed to demand justice for war crimes in Bangladesh, to be atheists and apostates, demanding their punishment. The organisation brought thousands of innocent students of Qaumi Madrasas from across the country to this gathering. 13 anti-constitutional and mediaeval points were announced at the rally. The government was also threatened with falling. The Hefazat's programme was not limited to holding rallies. Since the morning, along with blocking the entrances of Dhaka, security check posts were set on fire, and many institutions and shops were vandalised, including PO, Baitul Mukarram Market, Traffic Police Office, House Building, Public Administration Ministry's Transport Pool, Mukti Bhaban etc.

The BNP-Jamaat-led alliance gave maximum support to their movement in the plan to bring down the government in an undemocratic process. The law and order forces showed maximum patience and tolerance in dealing with the harassment of Hefazat Islam, which lasted throughout the day. It was requested to finish the meeting at the appointed time and go back home. But Hefajat remained steadfast in its decision to spend the night and continue the riot in Shapla Square, ignoring the repeated peaceful calls of the government and law enforcement agencies. The law and order forces started the operation on the night of 5 May to protect the lives and property of the people. Members of the law and order forces kept the road leading to Kamalapur station in front of Bangladesh Bank and the road next to Bangabhaban empty and positioned themselves in front of the Dainik Bangla intersection area, Dilkusha, Fakirapool, and Notre Dame College areas.

Sound grenades and tear gas were used to disperse the rally during the operation. Hefazat activists left the Shapla premises without any resistance. Despite the best efforts to avoid casualties, eleven people were killed in the operation, according to the police. Among them were pedestrians and members of law enforcement. Most of them were killed in the day-long conflict.

Anti-government propaganda begins:

After the Shapla Chattar incident, the opposition started various false campaigns to undermine the image of law enforcement agencies and governments in the international arena and to create communal unrest. Adilur Rahman and his NGO Adhikar entered the fray when the campaign fizzled out due to a lack of evidence. He served as the Deputy Attorney General during the BNP-led four-party coalition government. Adilur Rahman's organisation, 'Adhikar', published a fact-findings report on their website on 10 June 2013, titled 'Hefazete Islam Bangladesh Assembly and Human Rights Violations'. This report claims that 61 people were killed in the operation of the law enforcement forces during the Hefazat Islam rally. A list containing detailed information about those who have been collected by 'Adhikar'. In addition, this report also claims that about two and a half thousand people are missing. After the publication of the rights report, various negative reports were published in the national and foreign media using it as a reference, which greatly undermined the image of the state. Immediately after the publication of the report, the government sought to verify Adhikar's claim that 61 people had been killed. Under the Right to Information Act, the government wants the list of victims from Adhikar. But the organisation refused to provide that list and continued its purposeful disinformation.

Cases under common law:

The cyber tribunal accepted the allegations of spreading false and misleading information as a case on 11 September 2013.

It is said in the charge sheet of the case that the accused, Adilur and Elan, tried to disrupt the law and order situation by creating and circulating reports with fabricated, purposeful, and false information about the deaths of 61 people, creating confusion and anger in the public mind. The image of the law and order forces, the government, and the state is severely undermined at home and abroad.

It is further said, "They create prejudice against law enforcement in the minds of devout Muslims, which is an offence under Sections 57(1) and (2) of the Information Technology Act." Similarly, the accused deliberately tried to create tension among the devout Muslims to worsen the law and order situation and discredit the government in other states. Investigations by the law enforcement agencies revealed that Adhikar's report contained exaggerated and false information by listing the names of fictitious persons, including writing the same person's name multiple times, referring to living persons as dead persons, etc.

Who is Adilur Rahman Khan?

Adilur Rahman Khan, editor of human rights organisation 'Adhikar'. He is basically a political activist. During his student life, he was involved in left-wing politics. In 1991, he participated in the national elections from Sanumganj district for a left-wing political party. Later, he joined the politics of the BNP after entering the legal profession. After 2001, he also became the leader of the Central Committee of the BNP. He was the deputy attorney general appointed by the BNP-Jamaat all-around government. He was also forced to resign from this post after the BNP-Jamaat government lost power in 2007. Since becoming the editor of this organisation on human rights issues in Bangladesh, Adilur Rahman Khan has been using this organisation to implement the agenda of the opposition party and engage in false propaganda against the government.

Adilur's punishment releases the nation from its taint.

Analysts say Adilur's prison sentence has vanquished a long-standing lie. Adilur Rahman tried to put the burden of false stigma on the neck of the state; the initial step of removing that stigma was completed by the court verdict. He could not give the list of 61 victims to the court.

He would have been freed from this penalty if he had given proper evidence. For this, they had 10 years' time. Even after ten years, his lawyers could not provide evidence in court. During this case and after the verdict of the case, various international organisations and embassies of Western countries in Bangladesh issued statements demanding the cancellation of the case and the release of Adilur Rahman and Nasir Uddin Elan.

However, the country's analysts think that in this case, the court did not punish a human rights activist, but a liar, who engaged in a despicable attempt to destroy the country's communal harmony recently by spreading false information, acted as a participant to tarnish the country's image in the international arena. Prominent people in the country have given counter statements expressing their emotions against the statements of various organisations against Adilur's sentence. They said, "If any party is aggrieved by the verdict, there is an opportunity to go to the high court. Despite this, a group started a campaign against the court's verdict. Just as we consider it essential to uphold the right to expression, we also consider it necessary to ensure that the anti-humanist radical sectarian groups and their imperialist allies do not get the opportunity to pursue their despicable interests under the pretext of the right to expression."

The statement noted that it is surprising that some local and foreign dignitaries and institutions protested in the tone of the controversial, extremist organisation Hefazate Islam after the announcement of this verdict.

Judiciary protest:

The Bangladesh Judicial Service Association (BJSA) has protested the resolution passed by the European Parliament on Adilur's trial. The organisation thinks that the proposal in the European Parliament is an attempt to interfere with the judicial system of the country. They added that it is important to note that the Tribunal conducted the case impartially and diligently, relying only on factual evidence and strictly following the applicable laws.

BJSA President AHM Habibur Rahman Bhuiya and Secretary General Mojibur Rahman said in a statement that the proposal adopted by the European Parliament on 14 September is an attempt to interfere with the judicial system of an independent sovereign country, which is undesirable.

They said, "Since 1 November 2007, it is important to emphasise that the judicial department of Bangladesh is working with complete independence after being separated from the executive department. There is no correlation between judicial proceedings and executive functions. We view this resolution as a clear interference in our judicial work and unequivocally condemn it."

The statement also said, "We reject the sudden outpouring of condemnation of the Bangladesh judiciary by the European Parliament."

Death row war criminal Rokanuzzaman arrested in Savar (Bangladesh Sangbad Sangstha) October 1, 2023

> **Rapid Action Battalion (RAB) has arrested Khan Rokanuzzaman, a Satkhira based death-row fugitive war criminal, from Savar on the outskirts of the capital city.**

Rokanuzzaman, 72, son of late Mahabbat Ali Khan of sadar upazila of Satkhira district, was sentenced to death by the International Crimes Tribunal-1 (ICT-1) on March 24 in 2022.

On a tip-off, a team of RAB-2 conducted a sudden drive in Savar on Saturday afternoon and arrested Rokanuzzaman, Senior ASP (media) of RAB-2 Shihab Karim told BSS today.

He said along with awarding death sentence to Rokanuzzaman, the ICT-1 also issued a warrant against him. But Rokanuzzaman was on the run, Shihab added.

Rokanuzzaman has been produced before the court after primary interrogation, the RAB official said.

Convicted war criminal Mueen Uddin appeals to UK Supreme Court over defamation case (The Business Standard) By Rezaul Karim
October 3, 2023

> **Fugitive Jamaat leader and convicted war criminal Chowdhury Mueen Uddin, currently living in London, has appealed to the UK Supreme Court against the dismissal of a defamation case filed by him against the Home Office, UK.**

The UK High Court and the Court of Appeal previously dismissed the case.

In 2020, the Jamaat leader, who was sentenced to death by the International Crimes Tribunal, Bangladesh, sued former British Home Secretary Priti Patel for libel damages of £60,000 after she shared a Twitter post linking him to war crimes committed during the Liberation War of Bangladesh in 1971.

Earlier, a 2019 report by the UK Home Office's Counter-Terrorism Commission stated that Chowdhury Mueen Uddin had been "convicted of crimes against humanity".

According to sources, Chowdhury Mueen Uddin's defamation case was initially dismissed by the UK High Court in November 2021. Subsequently, he appealed this decision in the Court of Appeal of the country, but his appeal was once again rejected in July 2022.

Mueen Uddin subsequently filed an appeal against the Court of Appeal's decision to the UK Supreme Court. It is anticipated that the appeal will be scheduled for hearing within the next nine to twelve months. However, sources have indicated that a hearing date could be set earlier than that.

According to the sources, Mueen Uddin claimed in the case that the report published by the UK government concerning his actions during the 1971 Liberation War of Bangladesh, and trial and punishment later in 2013 contains false information and has significantly damaged his reputation.

In November 2013, he was sentenced to death for crimes against humanity conducted during Bangladesh's Liberation War in 1971. He has been absconding in the UK since fleeing a liberated Bangladesh fifty-two years ago.

Shortly after 16 December 1971, when Bangladesh secured victory in the war against Pakistan, Mueen, who had been a leader of the notorious Al-Badr Bahini, left Bangladesh and assumed a leadership role within the Muslim community in the UK.

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War Crimes Investigation in Myanmar

ASIA/MYANMAR - Escalation of the conflict, with serious suffering of the civilian population (Agenzia Fides) September 28, 2023

> **The military junta of Myanmar is carrying out more and more air strikes against the civilian population; The number of aircraft and helicopter attacks doubled in the second year after the coup in February 2021, according to a report by the Office of the UN High Commissioner for Human Rights recently published at the UN General Assembly. The text raises new concerns for the country's civilian population. According to the report, airstrikes have been repeatedly combined with "measures that systematically deny injured people access to medical care."**

Between February 2021 and July 2023, the document states, the Burmese army carried out a total of 988 airstrikes across the country; 301 of them between February 2021 and March 2022, the rest last year. At least 281 people, all civilians, were killed in the airstrikes, which it said "shocked the civilian population." In many regions of the country, the population is "fearful that they could be bombed in their homes, schools, hospitals, religious buildings and at public gatherings," it said. The airstrike with the most casualties took place on April 11, 2023, when the junta attacked a public gathering in Kanbalu village in Sagaing region, killing 150 people. The report also documents killings by the Burmese military during ground operations, arson attacks and other acts described as "war crimes". The UN High Commissioner calls for an immediate end to violence and unhindered humanitarian access to all parts of Myanmar and calls on all parties involved to respect international law and human rights, in particular the norms protecting civilians in armed conflict. According to the Burmese non-profit research organization Nyan Lynn Thit Analytica, almost 90 percent of the airstrikes took place in the Sagaing region and the states of Karen, Kayah, Kachin, Chin and Shan. The Sagaing region in northwestern Myanmar is also particularly affected. The region borders India and the Burmese state of Chin to the north, the states of Kachin and Shan to the east, and the Mandalay region to the south. It is the second largest region in Myanmar and consists of eight districts. The main ethnic group is the Bamar (Burmese), but there are other small minorities such as the Shan and the Naga (in the mountainous northwest).

To calm the rebellion in an area that is not inhabited by ethnic minorities but has become the epicenter - also symbolic - of the rebellion of the Bamar civilian population, the country's main ethnic group (which also includes the generals and soldiers of the Burmese army), the regime imposed martial law in 14 municipalities in Sagaing in February last year. Under martial law, 253 people have been arrested and tried by military courts in Sagaing in the past seven months.

Of these, ten were sentenced to death, over 100 to life imprisonment and eight to long prison terms, all under the Anti-Terrorism Act. Among them were the parents of a young resistance fighter who was accused of failing to report that their son had joined the "People's Defense Forces", while others were convicted for allegedly making donations to resistance groups. Other civilians arrested include teachers or social media users who are allegedly trying to convince Burmese officials and soldiers to join the civil disobedience movement or the People's Defense Forces. The area of Sagaing Region largely belongs to the Diocese of Mandalay. Fides sources confirm that the situation is very serious as the army attacks and razes more villages. The resistance of the young fighters, all ethnic Bamar, is well organized in the region. For this reason, the junta is trying to suppress any form of rebellion in Sagaing. In addition, this area is rich in resources and is a necessary passage to reach the Chin state, where the guerrillas of this ethnic group fight. "The soldiers are often under the influence of drugs and commit atrocious acts", reports a local Fides source who requests anonymity for security reasons. Even churches have not been spared from the violence, such as the 129-year-old Catholic Church of the Assumption in the village of Chan Thar, which was set on fire last January. Priests and parish priests stay in the parishes as long as they can, sometimes fleeing into the forests with the civilian population to escape the violence. There are also internally displaced people in many other dioceses. The number of internally displaced people in Myanmar grew by 680,000 in the first half of 2023, as reported by the independent research group "Institute for Strategy and Policy — Myanmar" (ISP — Myanmar), a non-governmental think-tank, based in Thailand. The total number of people displaced from their homes and villages since the military ousted the democratically elected government in a coup in February 2021 has exceeded 2.6 million people, according to ISP. (PA) (Agenzia Fides, 28/9/2023)

Horrendous War Crimes of the Military Council's Ogre Column (BNI) September 30, 2023

> **Sagaing Region — "Rather than conventional warfare, this Ogre Column concentrates on carrying out monstrous acts of cruelty and rape. Their actions are barbaric ,."**

Ko Nway Oo from the Civilian Defense and Security Organization of Myaung (CDSOM) addressed the actions of the Ogre column in the Sagaing Region, stating that they have committed war crimes. "In the Sagaing Region, the Ogre column, is responsible for brutal beheadings, mass murders, and sexual assaults, it is a column that will be forever remembered with deep bitterness by all."

During the period from the third week of August to the second week of September this year, the Ogre column, marked by its brutality, mercilessly killed individuals following military operations in Sagaing, Shwebo, and Wetlet. " The war crimes committed by the Ogre Column in Sagaing, Shwebo, and Wetlet have taken place as part of the Junta's plan to restore the Mandalay-Shwebo-Myitkyina railway. To accomplish this task, they have deployed seven columns to clear the area between August 21 and September 11.

Among the seven columns, the actions of the Ogre column left the public with an indelible trauma.

"On the 21st, five individuals were murdered in one location. Subsequently, their bodies and hands were dismembered, and their heads were hung up in another location This horrifying incident took place in Htantawseik village, Sagaing," reported Ko Naing Gyi, PDF Information Officer of Wetlet Township.

Ko Naing Gyi also mentioned that innocent residents from Kyeekan (South) and Kyeekan (North) villages in Wetlet Township were subjected to brutal killings.

"On the 26th, military operations were carried out in Kyeekan (South) and Kyeekan (North) villages in Wetlet Township. Two individuals from Kyeekan (South) village were killed during these operations. Upon their arrival in Kyeekan (North) village, four family members were apprehended and subsequently killed. Two women were raped and killed. One of them experienced the insertion of a bottle of soft drink into her genitals before her throat was slashed with a knife. In total, six individuals lost their lives—four in Kyeekan (North) village and two in Kyeekan (South) village."

Local People's Defense Forces and administrative officials have confirmed that they received information indicating that one of the two women who were raped and killed, had a bottle of Royal D drink inserted into her genitals before her life was brutally ended by having her throat cut with a knife.

It is reported that officials from Wetlet Township PDF have collected substantial evidence regarding the war crimes committed by the Ogre Column in Wetlet Township.

According to officials from Wetlet PDF and individuals assisting those displaced by the conflict, several military units, including Light Infantry Battalion 708, Light Infantry Battalion 364, Light Infantry Battalion 469, Light Infantry Battalion 12, Shwebo No.8 Military Training School, Light Infantry Battalion 701, and the Ogre column, entered Wetlet Township from three different directions.

'The Ogre column engaged in a relentless and brutal campaign, involving extensive military operations, and the killing of civilians.' The Ogre column has been actively traveling and conducting military operations in both 2022 and 2023. It is reported that the Ogre column does not engage in the burning of villages or ground military activities in the areas like some other military columns during their military operations.

"There is no ground-level military activity at all. Their operations are limited to nighttime and dawn hours, exploiting the vulnerability of sleeping civilians and resting defense forces. Escaping becomes challenging due to their sudden raids into villages. When the Ogre column arrives, villages within a fifty-mile radius are completely avoided," explained an individual assisting those displaced by the conflict in Ye-U Township.

It is said that the Ogre column is solely dedicated to the perpetration of murder and rape.

"Whether it's civilians or members of the PDF, the Ogre column shows no mercy — they kill on sight. When they capture individuals, especially young men, regardless of their affiliation with the PDF or any other group, their executions are ruthless. They refrain from burning or causing destruction; their primary objective is taking lives. Furthermore, their killings are exceptionally brutal. Residents are aware that encountering them would likely result in death, so they have fled in advance," explained Ko Nway Oo from the Civilian Defense and Security Organization of Myaung (CDSOM).

On March 30, 2023, during their military operations in Myaung Township, Sagaing Region, the Ogre column under the Military Council captured and brutally beheaded Bo Sin Yine, the deputy battalion commander of the People's Defense Forces (PDF) Sagaing District Battalion 1, during the battle. Bo Sin Yine became the first victim of beheading in Myaung Township.

On the night of February 25, 2023, during the Ogre column's raid on Padattaing Village in northern Myinmu Township, Ko Maw Kun, a member of the Defense Forces who attempted to attack with a landmine, was brutally dismembered and killed. The same column that killed Ko Maw Kun also beheaded 15-year-old Ko La Min Sein (aka Phoe Sein), 17-year-old Phoe Kae, and 19-year-olds Ko Myo Zin and Ko Zaw Myo Thant while continuing their raid on Kantaw village on February 26. Some of them were members of the defense forces.

Following that, on February 28, they extended their raid to Tartaing Village in Sagaing Township, east of Myinmu Township, where they killed 17 local villagers. Subsequently, on March 5, they carried out a two-day raid on Letkapin Village in Myinmu Township, during which they massacred 10 local villagers.

Additionally, while raiding Letkapin Village, the Ogre column captured Abbot Sayadaw Agga Wuntha and four civilians, who were later killed by the column.

"They killed Ko Sin Yine and then severed his head completely, and we have drone footage as strong evidence. As for the young men, they pierced their stomachs, removed their intestines, and proceeded to sever their genitals and place them in their mouths. After beheading them, they hanged the victims in various locations. It can only be described as a column that commits extreme and grotesque brutality," explained Ko Nway Oo.

Ko Nway Oo also highlighted that as early as August, the Ogre column had infiltrated Myaung Township and committed a gruesome act by brutally killing a young cowherd, slashing his throat, and piercing his stomach. "The Ogre column infiltrated Myaung once more, this time in August. They brutally killed a young cowherd, tying his hands behind his back, slashing his throat, and piercing his stomach, ultimately ending his life," revealed Ko Nway Oo.

Similarly, on May 10, 2022, the Ogre column was responsible for the deaths of nearly 30 civilians in Montaingpin village, Ye-U township, according to the National Unity Government (NUG).

The definition of 'Ogre Column'

A number of revolutionary forces said that the Ogre column wasn't simply a formation of a single battalion or unit, but rather an assemblage meticulously composed and meticulously chosen as the best-candidates from units within the 99th Division, 77th Division, 33rd Division, and also included soldiers of the 709th Light Infantry Battalion.

It can also be stated that the Ogre column gained nationwide attention through videos and photographs depicting the tragic killing of 26 local residents in Ye-U Township, Sagaing Region, committed by certain soldiers of the Military Council.

In an RFA report from June 17, the videos and photographs showing soldiers believed to have arrested and killed villagers in Ye-U Township, Sagaing Region, have sparked outrage among people throughout the nation. The column in question is affiliated with the 708th Light Infantry Battalion, which operates under the No. 4 Military Operations Command, situated in Yangon.

This Military Operations Command is positioned between Hmawbi Township and Taikkyi Township. Revolutionary forces based in Sagaing Region have reported that soldiers from this battalion were also involved in the formation of the Ogre column.

According to military experts, the No. 4 Military Operations Command is regarded as a combat force that operates under the guise of a 'Light Infantry Division Command.' It is structured to engage in warfare as necessary, adapting to the strength and movements of the enemy, without being bound to a specific military region.

"Their military tactics distinguish them from other columns. They continually change their strategies. During our initial exchange of fire, they displayed a fearlessness of death. Amidst the gunfire, they stood their ground and advanced," remarked Ko Nway Oo when describing the encounter with the Ogre column in Myaung Township.

It is believed that the Ogre column has employed drugs in warfare and operates with a fearless and death-defying mindset.

Ko Nway Oo from the Civilian Defense and Security Organization of Myaung (CDSOM), shared the following insights regarding the appearance and movement patterns of the Ogre column soldiers.

"As far as we're aware, they show no fear of death. It's almost like dealing with monsters. Regardless of the volume of gunfire directed at them, they persist until they're hit and incapacitated, consistently advancing. Their conduct bears a resemblance to individuals influenced by drugs, seemingly impervious to pain or mortality. We interpret their military actions in light of this perspective."

Ko Nway Oo further emphasized that the Ogre column distinguishes itself from other battalions, units, divisions, and columns of the Military Council. "When it comes to other columns, if they sustain high casualties, warplanes are dispatched to assist them. However, with the Ogre column, regardless of the extent of their casualties, we haven't witnessed the arrival of supporting warplanes. They persist in battle, even if it means facing death. Even if the entire column is decimated, they continue to fight until no one remains," Ko Nway Oo stated.

Ko Naing Gyi, PDF Information Officer of Wetlet Township, mentioned that upon learning of the Ogre column's entry, the residents in the neighboring villages had to swiftly evacuate and take immediate measures to enhance their security. He further explained, "This column has a track record of killing, when apprehending individuals. A significant majority of those they encounter meet tragic ends, causing heightened fear and anxiety. Because this column is causing more casualties, our immediate priority is to ensure the safety of local residents. We are taking steps to provide them with protection through the PDF and evacuate them to a secure location."

Ko Naing Gyi stated that the Ogre column, which arrived in Wetlet Township in the final week of August, initially comprised roughly 100 members. However, when the column departed from Wetlet Township, its strength had reduced to approximately 60 members. Despite the Ogre column's efforts to instill fear in the public, their actions have generated more disgust and hatred than fear among the populace.

The atrocities committed by the Ogre Column of the Military Council include several incidents: the tragic deaths of nearly 30 civilians in Montaingpin Village, Ye-U Township, in May 2022; the killing of civilians in Myinmu Township in February 2023; the massacre of 10 local villagers in Letkapin Village, Myinmu Township, on March 5; the case involving PDF deputy battalion commander Bo Sin Yine and his team in Myaung Township on March 30; the killing of 6 civilians in Wetlet Township in the third week of August.

The Military Council has persistently kept these incidents hidden from the public eye, all the while making repeated claims that they are safeguarding the welfare of the public. Ko Nway Oo pointed out that the Ogre column could have been deliberately formed by the Military Council to carry out dirty operations made to appear outside the military command..

The NUG has stated that the Military Council's troops have committed blatant violations of human rights, including the destruction of civilian homes, brutal killings, and war crimes against humanity, all of which have gone unpunished. Therefore the international community must step in to ensure that these perpetrators face the appropriate consequences.

During the 2nd anniversary of the declaration of the people's resistance war, NUG Acting President Duwa Lashi La urged the international community to maintain its exclusion of the 'terrorist' Military Council, intensify sanctions, and extend aid to the people of Myanmar who are suffering from human rights abuses perpetrated by the military. This he emphasized, would demonstrate that there is no place for military dictators in the world.

Based on information collected since the military coup up until August of this year, the NUG has reported that 4,023 civilians have lost their lives due to terrorist attacks by Military Council troops, without discrimination between military or civilian targets. Furthermore, they note that over 1,400 airstrikes have been carried out on residential and religious buildings.

According to individuals actively engaged in the region, the Ogre column's purpose is straightforward: it is intended to instill fear. A person assisting war-displaced individuals in Myaung Township stated, "The public's disgust is matched by their heightened fear. The military's actions have left people with the belief that any encounter with them would result in experiencing these same harrowing events."

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AMERICAS

TOPICS

Truth and Reconciliation Commission

Ethnic Cleansing Is Happening in Nagorno-Karabakh. How Can the World Respond? By Council on Foreign Relations, David J. Scheffer
October 4, 2023

> **The ethnic Armenian population of the Nagorno-Karabakh enclave in Azerbaijan, a largely Christian community in a predominantly Muslim nation, is experiencing ethnic cleansing at warp speed. Over the last week, almost all of the estimated 120,000 ethnic Armenians in Nagorno-Karabakh have fled west to Armenia. This exodus follows clashes with the Azerbaijan army that have reportedly killed upwards of four hundred people, including some civilians. The renewed conflict demonstrates the failure of years of diplomatic efforts to prevent the persecution of ethnic Armenians, and remaining options to address the situation with the tools of international law are limited.**

What is ethnic cleansing? The Armenian government has accused Azerbaijan of ethnic cleansing in Nagorno-Karabakh. The term “ethnic cleansing” has garnered varied definitions over the years, but the United Nations describes it as “a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.” The use of starvation tactics against ethnic Armenians during the monthslong closure of the so-called Lachin Corridor between Nagorno-Karabakh and Armenia, combined with Azerbaijani army intimidation, resulted in an exodus of Armenians that has triggered the charge of ethnic cleansing. While ethnic cleansing is not defined as a matter of criminal law, its attributes appear in the crime against humanity of persecution and as predicates for acts of genocide. International criminal tribunals prosecute those atrocity crimes, and in many such cases, claims of ethnic cleansing have been front and center. The most prominent example of ethnic cleansing in the last few decades was the forcible removal of the Muslim Bosniak population of Bosnia and Herzegovina by Bosnian Serb (Orthodox Christian) and Bosnian Croat (Roman Catholic) forces in the early 1990s. An explicit invocation of ethnic cleansing also can be found in the Responsibility to Protect principle (R2P) adopted by consensus by the UN General Assembly in 2005. R2P states that nations have the responsibility to protect their own populations from “genocide, crimes against humanity, ethnic cleansing, and war crimes.” But if a government fails to do so, R2P proclaims, then the UN Security Council can act with enforcement power under the UN Charter to prevent and confront such assaults on a civilian population. The Security Council has not acted under R2P in the current Nagorno-Karabakh crisis because Russia, as one of the five veto-wielding Permanent Members of the Council, almost certainly would block any such action while it remains focused on waging a war of aggression against Ukraine. Do international monitors have a role to play? Deterrence, including measures that could discourage ethnic cleansing, reached its expiration date in Nagorno-Karabakh. It is now too late for international monitors to bear witness to the fate of ethnic Armenians in Nagorno-Karabakh. The UN observers that have arrived in the enclave have confirmed that nearly all ethnic Armenians have already fled to Armenia. The history of monitoring in the region is mixed. In the wake of the 2020 resurgence of conflict over the enclave, Russia deployed peacekeepers to Nagorno-Karabakh, an echo of the small contingent of monitors sent by the Organization for Security and Cooperation in Europe (OSCE) years earlier. The Russian force, which normally would act as a de facto monitoring mission, has proven itself to be remarkably ineffective. It refused to intervene to open the Lachin Corridor, and it has now failed to deter a renewed assault on the enclave. However, one other prospect could be the deployment of OSCE or UN monitors under a fresh mandate to patrol the Armenia-Azerbaijan border in hopes of deterring cross-border movements by either country’s armed forces. This approach would have to include a negotiated withdrawal of Azerbaijani forces from the Armenian territory that they occupied in 2021 and 2022 and a return to internationally recognized borders. If that idea proves unworkable, the two countries could agree to take the dispute to the International Court of Justice for adjudication. Does Azerbaijan have a responsibility to protect ethnic Armenians? Azerbaijan claims that it will treat the remaining Armenians in Nagorno-Karabakh just like any other minority population. That promise likely will not instill much confidence among the small number of Armenians who now face the prospect of Baku dominating their governance in Nagorno-Karabakh. Azerbaijan is party to multiple multilateral treaties that include obligations that either explicitly protect or reflect the rights of minority populations. OSCE High Commissioner on National Minorities Kairat Abdrakhmanov could intensify his monitoring of Azerbaijan’s compliance with and any violation of the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities, and the International Covenant on Civil and Political Rights. Aggrieved ethnic Armenians can lodge claims against Azerbaijan in the European Court of Human Rights, the legal arm of the Council of Europe, a human rights body to which Armenia and Azerbaijan both belong. To demonstrate its respect for R2P, Azerbaijan should prevent ethnic cleansing, including its incitement, against ethnic Armenians. While that could seem inconceivable given what has occurred in Nagorno-Karabakh, the United Nations and influential actors such as the United States, Turkey, and the European Union should be pressing the point in all diplomatic exchanges with Baku. Should there be a truth and reconciliation commission? There is long-standing animosity between the ethnic Armenians of Nagorno-Karabakh and Azerbaijan’s majority-Muslim population, whose resentment has been stoked by the brutal war and subsequent Armenian occupation of the enclave and surrounding Azerbaijani districts in the early 1990s. The resulting armed conflicts of recent years and the rout that has driven most ethnic Armenians onto Armenian territory demand some sort of dialogue. Otherwise, resentments and insecurities will govern the future relationship between Azerbaijan and Armenia. As a start, the Council of Europe should explore a truth and reconciliation commission that brings both government officials and average citizens together to address grievances and hopes. There likely is no turning back on the fate of Nagorno-Karabakh as a territory now—it will be absorbed into the nation-state of Azerbaijan. But the ethnic Armenians who have called Nagorno-Karabakh home will still seek an end to persecution and hatred. Respect and dignity are the pillars of any truth and reconciliation commission. Armenia and Azerbaijan should work to restore both to their peoples, starting with an initiative that seeks the truth and creates momentum for reconciling divisive prejudices. Nor need there be a trade-off between justice and transparency, as both could be uniquely balanced in the outcome, as proved to be the case in Sierra Leone after its civil war. What about the International Criminal Court (ICC)? One approach to justice would be to turn to the International Criminal Court (ICC), which can investigate and prosecute charges such as ethnic cleansing. On October 3, the Armenian Parliament ratified the Rome Statute of the ICC and two months after its formal deposit of that instrument of ratification—probably early December 2023—will become a state party. The news was not welcomed by Armenia’s longtime (now fading) ally Russia, whose leader, President Vladimir Putin, has been charged by the ICC with war crimes in Ukraine and who now could be arrested if he were to visit Armenia. Azerbaijan remains a non-party state of the court. Armenia’s embrace of the ICC can be a powerful weapon of lawfare. Indeed, even before it formally becomes the 124th member of the ICC, Armenia could file immediately a special “Article 12(3)” declaration granting jurisdiction to the Court over the forcible deportation of ethnic Armenians from Nagorno-Karabakh onto Armenian territory. This option would be similar to the ICC’s current jurisdiction for atrocity crimes committed on Ukrainian territory (a non-party State). Ukraine had filed two such declarations, triggering an official ICC investigation into the Ukraine situation (and of Russian officials). The investigation commenced following referrals by scores of ICC countries; a similar course of events could be a plausible prospect for Armenia’s injury in the Nagorno-Karabakh situation. Once Armenia’s status at the ICC is settled, Azerbaijan political and military leaders could be drawn into the jurisdiction of the ICC because of the character of the alleged crime, just as the forcible deportation (ethnic cleansing) of the Rohingya minority onto the territory of ICC member Bangladesh by military forces of Myanmar (a non-ICC country) in 2017 exposed Myanmar officials to ICC investigation. Baku might want to capitalize on the depopulating of Nagorno-Karabakh with a swift military movement across Armenian territory to control access to Nakhchivan, an exclave region of Azerbaijan bordering Iran. But now that Armenia is poised to join the ICC, Azerbaijan’s political and military leaders would likely risk investigation by the ICC prosecutor of the crime of aggression. That may explain the Armenian Parliament’s rapid move to ratify the Rome Statute—to address not only the fate of ethnic Armenians but to deter any Azerbaijani aggression across its territory.

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Terrorism

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Piracy

IMO Piracy Report: 8 ships attacked during August (Safety4Sea) October 2, 2023/p>

> **International Maritime Organization (IMO) has published its Monthly Piracy Report for the month of August, where piracy incidents are presented.**

The following acts of piracy and armed robbery are allegedly committed against ships reported by IMO Member States or international organizations in consultative status.

#1 In International waters

Jal Kamal, Bulk carrier

The incident: While underway, the master reported to Singapore Vessel Traffic Information System (VTIS) East that one perpetrator was sighted in the engine room. The master raised the ship’s emergency alarm and all crew mustered. Upon hearing the alarm, the perpetrator escaped immediately. Items including main engine spares, generator spares and fuel injection pump were stolen. The crew was not injured.

Osaka Star, Bulk carrier

The incident: While underway, the master reported to Singapore Vessel Traffic Information System (VTIS) West that four perpetrators were sighted in the engine room. The ship’s alarm was raised and crew mustered. A search was conducted on board the ship and at about 2245 hrs, the search was completed with no further sighting of the perpetrators. All crew members were safe and some main engine spare parts were missing. The ship continued to proceed to Singapore to pick up pilot at Pilot Eastern Boarding Ground “B” at 0100 hrs.

Doric Warrior, Bulk carrier

The incident: Ten robbers armed with knives and steel bars boarded a bulk carrier underway and entered the Engine Room. They took hostage and tied up the 3/E in the Engine Control Room. Prior to escaping, the robbers stole engine spares. On activation of the dead man alarm, the C/E found the 3/E tied up and immediately informed the Master. General alarm raised and incident reported to Singapore VTS. Coast Guard boarded the vessel for investigation.

Sophocles Graecia, Bulk carrier

The incident: While underway, the master reported to Singapore VTIS West that three perpetrators were sighted in the engine room. The ship’s alarm was raised and crew mustered. A search was conducted on board the ship and at about 0447 hrs, the search was completed with no further sighting of the perpetrators. All crew members were safe. At about 0521 hrs, the master updated that some main engine spare parts were missing. The ship continued to proceed to Singapore to pick up pilot at Pilot Eastern Boarding Ground “B” at 0530 hrs. #2 In port area

CNC Pluto, Container ship

The incident: Eight robbers armed with guns boarded an anchored ship. They took the duty crew hostage, tied him up and stole his cell phone. Alam raised and the crew mustered. Seeing the alerted crew, the robbers escaped. The incident was reported to VTMS and Philippines Coast Guard boarded the ship for investigation.

Shotan, Chemical tanker

The incident: Duty crew onboard an anchored tanker noticed three robbers armed with knives near the engine room. The robbers threatened the duty crew, who fled from the vicinity and raised the alarm resulting in the robbers escaping with stolen engine spare parts.

SLNC Severn, Bulk carrier

The incident: Duty crew onboard a berthed ship noticed three robbers armed with knives at the forecastle. Alarm raised and crew mustered. Upon hearing the alarm, the robbers escaped with stolen ship’s stores. Incident reported to the local authorities through the local agent.

Anggun, Rescue/standby ship

The incident: Around five unauthorised persons in a canoe approached and attempted to board an anchored vessel twice within 48 hours. Alert crew raised the alarm resulting in the persons aborting the attempted boarding and moving away. Incident reported to local authorities via VHF.

Somali piracy, once an unsolvable security threat, has almost completely stopped. Here’s why (Yahoo News) By Peter Viggo Jackobsen
September 28, 2023

> **In 2011, pirates carried out 212 attacks in a vast area spanning Somali waters, the Indian Ocean, the Red Sea and the Gulf of Aden, actions that the World Bank said cost the world economy US billion a year.**

Armed pirates hijacked ships as far away as 1,000 nautical miles from the Somali coast. They held the ships and crews for ransom. The World Bank estimates that Somali pirates received more than US0 million in ransom payments between 2005 and 2012.

The piracy problem appeared unsolvable. Anti-piracy naval missions undertaken by the world’s most formidable navies, and self-protection measures adopted by the shipping industry, didn’t seem to work. It was, therefore, generally held that the solution lay ashore: major state-building in Somalia to remove the root causes of piracy. The only problem was that no one was willing to undertake such a mission in the wake of America’s failures in Afghanistan and Iraq.

And then there was an astonishing turnaround. The number of attacks fell to 10 in 2012 and only two ships were hijacked between 2013 and 2023.

For three decades, I have conducted research on international diplomacy, military strategy, use of force and peacebuilding. Together with a colleague specialising in military strategy, I analysed the Somali piracy case. Academics and practitioners agree that four factors interacted to stop the pirates:

1. the conduct and coordination of several anti-piracy naval operations by the world’s most capable navies, including all five permanent members of the United Nations Security Council: the United States, the United Kingdom, France, Russia and China

2. the implementation of costly self-protection measures, not least the use of armed guards, by most flag states and shipping owners

3. development of a comprehensive legal toolbox enabling pirate prosecution and imprisonment

4. regional capacity-building making it possible to imprison pirates regionally and in Somalia.

The surprising thing is not that the four measures on their own proved sufficient to stop Somali piracy. What makes the Somali case special is the international community’s ability to agree to them and pay for their implementation. The Somali case is important because it’s one of the few success stories in recent years where the use of limited force contributed to a sustainable outcome. Further, Somali pirates were stopped even though the conditions onshore in Somalia didn’t improve in any major way.

Theoretically, the international community’s collective effort shouldn’t have happened because safety from piracy is a costly public good.

This means that it’s very expensive to provide but no one can be prevented from enjoying it once it has been produced. The result is a collective action problem that’s rarely overcome in international politics. Most actors prefer to free-ride rather than contribute to the production of the public good.

With respect to Somali piracy, all states and shipping owners had an incentive to leave it to others to solve the problem for them. The implementation of the four factors was very expensive for the states contributing to naval operations, and for shipowners who had to pay for self-protection measures, including hiring of armed guards.

Our study sought to understand how and why the collective action problem was overcome. The hope was to learn something that could help with overcoming similar problems in the future.

We found that three factors explain why the amount of free-riding was minimised in the Somali case. The first was that the Somali pirates attacked ships belonging to all five permanent members of the UN Security Council and all the major shipping companies. This induced France to take the lead in military action against the pirates. The US subsequently led with respect to formulating a comprehensive strategy to implement the four factors presented earlier.

The involvement of European Union and the North Atlantic Treaty Organization (Nato) in the anti-piracy naval operations made it hard for member states not to contribute. A total of 18 member states contributed ships. China and Russia supported the American-led strategy and launched their own naval operations because their ships were attacked as well.

Second, the US established an institution, the Contact Group on Somali Piracy, tailor-made to formulate and implement a broad anti-piracy strategy. The US handpicked who would lead various working groups so that it contained all the actors – state and non-state – that were required to implement the necessary measures. These actors provided the expertise and the material resources required to implement the four factors presented earlier.

Third, the Somalia federal government and federal member states cooperated closely with anti-piracy efforts. They allowed the use of force against pirates in its national waters and on land. Somali authorities also cooperated with respect to the construction and running of pirate prisons paid for by international donors. This made it possible to overcome the piracy problem without engaging in the major state-building operation that had generally been viewed as a necessary condition for success when the piracy problem peaked in 2011.

Unfortunately, this success story will be hard to replicate. Somali piracy aligned great power, as well as private sector, regional and local state interests to an unusual degree. This is, for example, not the case in the Gulf of Guinea off the west African coast. Here, local states are less cooperative with respect to tackling piracy than Somali governmental actors were.

It’s also not the case with respect to tackling the coups in west Africa, where Russia, the three western members of the UN Security Council and regional states have conflicting interests.

It was the high degree of shared interests among the many actors involved that made the Somali anti-piracy campaign so effective.

Piracy attacks in SG Strait reached 6-year high during Covid-19 (The Independent News & Media) By Anna Maria Romero
October 3, 2023

> **SINGAPORE: The Singapore Strait saw 38 attacks in 2022 compared to 12 in 2019. The Covid-19 pandemic sheds light as to why. Jade Lindley and Dhiyaul Aulia Huda looked into “The Surprising Link Between Piracy and COVID-19” in a piece published on Oct 1 (Sunday) in The Interpreter, which was also shared in The Maritime Executive.**

“What created the conditions for a surge in Singapore Strait piracy? Coinciding with the 2020–22 timeframe is of course the Covid-19 pandemic – a global health and economic crisis that triggered national restrictions affecting coastal and fishing communities in Southeast Asia. Further investigation into the link between the pandemic and increased piracy revealed heightened motivation to offend and decreased efforts to prevent attacks in known piracy hotspots,” the authors wrote.

They noted how the socio-economic effects of the pandemic affected less advantaged communities keenly, similar to what happened during the 1997 Asian financial crisis and the 2008 global financial crisis.

In coastal communities, economic difficulties may push shipyard workers, seafarers and fishers who found themselves unemployed to piracy, noted Ms Lindley and Ms Aulia Huda.

Lockdowns and shutdowns affected the maritime and fishing sectors, making workers more financially vulnerable. Early in the pandemic, seafood exports decreased by as much as 70 per cent, causing as many as 2.7 million Indonesian fishers to fall below the national poverty line.

Closing ports also meant seafarers were restricted, and operations declined.

However, in looking into why the Singapore Strait became a piracy hotspot compared to other parts of Southeast Asia, the authors came up with three reasons.

First, “institutional capacity was weakened throughout Covid-19 due to the reallocation of resources from maritime security to healthcare and social security.”

As a result, funding for agencies surveilling the area was restricted.

“Second, the Singapore Strait has a decentralized maritime security framework, as it is composed of the territorial waters of Singapore, Indonesia and Malaysia. The Singapore Strait’s maritime security architecture and surveillance, therefore, relies on cooperative mechanisms between the littoral states, which can result in sovereignty concerns and ambiguity over laws for the ‘right of hot pursuit’. Regime complexity in the governance of waters can result in regulatory gaps that hinder transnational approaches to combat piracy,” the authors added.

This reason is related to geopolitical conditions “that can result in the absence of capable guardianship.” With the Indonesian navy deployed to the South China Sea to advance Indonesia’s claim to the Natuna Sea, there were fewer maritime patrols in the Singapore Strait from December 2019.

This lessened surveillance of the areas means more opportunities for piracy in the Singapore Strait.

“Lessons learned can usefully inform future industry disruptions, such as supporting the livelihoods of fishing industry workers and maintaining capable guardianship to prevent future piracy surges,” the authors wrote. /

The surprising link between piracy and Covid-19 By Jane Lindley and Dhiyaul Aulia Huda
October 2, 2023

> **The Singapore Strait is experiencing a spike in maritime piracy attacks, with the incidence increasing from 12 attacks in 2019 to 38 in 2022, and an upwards trend continuing into 2023.**

Southeast Asian waters are of geostrategic importance to global shipping routes, maritime trade, and networks of port hubs that are vital for state economies. The region’s archipelagic states, extensive coastlines, and congested chokepoints create ideal conditions for piracy.

Among coastal communities, poverty, economic inequality, unemployment and commodity prices increased while households turned to crime, including piracy, to supplement their income.

What created the conditions for a surge in Singapore Strait piracy? Coinciding with the 2020–22 timeframe is of course the Covid-19 pandemic – a global health and economic crisis that triggered national restrictions affecting coastal and fishing communities in Southeast Asia. Further investigation into the link between the pandemic and increased piracy revealed heightened motivation to offend and decreased efforts to prevent attacks in known piracy hotspots.

Socio-economic pressures and poor economic conditions in coastal communities can motivate unemployed shipyard workers, seafarers and fishers into piracy. Similar to the 1997 Asian financial crisis and the 2008 global financial crisis, the Covid-19 pandemic included a shutdown of operations that caused a decrease in global trade and supply chain disruptions that led to Asia's first regional economic contraction in decades. Among coastal communities, poverty, economic inequality, unemployment and commodity prices increased while households turned to crime, including piracy, to supplement their income.

Throughout the pandemic, the maritime sector was impacted by lockdowns, which increased financial vulnerability. The fishing sector experienced a decline in employment hours and decreased consumer demand. The economic welfare of fishers was damaged by decreased income opportunities due to fish market closures, including a decline in seafood exports by as much as 70 per cent during the early days of Covid-19. As such, approximately 2.7 million Indonesian fishers fell below the national poverty line.

Covid-19 also disrupted the operation of ports in Indonesia and Singapore, with governments adopting lockdown measures, travel restrictions and mandatory quarantine orders that reduced supply and restricted operations. Seafaring was particularly affected. The Seafarers Happiness Index for Q2 and Q3 of 2020 indicated that fatigue and financial woes impacted those both aboard vessels and ashore.

Why did the Singapore Strait experience a six-year high as a piracy hotspot in comparison to other parts of Southeast Asia, such as Indonesia? Our analysis found that the rise of piracy in the Singapore Strait can be attributed to three main causes.

First, institutional capacity was weakened throughout Covid-19 due to the reallocation of resources from maritime security to healthcare and social security. This resulted in regional navies, coast guards and other maritime law enforcement agencies responsible for maritime security and surveillance operating with decreased funding, hampering regional maritime security efforts. Singapore reduced its defence budget in 2020, noting a 2.4 per cent reallocation of defence funds in part to deal with the pandemic.

Second, the Singapore Strait has a decentralised maritime security framework, as it is composed of the territorial waters of Singapore, Indonesia and Malaysia. The Singapore Strait's maritime security architecture and surveillance, therefore, relies on cooperative mechanisms between the littoral states, which can result in sovereignty concerns and ambiguity over laws for the "right of hot pursuit". Regime complexity in the governance of waters can result in regulatory gaps that hinder transnational approaches to combat piracy.

A final consideration is the geopolitical conditions that can result in the absence of capable guardianship. There was a decrease in maritime patrols in the Singapore Strait from December 2019, as the Indonesian navy was deployed to the South China Sea to advance Indonesia's claim to the Natuna Sea against China's assertions, creating an absence of maritime surveillance and increased opportunities for piracy in the Singapore Strait. Coastal surveillance was deprioritised as budget reallocations to combat Covid-19 resulted in decreased administrative capacity, causing weaknesses in law enforcement at sea.

Examining Southeast Asia's maritime piracy spike during Covid-19 helps shed light on how the pandemic contributed to piracy trends. Lessons learned can usefully inform future industry disruptions, such as supporting the livelihoods of fishing industry workers and maintaining capable guardianship to prevent future piracy surges.

The World's Most Pirate-Infested Waters (AZ Animals) By Sanaphay Rattanavong
October 1, 2023/p>

> **Imagine being a part of a 29-man fishing crew held captive by Somali pirates in international waters. With no governmental or insurance backing, life hangs by a thread no one holds but the pirates. This was Michael Scott Moore's life for two-and-a-half years, as he waited for a ransom that might never come. During his captivity that started in 2012, Moore seriously considered suicide. But he finally decided to forgive his captors and stay alive, and practiced yoga to help with the stress of it all. Modern piracy.**

The psychological battle is real and deadly. As with Moore, crew members taken hostage by are subjected to emotional torture. Pirates used dire tactics, from forcing hostages to contact their families to allowing some to die from untreated diseases. All these factors add layers of complexity to the negotiation process.

It's realities like this that go hard against the grain of the romanticized tales of pirates in the world of entertainment. Today's Somali pirates operate sophisticated networks, using mother ships and skiffs guarded with small arms. They exploit international trade chokepoints, capitalizing on limited naval rules of engagement that often prevent intervention once pirates board a ship.

Here, we aim to peel back the layers of modern piracy, from its hotspots to its players and the countermeasures in place. We'll explore the human, economic, and geopolitical implications of this global crisis, offering a comprehensive look into a world that is as complex as it is perilous.

Defining Modern Piracy

The Legal Framework: What the Law Says

Modern piracy isn't simple robbery and violence. It's a complex legal issue. According to the United Nations Convention on the Law of the Sea (UNCLOS), piracy is defined as any illegal act of violence, detention, or depredation committed on the high seas for private ends. This definition is crucial as it sets the stage for international cooperation in prosecuting pirates.

The Social Perspective: Beyond the Jolly Roger

Society often views piracy through a romanticized lens, inspired by characters like Captain Jack Sparrow. However, the reality is far from this depiction. Modern pirates are often part of organized crime syndicates, driven not by a thirst for adventure but by economic desperation, political instability, or even religious extremism. The Evolution: From Buccaneers to Syndicates

While the buccaneers of the past targeted treasure ships, modern pirates often target commercial vessels, fishing boats, and even private yachts. Their arsenal has evolved too, from cutlasses and cannons to automatic weapons and GPS systems.

Modern piracy is also distinguished by its targets. While historical pirates often sought gold and silver, today's pirates aim for various forms of cargo. These range from oil and machinery to, in some cases, human hostages for ransom. The Geographic Scope: Global yet Localized

Piracy isn't limited to the Caribbean seas of lore. It's a global issue with hotspots like the Gulf of Guinea, the Strait of Malacca, and the waters off Somalia. However, the motives and methods of pirates can vary significantly depending on the region, making it a localized issue within a global context.

The Stakeholders

Governments, international organizations, shipping companies, and local communities are all stakeholders in the fight against piracy. This adds many layers of complexity to what might seem like a straightforward issue.

Modern Piracy: The Scale of the Problem

According to the International Maritime Bureau (IMB), there were 195 incidents of piracy and armed robbery against ships globally in 2021. Of these, 135 led to successful boardings, showcasing a high success rate for pirates. These incidents are not evenly distributed. The Gulf of Guinea alone accounted for 95 of these attacks, making it a significant hotspot for maritime piracy.

The Global Hotspots: Mapping Piracy's Epicenters

While piracy is a global issue, certain regions emerge as particular hotspots. Apart from the Gulf of Guinea, the Strait of Malacca recorded 30 incidents in the same year. Other areas like the waters around Somalia and the Caribbean also feature prominently on this dubious list.

The Economic Toll of Piracy

The economic impact of piracy is staggering. Estimates indicate that piracy costs the global economy approximately $7 to $12 billion annually. These costs include ransom payments, insurance premiums, rerouting of ships around high-risk areas, and security measures like hiring private armed guards.

The Human Cost

Behind the numbers are human lives. In 2021, 130 hostages were taken, and 10 seafarers were killed in piracy incidents. The psychological trauma for those involved and their families is incalculable. Furthermore, the impact extends to millions who depend on maritime trade for their livelihood, from fishermen to port workers.

Beyond the High Seas

Piracy also has secondary effects on global trade and security. Increased insurance costs and security measures can make essential goods more expensive for end consumers. Moreover, piracy can be a source of funding for other illegal activities, including terrorism and drug trafficking.

The Underreporting Issue: A Hidden Crisis

It's crucial to note that many incidents go unreported due to fears of increased insurance premiums or reputational damage, suggesting that the actual scale of the problem could be much higher.

The World's Most Pirate-Infested Waters

In an interconnected world where maritime trade serves as the lifeblood of global economies, the specter of piracy lingers as a storm cloud threatening to darken the horizon. From the resource-rich Gulf of Guinea to the strategically vital Strait of Malacca, maritime routes are not just essential veins and arteries of trade but also perilous waters teeming with hazards that can cripple economies and shatter lives. Far from being a swashbuckling relic, piracy is a modern-day menace that constantly adapts despite international efforts to mitigate its impact. As we delve deeper, new data and insights spotlight not just the notorious regions but also the shifting landscapes in pirate-infested waters, particularly in the evolving arena of the Gulf of Aden.

1. The Strait of Malacca: High Stakes in a Narrow Passage

The Strait of Malacca off the western coast of Malaysia is a global artery connecting the Pacific and Indian Oceans. Its narrow confines and incessant maritime traffic make it a veritable hunting ground for pirates. In an episode that could be ripped from a maritime horror story, the Strait of Malacca has been the scene of multiple "ghost ships"—vessels found drifting, their crews vanished. The unsettling emptiness of these ships speaks volumes to the dangers lurking in these waters, emphasizing the strait's reputation as a sinister hotspot for piracy.

2. The Gulf of Aden: A Changing Landscape in Somalia's Troubled Waters

Sandwiched between Yemen and Somalia, the Gulf of Aden offers more than just a strategic link between the Red Sea and the Indian Ocean. Known as "Pirate Alley," this body of water has been an arena for various forms of maritime criminality. Despite a heightened international naval presence, the underlying tension remains, largely due to political unrest in Somalia.

The Gulf of Aden offers a case study in both the persistence and adaptability of piracy. In 2017, it recorded four hijackings and a total of 54 incidents in the surrounding Horn of Africa. While the last hijacking attempt in 2019 was unsuccessful, this body of water remains far from safe.

The Decline: A Tale of Numbers and Counter-Piracy Measures

Statistics published as recently as August 2023 show a remarkable drop in piracy attacks off the Somali coast. From 358 incidents between 2010 and 2015, the attacks plummeted to just eight between 2016 and 2022. This significant decrease is primarily attributed to a multi-faceted international effort to secure these volatile waterways, especially as the number of oil tankers transiting the Gulf of Aden has surged.

The decline shows the effectiveness of military and naval support provided by the international community. Yet, piracy hasn't been fully eradicated; instead, it has mutated and shifted its geography. In 2022, the most perilous waters for ships were not off the Somali coast but rather in the waterways of Singapore, Peru, and Indonesia. The criminal enterprises initially nurtured in the lawless streets of Mogadishu have now found new ports of call.

3. The Gulf of Guinea: A Strategic Nightmare

Stretching from Senegal to Angola, the Gulf of Guinea occupies a strategic swath of the Atlantic Ocean. The region, a hub for West African economies, is also a jackpot of natural resources, include oil, fish, and more. This wealth lures international investors and the attendant darker elements of society, pirates in particular.

The Hijacking of MT Leon Dias: A Case Study

In a bone-chilling episode from January 2016, the oil tanker MT Leon Dias found itself in the crosshairs of pirates off the Nigerian coast. The hijackers didn't just take the crew hostage—they siphoned off a slice of the oil cargo and demanded a king's ransom for release. This incident isn't merely a footnote in the annals of maritime history; it serves as a harrowing cautionary tale that illustrates the high stakes and sophisticated operations of piracy in the Gulf of Guinea.

4. The Caribbean: A Modern-day Pirate Haven?

The Caribbean might be synonymous with idyllic beaches, but it also has a darker claim to fame: a history steeped in piracy. This was the playground of legendary pirates like Henry Morgan and Blackbeard during the "golden age" of piracy in the 17th century.

Today's Caribbean is relatively serene compared to other pirate-infested waters. However, an uptick in attacks on yachts and fishing boats has been observed, partly fueled by the crisis in Venezuela. The rise in pirate activity echoes the socioeconomic origins of piracy off the Somali coast, offering a haunting glimpse into how global issues can manifest in local dangers.

In our increasingly interconnected world, the complexities of piracy weave into multiple dimensions—economics, politics, and natural resource management, to name a few. While international coalitions and vigilant naval patrols have provided some relief, these maritime criminals remain alarmingly adaptive. It's essential to recognize that successful counter-piracy measures in one region might catalyze an uptick in another, exemplified by the recent shift from the Horn of Africa to American and Southeast Asian waters. This dynamic landscape makes the task of combating piracy a labyrinthine challenge that demands ongoing vigilance.

Piracy serves not just as a maritime issue but as a multifaceted mirror reflecting broader global problems—whether they be political instability, economic disparities, or lapses in international governance. As we navigate the future, a comprehensive approach that transcends borders and sectors remains crucial both for traversing these treacherous waters and for understanding the geopolitical and socioeconomic factors fueling such criminal enterprises.

The High Seas Players

The Pirates

Contrary to popular belief, the typical modern pirate is not a swashbuckling rogue but often a desperate individual. Motivations range from economic hardship to political unrest, and increasingly, some are affiliated with organized crime syndicates or extremist groups.

Today's pirates employ a range of tools from the high-tech to the rudimentary—GPS systems for tracking ships, automatic weapons for overpowering crews, and skiffs for quick getaways. Their methods are increasingly sophisticated, including strategies to evade naval patrols.

The Victims: Vulnerable Vessels

Fishing boats and smaller commercial vessels are often the most vulnerable due to their lack of onboard security. However, oil tankers and cargo ships carrying valuable goods are also targeted for their lucrative payloads. The most vulnerable individuals are often those from developing nations, who lack the support of strong governmental or insurance backing. This includes not only the seafarers but also fisherman and sometimes even tourists on yachts.

The International Response: A Patchwork of Efforts

Organizations like the International Maritime Bureau and United Nations play a role in monitoring and combating piracy. However, their efforts are often hampered by jurisdictional issues and the lack of a unified international legal framework.

National Governments: A Range of Approaches

Some countries have taken robust anti-piracy measures, including naval patrols, and prosecuting captured pirates. Others, often due to lack of resources or political will, are less active, creating gaps in the global effort to combat piracy. Counter-Piracy Measures

Traditional Naval Measures: Patrols and Escorts

The most direct form of counter-piracy action is the use of naval patrols. Many countries have naval vessels patrolling high-risk areas, and there are multinational task forces like the Combined Maritime Forces (CMF) dedicated to this. However, the effectiveness of patrols is often limited by vast ocean areas and jurisdictional issues.

Technological Solutions: From Drones to AI

In the era of technological advancement, drones and satellite surveillance are increasingly being used for monitoring suspicious activities. Some companies are even exploring the use of Artificial Intelligence to predict pirate attacks. While promising, these technologies are not yet foolproof and come with high costs.

Defensive Tactics: Onboard Security and Safe Rooms

Many ships now employ private security teams equipped with firearms to deter pirates. Additionally, "citadels" or safe rooms with communication equipment are being built on ships where crews can lock themselves in during an attack. These measures have proven effective but raise ethical and legal questions.

Non-Lethal Offensive Tactics: Sound and Fury

In a climate where piracy persists as an ever-evolving menace, the shipping industry is seeking more ethical and legally sound methods to deter potential threats. Beyond the often-debated use of onboard firearms and security citadels, advances in non-lethal anti-piracy technology offer a compelling alternative. These technologies, evolving significantly over the years, range from acoustic devices to innovative physical barriers, and they're becoming increasingly popular across a broad range of vessels, from cargo ships to cruise liners.

Acoustic Warfare: The Sound of Deterrence

The Long-Range Acoustic Device (LRAD) epitomizes a new age of non-lethal weaponry. Emitting a concentrated beam of sound painful enough to deter any approaching threat, this device can be operated easily by a ship's crew. While the LRAD provides an "audible warning," it's important to remember that pirates are adaptive, leading some to question its long-term efficacy.

Blinding Light: Visual Deterrence

Complementing the LRAD is the Anti-Piracy Laser Device, capable of emitting a non-lethal laser beam that serves as a visual warning. Operational both day and night, this device aims to disorient and discourage potential attackers from advancing.

Water and Barriers: Physical Deterrents

Water cannons, first considered a rudimentary response, have been upgraded for modern challenges. These devices deliver a potent jet of water that can repel pirates and significantly impede their boats' ability to maneuver. Similarly, electric secure fences can be deployed around a ship's perimeter, effectively blocking entry. In a nod to more basic methods, barbed wire coils, much like those used in an April 2009 incident, also provide a physical barrier against boarders.

Net Gains: Snaring the Enemy

Ballistic nets, known as Boat Traps, serve as another deterrent. When deployed, these nets entangle pirates' boat propellers, rendering them immobile and easy targets for capture.

By diversifying the tools at their disposal, ship operators can better adapt to the evolving tactics of maritime criminals. As piracy continues to reflect broader global issues like economic disparity and political instability, such a multi-pronged approach becomes not just advisable, but indispensable.

Legal and Diplomatic Efforts: Prosecution and Treaties

Several countries have agreements to prosecute captured pirates, but legal complexities often arise, including questions of jurisdiction and human rights. International treaties like the Djibouti Code of Conduct aim to facilitate regional cooperation but have limitations in terms of enforcement.

Evaluation: A Work in Progress

While there have been successes, such as the decline in piracy incidents in the Gulf of Aden due to naval patrols, the problem is far from solved. Technological solutions hold promise but are not universally applicable. Legal and diplomatic efforts are crucial but often get entangled in bureaucratic complexities.

The Intersectionality of Piracy

Poverty: The Economic Root

Piracy often thrives where economic options are limited. In regions where poverty is rampant, piracy can become a lucrative, albeit dangerous, career option. This cycle of poverty and piracy becomes self-perpetuating, leading to further economic degradation of the affected areas.

Political Instability: Lawlessness at Sea

Regions with weak governance and political turmoil often become breeding grounds for piracy. The lack of effective policing and judicial systems allows pirates to operate with relative impunity, further exacerbating instability in these areas.

Climate Change: A New Frontier for Piracy

Changes in sea levels and fish migration patterns due to climate change can impact traditional livelihoods like fishing, pushing communities towards piracy as an alternative. This creates a complex web where environmental degradation indirectly fuels criminal activities at sea.

Terrorism and Organized Crime: The Dark Alliances

In some cases, piracy acts as a source of funding for terrorist organizations or integrates into broader networks of organized crime. This creates a two-way street where piracy both contributes to and benefits from other forms of illegal activities.

Global Trade: The Ripple Effect

Beyond the impacts on its immediate victims, piracy has a cascading effect on global trade. Increased shipping costs due to rerouting and higher insurance premiums can affect the prices of goods worldwide, making it a concern that transcends borders.

Conclusion: A Fluid Battlefield in a Complex World

The proliferation of piracy across the world's waters resists simple resolutions. Today's pirates are less the fanciful buccaneers of lore and more individuals caught in intricate socio-economic and political predicaments. Regions like the Gulf of Guinea and the Strait of Malacca serve as glaring examples of the issue's extensive scope and variability. While collective international action has seen some triumphs, such as in the Gulf of Aden, the fight against piracy is far from over. The inherent limitations of naval policing, the labyrinthine intricacies of international law, and insufficient governance in numerous areas all contribute to ongoing challenges.

As technology progresses and global commerce shifts, the tactics and targets of piracy are poised for transformation. What piracy on the high seas will look like in the age of autonomous ships and beyond is anybody's guess. But what we do know is that until the underlying factors that breed piracy are sufficiently addressed, old threats in new forms will surface again and again, as certain as the tides' rise and fall.

Addendum: The Conviction in Michael Scott Moore's Case

In a recent turn of events that underscores the grave complexities surrounding modern piracy, two men have been convicted for their roles in the kidnapping of German-American journalist Michael Scott Moore. Moore, who was conducting research for a book on piracy and freelancing for Spiegel Online, endured 2.5 years of captivity in Somalia.

The convicted individuals, Mohamed Tahlil Mohamed and Abdi Yusuf Hassan, were found guilty on multiple charges. These included hostage-taking, conspiracy, and providing material support for acts of terrorism. Tahlil, a Somali Army officer, commandeered the pirate faction holding Moore and supplied them with weapons. Hassan, a naturalized US citizen who held a government office in Somalia, orchestrated the ransom extortion efforts.

The kidnappers initially demanded a staggering $20 million for Moore's release. Eventually, Moore was freed in 2014 after his family painstakingly amassed $1.6 million for his ransom. Notably, Tahlil and Moore corresponded after the ordeal. This correspondence revealed the internal dynamics of pirate factions. Some pirates were even killed in disputes over the ransom money during Moore's captivity.

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