



SCHOOL OF LAW
CASE WESTERN RESERVE
UNIVERSITY

War Crimes Prosecution
Watch



FREDERICK K. COX
INTERNATIONAL LAW CENTER

Founder/Advisor
Michael P. Scharf

Faculty Advisor
Jim Johnson

Volume 18 - Issue 13
October 10, 2022

Editor-in-Chief
Matthew Koutsky

Technical Editor-in-Chief
Alexa Stovsky

Managing Editors
Spencer Luckwitz
Harper Fox

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

Opinions expressed in the articles herein represent the views of their authors and are not necessarily those of the War Crimes Prosecution Watch staff, the Case Western Reserve University School of Law or Public International Law & Policy Group.

Contents

AFRICA

NORTH AFRICA

Libya

CENTRAL AFRICA

Central African Republic

- **Central African Republic Seleka leader pleads not guilty at ICC (France 24)**
- **Report exposes U.N. camp abuses, but research shows justice is elusive (The Washington Post)**

Sudan & South Sudan

- **South Sudanese rape survivors left without help, let alone justice - UN Experts (United Nations)**

Democratic Republic of the Congo

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

- **Nigeria Agrees to End Military Detention of Children (Human Rights Watch)**
- **Suspected Boko Haram Terrorists Kill Three, Burn Houses In Nigerian Community, Chibok (Sahara Reporters)**

Mali

Liberia

- **Liberia: Swiss Court Announces Appeal Dates for Convicted Liberian War Criminal Kosiah (Front Page Africa)**

EAST AFRICA

Uganda

Kenya

Rwanda

- **Office of the Prosecutor presents Opening Statement in Kabuga Case (IRMCT Press Release)**

Somalia

Ethiopia

- **Ethiopia: Civilians again mired in intractable and deadly war, Human Rights Council hears (UN News)**
- **Fight against human trafficking must be strengthened in Ethiopia's wartorn north (UN News)**

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- **Bosnia Acquits Wartime Brcko Leader of Persecuting Non-Serbs (Balkan Transitional Justice)**

International Criminal Tribunal for the Former Yugoslavia

Domestic Prosecutions In The Former Yugoslavia

Turkey

- **UN warns Turkey could face charges of war crimes for plundering Syrian wealth (Nordic Monitor)**

Kosovo Specialist Chambers

Azerbaijan

- **EU wants probe into alleged war crimes by Azerbaijan (EU Observer)**

Russia

- **Ukraine charges Russian soldiers alleged to have shot at civilian cars (The Guardian)**

- **Russia Beat and Denied Food to Prisoners of War, Ukraine Says (The New York Times)**
- **Ukraine: Missile attack on humanitarian convoy in Zaporizhzhia further proof of Russia's 'utter disregard for civilian lives' (Amnesty International)**
- **Photos Show Evidence of Teeth Pulling, Live Burials in Russian Torture Room (Newsweek)**
- **Foreign Ministry Special Envoy Anton Korynevych: "We could arrange for trying Russia in absentia" (Kyiv Post)**

MIDDLE-EAST

Iraq

Syria

Yemen

- **France implicated in war crimes against Yemen: Investigation (Al Mayadeen)**

Special Tribunal for Lebanon

Israel & Palestine

- **Gov't contract shows how Israel enlists forests to grab land from Bedouin citizens (+972 Magazine)**
- **Israeli forces kill four Palestinians, wound dozens in Jenin raid (Al Jazeera)**
- **Israeli forces kill Palestinian teenager in East Jerusalem (Middle East Eye)**
- **Israeli soldiers kill Palestinian, wound two journalists (Al Jazeera)**

Gulf Region

- **Biden administration seeks delay over Prince Mohammed immunity decision (The Guardian)**
- **Informal workers at risk of exploitation in Qatar during World Cup - U.S. official (Reuters)**

ASIA

Afghanistan

- **Australian forces killed Afghan civilians as 'quotas' (PressTV)**
- **Women Protests Demand More Security After Afghan Bombing (World News)**

Extraordinary Chambers in the Courts of Cambodia

- **Khmer Rouge trial ends with mixed legacy and unclear impact (Asia Times)**

Bangladesh International Crimes Tribunal

- **Bangladesh Government Keeps Rewarding Rights Abusers (Human Rights Watch)**

War Crimes Investigations in Myanmar

- **Meta's Toxic Algorithm 'Substantial Contributed' to Ethnic Cleansing in Myanmar: Amnesty International (Gizmodo)**

AMERICAS

North & Central America

South America

Venezuela

TOPICS

Truth and Reconciliation Commission

- **On National Day for Truth and Reconciliation, Murray Sinclair challenges Canadians to be mindful year-round (CBC)**

Terrorism

Piracy

Gender-Based Violence

- **WHO trains health workers to provide quality care for gender-based violence survivors in Ukraine (WHO)**
- **Horrific treatment of female Armenian soldiers qualifies as gravest gender-based violence – NGOs (panorama)**

Commentary and Perspectives

- **Kazakhstan Should Hear Out the UN on Rights Abuse in China (Human Rights Watch)**
- **If India wants to support Sri Lankans, it must back extension of UN panel probing rights violations (Human Rights Watch)**
- **Congo Oil, Gas Lease Sale Threatens Rights and Climate Catastrophe (Human Rights Watch)**

Aiding and Abetting

WORTH READING

- **Bethany Shiner and Tanzil Chowdhury: Ministry of Defence Impunity: the Overseas Operations (Service Personnel and Veterans) Act 2021**

AFRICA

NORTH AFRICA

Libya

[[back to contents](#)]

CENTRAL AFRICA

Central African Republic

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

Central African Republic Seleka leader pleads not guilty at ICC (France 24) September 26, 2022

A former Central African Republic rebel commander pleaded not guilty at the International Criminal Court on Monday at the start of his trial on charges of "awful" war crimes.

Mahamat Said Abdel Kani, 52, an alleged member of the mainly Muslim Seleka rebel group, is accused of torturing opposition supporters as the country spiralled into violence in 2013.

One of the poorest countries in the world, the former French colony was plunged into a bloody sectarian conflict after the Seleka ousted president Francois Bozize.

"I have listened to everything and I plead not guilty," Said told judges at the Hague-based court, where he faces seven charges of war crimes and crimes against humanity.

"I plead not guilty to all charges and all situations," added Said, wearing a charcoal suit and light blue shirt with dark blue tie.

Prosecutors say Said was a senior Seleka commander in charge of a police compound where alleged Bozize supporters were beaten and severely tortured after they were arrested, mainly at night.

The coup against Bozize had unleashed a bloodbath between the Seleka and "anti-Balaka", which means "anti-machete" forces, who were mainly Christian or animist and who backed Bozize.

"Mr Said has entered not guilty pleas, that is his right," ICC chief prosecutor Karim Khan told the judges.

"But the beauty of the law is that there is no place to hide... The charges that are faced, are really quite awful."

Sometimes referred to as "colonel", Said oversaw day-to-day operations at the compound which belonged to a police unit called the "Central Office for the Repression of Banditry" or OCB, said Khan.

"His voice determined the fates of so many individuals," added the prosecutor.

"He didn't protect them, but rather, he actively participated in their capture, hunting them down and subjecting them to the most dire conditions that he could conjure up."

'Grotesque abuse'

Said allegedly instructed subordinates to mistreat detainees, subjecting them to the so-called "arbatachar" torture method to extract confessions.

The prosecutor showed pictures in court of victims' bodies tortured this way -- a technique involving tying a person's elbows to their feet behind their backs, causing excruciating pain.

It left "so many" victims with partial or temporary paralysis and numbness, Khan said.

"These wounds cut deep indeed," he said.

Prisoners were kept in cramped conditions and even thrown in a small underground cell, only accessible through a hole in the floor of Said's office at the OCRB headquarters in the capital, Khan said.

"These are cells in which men were detained and subjected to what the prosecution says was grotesque abuse," Khan said.

Detainees were "treated not as humans, not even as animals, a class below. A humanity apparently eviscerated by the policies and action of the accused," said Khan.

CAR authorities handed Said to the ICC in January last year in response to an international arrest warrant issued in 2019.

The ICC, the world's only independent war crimes court set up in 2002, late last year partially confirmed charges against Said including counts of torture, persecution and cruel treatment of detainees committed at the OCRB compound.

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

Thousands have lost their lives in the ongoing conflict despite intervention by former colonial power France and the United Nations.

The country of some five million people -- which the UN says is the world's second least developed -- remains gripped by violence and human rights violations.

Report exposes U.N. camp abuses, but research shows justice is elusive (The Washington Post) By
Audrey L. Comstock
September 28, 2022

A new investigative report highlights allegations of sex abuse in a U.N.-led camp in Malakal, South Sudan. The report alleges that international aid workers from organizations such as Doctors Without Borders, the World Food Program and World Vision committed a range of sexual abuses. And camp residents interviewed for the report claim U.N. peacekeepers bribed camp workers for access to women to abuse.

The report described allegations of rape, sexual exploitation, coercion of civilians — and children born of the rapes committed. Will anyone be held accountable? My research examining U.N. agreements on abuse and victims finds that punishment for those committing sexual exploitation and abuse within U.N.-sponsored missions is rare.

U.N. peacekeeping missions have fielded many allegations

My work focuses on U.N. peacekeepers — international aid workers are not covered by the same impunity, which may allow for more flexibility in prosecuting those found guilty of these abuses. Initiatives working toward accountability like Interpol's Project Soteria rely on aid workers' countries of origin to cooperate, however, which may limit chances of punishment.

These types of allegations are not uncommon. Since 2010, there have been more than 1,200 reported allegations of sexual abuse in U.N. peacekeeping missions. Over 30 missions reported at least some cases between 2010 and 2022. The highest counts were in missions in the Democratic Republic of the Congo, Central African Republic, Haiti and Liberia. The patterns of alleged abuse tend to reflect the number of peacekeeping troops and prevalence of sexual violence in the conflict.

The U.N. suffers from a lack of accountability

It's difficult to hold alleged perpetrators accountable in conflict and humanitarian settings, in part because of limitations on U.N. jurisdiction. And the United Nations does not have its own standing army — which means U.N. peacekeeping forces rely on military personnel from U.N. troop-contributing countries.

In their agreements guiding troop contributions, countries make arrangements to remove their troops from potential U.N. and/or local prosecution. The U.N.'s reliance on national governments to send troops often means impunity for peacekeepers. Advocacy groups have widely criticized the United Nations for these arrangements, and for failing to prevent abuse. What punishment options are available?

Punishment for sexual exploitation and abuse within U.N. missions can take many forms, including repatriation, fines, administrative leave, demotion and dismissal, as well as the prospect of prison time in the perpetrator's home country.

Most of these punishments rely on troop-contributing countries to act. The U.N.'s only recourse is to repatriate peacekeepers accused of these abuses. The U.N. repatriated all 200 military peacekeeping personnel involved in substantiated allegations 2010-2019. Troop-contributing countries have more punishment options available. The figure below shows the punishments they enacted in response to sexual abuse and exploitation allegations. Though many cases remained pending, the majority of completed investigations resulted in jail time.

How common is punishment?

Human rights abuse, especially sexual abuse, is likely to be underreported. Though the United Nations adopted a victim-centered approach to addressing allegations of sexual abuse and exploitation, the process generally relies on direct reporting at the U.N. mission or through online forms. Both routes are difficult for victims to navigate.

Once submitted, only about 16 percent of allegations filed in reports ended up resulting in punishments for alleged perpetrators.

What explains these punishment trends?

Who the victim is can affect the allegation credibility and chances of punishment. My research examining 33 peacekeeping missions found that the U.N. and the troop-contributing countries were more likely to issue punishments when children were victims of reported sexual abuse allegations. The United Nations punished 46 percent of perpetrators involved in allegations with identified child victims while troop-contributing countries punished 33 percent. This compares with an overall average punishment rate of about 16 percent for allegations involving victims of all ages.

WHO workers are accused of sexual exploitation and abuse. That hurts everything the U.N. does. That's because the narratives frame children as innocent and vulnerable victims — and the media are likely to sensationalize heinous crimes against children. Research on how media and human rights agencies report abuses highlights how extreme cases draw in readers, for instance.

Children have special protection under international law. The 1959 U.N. Declaration of the Rights of the Child instructs that children “be among the first to receive protection and relief” because “mankind owes to the child the best it has to give.” The United States, notably, is the only country that hasn't ratified the U.N. Convention on the Rights of the Child — there's near-universal treaty commitment from the rest of the world. In domestic and international settings, juries are more likely to decide on harsher punishments when the victim is a child.

However, even for cases involving child victims, legal prosecution can be difficult. When a French court heard the case of French soldiers accused of sexually abusing children in Central African Republic, the judges decided not to bring charges, citing a lack of credible evidence. Children often find reporting and navigating the investigation and legal proceedings more difficult than adults. In fact, 80 percent of the allegations of peacekeeper abuses against child victims that were deemed “unsubstantiated” received that ruling due to a lack of evidence needed for the investigation to move forward.

What happens now?

So even with the increased chance that abuse of children will be punished, most reported abuse cases are deemed unsubstantiated and most alleged peacekeeping perpetrators go unpunished.

While factors like mission training and increasing women in the peacekeeping mission can reduce overall incidents of sexual abuse and exploitation, without greater accountability these heinous rights violations likely will persist despite international condemnation.

In South Sudan, reports of abuse persisted for almost a decade, despite complaints filed with the United Nations and humanitarian agencies. U.N. Secretary General António Guterres called for an “urgent report” into the abuse. A big question now is whether the increased attention will pressure the United Nations and others to hold their personnel accountable and stop abuse.

[back to contents]

Sudan & South Sudan

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

South Sudanese rape survivors left without help, let alone justice - UN Experts (United Nations)

September 22, 2022

The war in Ukraine has drastically cut funding for emergency medical and psychosocial care for victims of sexual violence in South Sudan, said the United Nations Commission on Human Rights in South Sudan after recent missions to Western Equatoria and Unity States.

“It is difficult to comprehend that we are now seeing women in South Sudan who have been gang raped in the conflict up to five times in the last nine years. Just imagine what it means to be raped by multiple armed men, pick yourself up for the sake of your children and then for it to happen again and again and again,” said Yasmin Sooka, Chairperson of the Commission. “These women are asking us when it will stop – 2013, 2016, 2018, 2021 and now in 2022 – they say they keep telling their stories and nothing changes.”

During a visit completed this week to Western Equatoria, members of the Commission’s Secretariat were told that survivors were like zombies, physically and emotionally dead, after experiencing so many brutalizing rapes since 2013. The most recent case the Commission documented occurred last month, but a very substantial number of victims are believed never to report the incidents, especially if they live surrounded by the perpetrators. The youngest victim was 7 years old, who was left for dead after being abducted from her home by two men who then raped her.

Accessing medical and trauma care is increasingly difficult for victims as services vanish. In Unity State, the Commission saw toddlers playing with used syringes scattered on the ground around a destroyed medical clinic, while in other places, learned that health workers have fled their posts in fear. Non-governmental organizations are left to fill the gap but they report their funding has been massively cut even though there’s an upsurge in demand, especially for psychosocial services, and for awareness outreach about kits that if used in time can prevent pregnancy and sexually transmitted diseases. In several interior villages where the violence is occurring, there is simply no service at all with the result that women are not bothering to report the repeated violations.

“It’s not that there is a lot of sexual violence in South Sudan. It’s that for half the population – women and girls – sexual violence is how they primarily experience the conflict. And it’s not that sexual violence ebbs and flows – it’s going on all the time, largely unseen. It’s only that we cannot document it consistently throughout the country and that the international community’s attention is elsewhere,” said fellow Commissioner, Barney Afako.

In Unity State and rural parts of Western Equatoria, there is no formal court to deal with serious crimes like murder and rape; only customary courts. While in some places, women told the Commission when they reported crimes by the military to the police, the cases were routinely handed them over to the military rather than being investigated by police.

“We talk a lot about impunity in South Sudan but for victims there is often no pretense of a judicial recourse. Women raped by armed forces while collecting firewood are threatened with death if they report it. And often the police are too ill-equipped to do their job – they cannot arrest a soldier who is better armed and protected,” said Commissioner Andrew Clapham.

The Commission saw very young girls with babies around military bases, and heard multiple accounts of soldiers from both government and opposition forces abducting women. In other instances, displaced families left camps because of hunger and went home to cultivate crops or collect firewood, only to be attacked.

The Commissioners are participating in meetings coinciding with the UN General Assembly, and are speaking at an event on 22 September hosted by the Global Survivors Fund, headed by Dr Denis Mukwege and Nadia Murad, Nobel Peace Prize laureates 2018.

Background

The UN Commission on Human Rights in South Sudan is an independent body mandated by the UN Human Rights Council. It was first established in March 2016, and its mandate has since been renewed each year. The Commission’s latest report, entitled “Conflict-related sexual violence against women and girls in South Sudan,” was published as a Conference Room Paper at the UN Human Rights Council in Geneva on 21 March 2022.

[\[back to contents\]](#)

Democratic Republic of the Congo

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

[\[back to contents\]](#)

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

[\[back to contents\]](#)

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

Nigeria Agrees to End Military Detention of Children (Human Rights Watch) By Jo Becker
October 3, 2022

In 2019, a colleague and I interviewed dozens of children in northeast Nigeria who had been detained in horrific conditions in a military prison for alleged association with the armed group Boko Haram. The children described beatings, overwhelming heat, frequent hunger, and being packed tightly in cells with hundreds of other detainees “like razorblades in a pack.” Most were never charged and held for months or years with no outside contact.

Since 2013, at least 4,000 children have been detained in Nigeria. Many were abducted against their will or apprehended when fleeing Boko Haram attacks. Some were only five years old.

Our report, published in late 2019, helped prompt the release of 333 children from prison, but authorities refused to allow the United Nations access to the prison or to enter an agreement to ensure children were not military detained and were provided immediate reintegration assistance.

Last week, the Nigerian government finally signed a “handover protocol” with the UN agreeing that children taken into military custody on suspicion of involvement with Boko Haram should be transferred within seven days to civilian authorities for reintegration. This is an important milestone that will help prevent the military detention of children and ensure they receive needed support.

Nigeria is not the only country where children have been detained for alleged involvement with armed groups. Last year the UN reported that 2,864 children were detained for suspected association with armed groups in 16 countries, including the Democratic Republic of Congo, Iraq, Libya, Myanmar, Somalia, and Syria.

Handover protocols are practical measures to ensure that instead of prison, children affected by conflict can be reintegrated into their communities. In Mali, for example, dozens of children have been transferred from military to civilian authorities for reintegration thanks to a handover protocol signed in 2013. Chad, Niger, and Burkina Faso have also signed protocols.

Children affected by conflict need rehabilitation and schooling, not prison. Nigeria's new agreement should help children get the support they need. Other governments should follow its example.

Suspected Boko Haram Terrorists Kill Three, Burn Houses In Nigerian Community, Chibok (Sahara Reporters) October 4, 2022

Three residents of Njilang community in the Chibok local government area of Borno state have been killed by suspected Boko Haram terrorists.

TheCable reports that the terrorists invaded the community with heavy weapons in the early hours of Tuesday.

Sources told the medium that the terrorists stormed the community around 3:43 am and razed six houses and five shops in an attempt to kidnap residents.

"They came in and surrounded the community and started shooting. They attacked around 3:43 am when the residents were asleep," the source said.

"The people came with a lot of firepower including machine guns and RPGs. Residents of Chibok which is about 4 km away could hear the sounds of their gun."

A resident who spoke to the medium, said the terrorists broke into shops and looted them, adding that "after looting, they burnt everything down".

"They tried to kidnap some people but they ran. They even grabbed some persons but they managed to manoeuvre their way out of their grasp.

"After all the destruction they caused, they still went away freely because the army did not arrive on time. They eventually came this morning.

"This area of Njilang, there have been attacks around three different communities within two weeks," the resident said.

Residents also urged the government to increase military presence in the area so that farmers could have a peaceful harvest during this season.

Onyema Nwachukwu, the army's spokesperson, was not immediately available to comment on the attack.

The attack comes less than a week after three persons were killed and security operatives abducted in Benisheik by members of the Islamic State in West Africa Province (ISWAP).

In the same week, troops of the Nigerian army's Operation Hadin Kai engaged in a gun battle with Boko Haram insurgents after the terrorists ambushed soldiers escorting commercial vehicles at Yaleri village along Damboa Road.

On the night of 14–15 April 2014, 276 mostly Christian female students aged between 16 and 18 were kidnapped by the Islamic terrorist group Boko Haram from the Government Girls Secondary School in the town of Chibok in Borno State.

Till now many of the girls have yet to be rescued many years after their abduction.

[\[back to contents\]](#)

Mali

[\[back to contents\]](#)

Liberia

Liberia: Swiss Court Announces Appeal Dates for Convicted Liberian War Criminal Kosiah (Front Page Africa) Sep 22, 2022

The Swiss Federal Criminal Court has announced dates to hear the appeal of convicted Liberian war criminal, Alieu Kosiah. In June 2021 the Court sentenced Kosiah to 20 years in prison for war crimes during Liberia's first civil war in June 2021.

The Court, in the Alps town of Bellinzona, will hold hearings on Kosiah's appeal over two weeks from January 11, 2023.

The court found Kosiah guilty of 21 of the 25 charges for which he was tried including murder, rape, looting, and use of child soldiers. A commander for the United Liberation Movement of Liberia for Democracy, led by the now deceased warlord, Alhaji Kromah, Kosiah was the first Liberian to be found guilty for crimes committed in Liberia's two civil wars. Kosiah has maintained his innocence throughout the legal process.

During the appeal, Kosiah will face additional crimes against humanity charges after the Office of the Attorney General amended its original indictment based on an appeal by the plaintiffs, a move allowed under Swiss law.

Kosiah, 47, has already served seven years of his 20-year sentence. Six of those were spent in an unusually long pre-trial detention, which drew criticism from the defense which argued he should be treated as innocent and allowed to remain free until proven guilty. Should he lose his appeal Kosiah will serve 13 more years in prison before being deported to Liberia.

His former lawyer, Gemitri Gianoli had argued during the trial that, should Kosiah be acquitted, he should be awarded the equivalent of \$US1.5 million in compensation for the hardship caused to him by his detention and conviction.

Kosiah had been residing in Switzerland since he fled Liberia but was arrested in 2014 after Swiss-based human rights advocates, Civitas Maxima and its Liberian counterpart, Global Justice Research Project, acting on behalf of a group of victims, presented evidence of his crimes to Swiss law enforcement. Kosiah would be permitted to stay on in Switzerland if his conviction is overturned but could also return to Liberia.

Kosiah was often angry about his trial. Credit:-Leslie Lumeh/New Narratives But Liberian authorities, though they have yet to prosecute anyone for their role during the wars, could also choose to prosecute him.

The announcement of Kosiah's appeal proceedings comes a few weeks before his former comrade-in-arms, Kunti-Kamara goes on trial in Paris, France for crimes against humanity and torture. The trial will run from October 10-November 4, 2022.

[\[back to contents\]](#)

EAST AFRICA

Uganda

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

[\[back to contents\]](#)

Kenya

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

[\[back to contents\]](#)

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Office of the Prosecutor presents Opening Statement in Kabuga Case (IRMCT Press Release)
September 29, 2022

Today, the Office of the Prosecutor (OTP) of the International Residual Mechanism for Criminal Tribunals (IRMCT) presented its opening statement in the trial of Félicien Kabuga. Kabuga is on trial for the crimes of genocide, direct and public incitement to commit genocide, conspiracy to commit genocide and the crimes against humanity of extermination, murder and persecution, all committed during the 1994 Genocide against the Tutsi in Rwanda.

Reflecting on the commencement of this trial, IRMCT Prosecutor Serge Brammertz provided the following public statement: Today, the victims of Kabuga's crimes, and all Rwandan people, should be in the forefront of our thoughts. They have waited twenty-eight years for justice. My Office is committed to holding Kabuga accountable on their behalf. Kabuga was among the world's most wanted fugitives for two decades. My Office's work to finally locate and arrest him in May 2020 was just the first step. Over the next few months, we will lay out the evidence of his crimes and his guilt, before the Trial Chamber and the public. This trial will also be an opportunity to remind the world again of the grave dangers of genocide ideology and hate speech. Kabuga had a central role in provoking hatred of Tutsis, dehumanizing innocent civilians and paving the way for genocide. If we are to prevent further genocides, all of us must be vigilant against such incitement. Ethnic, national, racial and religious hate speech is not hard to identify – what is needed is the will to stop it in its tracks. In its opening statement to the Trial Chamber, the Prosecution set out the main elements of the case against Kabuga. Having recalled that there can be no dispute that during 1994 there was a campaign of mass killing intended to destroy Rwanda's Tutsi population, the Prosecution argued that Kabuga intentionally made two primary contributions to these crimes: first, by creating and operating Radio Télévision Libre des Mille Collines (RTLM), and second, by financing, arming and supporting the feared Interahamwe militia. As the Prosecution noted, these were two sides of the same coin: "RTLM was the propaganda machine rousing hatred and ultimately violence against Tutsi; and the Interahamwe, receptive to RTLM's rhetoric and trained, armed and primed to execute it on the ground." Before the genocide, Kabuga was one of the wealthiest and most influential individuals in Rwanda, a close ally of then-President Juvénal Habyarimana, his wife Agathe Kanziga and the Akazu clique that dominated Rwanda. Despite his very modest background and lack of formal education, Kabuga built a business empire, which he then leveraged to build relationships with political, military and business leaders across Rwanda. With the advent of multi-party elections and the outbreak of armed conflict with the Rwandan Patriotic Front in the early 1990s, divides developed among the Rwandan leadership, between those committed to maintaining Hutu supremacy and those supporting ethnic peace and pluralism. Kabuga used his wealth and influence to support the "Hutu Power" movement and anti-Tutsi hate speech. Working with other Hutu extremists, Kabuga organized the establishment of RTLM to spread genocidal ideology. He provided funds for the needed equipment, obtained broadcast frequencies, organized debt financing, registered RTLM and exercised management over it through the Comité d'Initiative, the sole executive body. RTLM – and its anti-Tutsi message – rapidly developed a wide audience following its first broadcast in July 1993. When the Ministry of Information tried to close RTLM for airing hate speech, Kabuga successfully defended the radio station and ensured its continued operations. After the genocide began on 7 April 1994, RTLM was ubiquitous, broadcasting 24 hours a day and overtaking the public Radio Rwanda as the primary radio station. RTLM broadcasts called on Rwandans to "exterminate the Tutsi from the surface of the earth" and "make them disappear for good". RTLM further directed the Interahamwe to attack specific people, and specifically called for Tutsi women to be raped and then killed. In addition to his intimate involvement with the propagation of genocide ideology, Kabuga simultaneously gave direct support to the Interahamwe militia, who would become one of the key perpetrators of the genocide. He provided them with funding, procured and distributed weapons, organized training and later personally

encouraged the killings. Kabuga initially supported Interahamwe groups in the Muhima and Kimironko areas of Kigali, before leaving Kigali for Gisenyi in mid-April 1994. In Gisenyi, Kabuga was then at the forefront of efforts to ensure the sustained supply of weapons, money, transportation and encouragement to the Interahamwe so that the genocide would continue. Kabuga finally fled Gisenyi and Rwanda following the end of the genocide in July 1994. As the Prosecution argued in conclusion, the evidence will show “that Félicien Kabuga, acting in the cause of extremist beliefs, played a key part in bringing about the crimes and the almost unimaginable suffering that was unleashed across Rwanda in 1994.”

[\[back to contents\]](#)

Somalia

[\[back to contents\]](#)

Ethiopia

Ethiopia: Civilians again mired in intractable and deadly war, Human Rights Council hears (UN News) September 22, 2022

Ethiopia’s people are once again “mired...in the intractable and deadly consequences” of conflict between Government troops and forces loyal to Tigrayan separatist fighters, who are all likely responsible for war crimes, top rights investigators said on Thursday.

In their first, extensive report to the Human Rights Council in Geneva, the International Commission of Human Rights Experts on Ethiopia said that they believed that crimes against humanity had also been committed in the on-off war that erupted in the northern region in November 2020.

Worst rights violations

Serious rights violations in Tigray were “ongoing”, the report maintained, noting that fighting resumed last month, breaking a five-month ceasefire.

“Extrajudicial killings, rape, sexual violence, and starvation of the civilian population as a method of warfare” have happened in Ethiopia since the earliest days of the conflict, the Council heard.

Citing information from “credible sources”, Commission chairperson Kaari Betty Murungi – who like the two other members of the panel is an independent UN-appointed rights expert - said that there had been an “escalation” in drone attacks by Government forces that used explosive weapons “with wide area effects in populated areas”, since hostilities resumed.

“Our investigation indicates that their use has exposed civilians to new and heightened risks,” she said. “We have received reports of drone strikes in Tigray in the last four weeks, which have allegedly killed and injured civilians, including children.”

Turning to Tigrayan forces, Ms. Murungi insisted that they had also likely committed serious human rights abuses “which amount to war crimes”.

These included “large-scale killings of Amhara civilians, rape and sexual violence, and widespread looting and destruction of civilian property in Kobo and Chenna in August and September 2021.

“During their searches of homes in Kobo, for example, Tigrayan forces looked for weapons and pulled many men from their homes, executing them, often in front of their families.”

Desperate conditions

Today, international humanitarian access into Tigray continues to be blocked, despite the dire situation there, Ms. Murungi said.

There were reasonable grounds to believe that the Federal Government and its allies “looted and destroyed goods indispensable for the survival of the civilian population in Tigray, killing livestock, destroying food stores, and razing crops while also implementing severe restrictions on humanitarian access to Tigray”, she added, noting that for more than a year, six million people had been denied access to electricity, internet, telecommunications and banking.

This denial and obstruction of access to basic services, food, healthcare and aid relief “amount(ed) to the crimes against humanity of persecution and inhumane acts”, the Commission chairperson insisted.

Starvation ‘tactic’

“We also have reasonable grounds to believe that the Federal Government is committing the war crime of using starvation as a method of warfare,” the top independent rights expert continued, noting that Tigrayan forces had reportedly looted humanitarian aid.

According to the latest dire humanitarian data from the UN Office for the Coordination of Humanitarian Affairs (OCHA), conflict and displacement in northern Ethiopia has left more than nine million people in need in Tigray, Afar and Amhara regions, while severe drought is affecting millions more in the south.

Citing OCHA, Ms. Murungi said that the combined effect of the Federal government’s measures had left 90 per cent of the population in acute need - an 80 per cent increase since the beginning of the conflict.

“Most of the population in Tigray must now survive on limited and nutritionally inadequate diets,” she said, adding that there had also been “an increase in child marriages and child labour, human trafficking, and transactional sex as desperate means for survival”.

Tigrayan women and girls not spared

According to the Commission chairperson, rape and crimes of sexual violence had happened “on a staggering scale” since the earliest days of the conflict, “with Ethiopian and Eritrean forces and regional militias targeting Tigrayan women and girls with particular violence and brutality”.

Tigrayan forces had also committed rape and sexual violence against Amhara women and girls and Eritrean refugees, Ms. Murungi said, highlighting the devastating long-term impacts for the survivors that included trauma, unwanted pregnancy and HIV infection.

‘Unfair and biased scrutiny’

Rejecting the report’s findings, the Ethiopia delegation repeated its claim that the federal government had been subjected to “unfair and biased scrutiny” at the Council for more than a year.

Addis Ababa was engaged in responding to an “insurrectionist armed group that has endangered the territorial integrity of the country”, the Council heard.

The international commission of human rights experts on Ethiopia was established after the Human Rights Council adopted resolution S-33/1 on 17 December 2021.

It mandated a panel of three human rights experts - appointed by the President of the Human Rights Council - “to conduct a thorough and impartial investigation into allegations of violations and abuses of international human rights law and violations of international humanitarian law and international refugee law in Ethiopia committed since 3 November 2020 by all parties to the conflict”.

Fight against human trafficking must be strengthened in Ethiopia’s wartorn north (UN News)

October 3, 2022

Throughout Ethiopia’s Tigray, Afar and Amhar regions, women and girls are becoming increasingly vulnerable to abduction and sex trafficking as they flee ongoing armed conflict, a group of UN-appointed independent human rights experts warned on Monday.

The protracted conflict in the three northern regions have heightened risks of trafficking for sexual exploitation as a form of

sexual violence in conflict, the experts said in a statement.

“We are alarmed by reports of refugee and internally displaced women and girls in the Tigray, Afar, and Amhara regions being abducted while attempting to move to safer places,” they said.

“We are concerned at the risks of trafficking, in particular for purposes of sexual exploitation, including sexual slavery.”

Women and children in crosshairs

Amidst abductions and displacement, the UN experts raised serious concerns over Eritrean refugee women and children being at particular risk of sex trafficking.

“Urgent action is needed to prevent trafficking, especially for purposes of sexual exploitation, and to ensure assistance and protection of all victims, without discrimination on grounds of race or ethnicity, nationality, disability, age or gender,” they said.

Meanwhile, the hundreds of children who have been separated from their families, especially in the Tigray region, are particularly vulnerable, warned the independent experts.

“The continuing lack of humanitarian access to the region is a major concern,” the experts continued, urging immediate national, bilateral and multilateral measures to prevent all forms of trafficking of children and to ensure their protection.

Identifying victims

They added that sufficient measures were not being taken to identify victims of trafficking, or support their recovery in ways that fully takes account of the extreme trauma being suffered.

“The failure to provide accountability for these serious human rights violations and grave crimes creates a climate of impunity, allows trafficking in persons to persist and perpetrators to go free,” underscored the six UN experts.

They urged all relevant stakeholders to ensure that victims of trafficking can adequately access medical assistance, including sexual and reproductive healthcare services and psychological support.

The experts said they had made their concerns known to both the Governments of Ethiopia and neighbouring Eritrea.

The experts

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

[\[back to contents\]](#)

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnia Acquits Wartime Brcko Leader of Persecuting Non-Serbs (Balkan Transitional Justice) By
Lamija Grebo
September 27, 2022

Djordje Ristanic, head of the Serb wartime leadership in Brcko in northern Bosnia and Herzegovina, was cleared of participation in a joint criminal enterprise to persecute Bosniaks and Croats.

The Bosnian state court handed down a first-instance verdict on Tuesday acquitting Djordje Ristanic, the former head of the war presidency in Brcko, of involvement in a joint criminal enterprise aimed at persecuting Bosniaks and Croats through murders, detentions, torture and forcible disappearances between April and December 1992.

Ristanic, who was not in court for the verdict, was acquitted of 11 counts of crimes against humanity.

The court determined that almost all the prosecution witnesses who testified said that in late April 1992 in Brcko, the demolition of bridges was followed by shelling, arrests, looting and detentions – an attack that exclusively targeted civilians.

According to the indictment, non-Serbs were detained at various locations, beaten up, tortured, raped and killed. Some of them are still listed as missing.

But presiding judge Saban Maksumic said the prosecution had not proved, beyond reasonable doubt, that the defendant's actions formed part of a widespread and systematic attack.

Maksumic added that there was no evidence that Ristanic could have foreseen what happened or that he exercised control over the direct perpetrators.

He explained that although the war presidency was led by Ristanic, the fact that he held the position during the period in which the crimes were committed was not sufficient in itself to associate the defendant with the attack.

Maksumic also said that the goal of the joint criminal enterprise was not clearly set, nor was it specified what the plan was.

“The prosecution did not present concrete evidence which would point to a conclusion that there was a joint plan and agreement between the defendant and other members of the joint criminal enterprise,” he said.

The prosecution assumed, considering the scale of the crimes committed, that there must have been a joint criminal enterprise and that, considering his position, Ristanic must have participated in it, Maksumic continued.

However, the judge added: “Evidence indicates that Ristanic, as president of the war presidency, did not have control over the events in Brcko” during the period of time in which the crimes were committed.

The verdict can be appealed.

[\[back to contents\]](#)

International Criminal Tribunal for the Former Yugoslavia
(ICTY)

Official Website of the ICTY

[\[back to contents\]](#)

Domestic Prosecutions In The Former Yugoslavia

[\[back to contents\]](#)

Turkey

UN warns Turkey could face charges of war crimes for plundering Syrian wealth (Nordic Monitor)

By Abdullah Bozkurt

September 22, 2022

Torture, ill-treatment, abduction, the plundering of economic resources, the confiscation of buildings and land and the levying of taxes in territories under the control of the Turkish military and affiliated armed groups could cause Turkey to be charged with war crimes, UN investigators have warned.

According to a series of reports issued by UN experts in recent years, Turkey is responsible for the safety and security of people in the areas of an occupation maintained in northern Syria by the Turkish military, police and an array of affiliated armed groups including the rebel-led Syrian National Army.

“[I]n areas under effective Turkish control, Turkey has a responsibility to, as far as possible, ensure public order and safety, and to afford special protection to women and children. Turkey remains bound by applicable human rights obligations vis-à-vis all individuals present in such territories,” experts from the Independent International Commission of Inquiry on the Syrian Arab Republic said in their latest report issued on February 8, 2022.

“Confiscation of private property by parties to the conflict, in particular when generating personal gain, such as through the sale of crops or the right to harvest crops or the imposition of ‘taxes’, may amount to pillage, which is a war crime,” the report stated, stressing that Turkey could face such crimes when Turkish forces fail to intervene to stop violations.

The UN reports have documented serious human rights violations in Syria by all parties involved in the conflict. The parts of the reports that focus on areas controlled by Turkey indicate responsibility on the part the government of President Recep Tayyip Erdoğan, which ordered military operations in Syrian territory.

Yet such warnings have so far fallen on deaf ears in Ankara, where the Erdoğan government apparently gave carte blanche for the conduct of Turkish troops, police, intelligence officers and allied jihadist groups, amounting to total impunity. Erdoğan and his political and business associates have been benefiting from the conflict, making windfall profits from cross-border trade and taking huge cuts from smuggled goods, from oil to historic artifacts and from scrap metal to forcibly seized harvests.

The UN noted that “patterns of looting, pillage, occupation and confiscation of property, including through ‘taxes’, continued, particularly during the olive harvest season.”

The harvest from thousands of olive trees was taken – sometimes under the guise of “taxes” – by armed groups, according to the findings. Between July and November 2021, in Ma’batli and Bulbul, situated in the Aleppo Governorate, the Levant Front and the Sultan Murad Division sold the rights to harvest olive crops to third parties. These groups operated in concert with the Turkish military in past military interventions and continue to coordinate their actions with Turkish authorities.

Land and property owners who objected to the usurpation of their rights received threats and were subjected to beating, abduction and even murder in some cases. “One woman who approached Turkish officials in Sheikh Hadid district to complain about the appropriation of her home was told to speak with the Suleiman Shah Brigade, to whom authority had apparently been delegated by Turkey to deal with such cases,” the UN report documented. Throughout the Afrin region, which is under the control of the Turkish military, property owned by Kurds was looted and appropriated in coordinated efforts by Syrian National Army members. “For example, in September 2019, civilians in the Shaykh al-Hadid subdistrict (of the Afrin region) described how members of Division 14, Brigade 142 (the Suleiman Shah Brigade) of the Syrian National Army had gone from door to door instructing Kurdish families with fewer than three members to vacate their houses to accommodate individuals arriving from outside of Afrin.”

Similarly in Afrin, the properties of Kurds in the Ra’s al-Ayn region who had fled battles during Turkey’s Operation Peace Spring military offensive in October 2019 were also appropriated by Syrian National Army forces. Members of Division 22 (the Hamza Brigade) of the Syrian National Army engaged in widespread and organized looting and property appropriation in Ra’s al-Ayn, including by marking house walls with the names of individual brigades.

According to the UN, the looting of properties and goods, the sale of seized goods and transportation were coordinated, indicating a premeditated policy implemented by armed factions and several brigades.

In one case the home of a Kurdish family was appropriated by members of Division 22 (the Hamza Brigade) and handed over to the Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH), a Turkish charity that is linked to al-Qaeda. The IHH turned the property into a religious school that was officially inaugurated on June 22, 2019 by the governor of Turkey's border province of Şanlıurfa. The Turkish military also appropriated a number of homes in Syria's Dawoudiya region. Such practices help Turkish President Erdoğan sustain his war-profiteering schemes on the back of the Syrians' plight. According to revelations made by fugitive Sedat Peker, a former ally of Erdoğan and a convicted mobster, the point man who handles illegal trade in Syria on behalf of Erdoğan is Ramazan Öztürk, the son of Erdoğan's long-time associate Talip Öztürk.

The Öztürk family has been involved in an illicit trade between Turkey and Syria that has included the smuggling of oil purchased from the Islamic State in Iraq and Syria (ISIS) in the past, moving stolen historical artifacts and reselling olive oil and wheat bought cheaply from Syrian farmers under threat. The family made a fortune from a scrap metal trade that involved melting copper, aluminum and other materials stolen from Syrian factories and infrastructure.

In a letter submitted to the UN Security Council on November 24, 2021, Syrian Ambassador to the UN Bassam Sabbagh complained that the Turkish military brought a large number of Turks to harvest in wheat in seized land in Afrin, after which the crop was transported to Turkey. The residents were prevented from going to their fields.

Muhammad al-Jasim, known by his nom de guerre Abu Amsha, the leader of the Suleiman Shah Brigade, works closely with the Öztürk family and helps run this illicit trade with his fighters backed by the Turkish military. Abu Amsha is known for his brutal tactics including torture and ill-treatment to coerce residents to pay illegal taxes and forcing farmers to sell their harvest at cheap prices. He and his men were accused of raping women in the territories they control.

[\[back to contents\]](#)

Kosovo Specialist Chambers

[\[back to contents\]](#)

Azerbaijan

EU wants probe into alleged war crimes by Azerbaijan (EU Observer) By Nikolaj Nielsen
October 3, 2022

The EU is demanding a probe into possible war crimes following a video of people dressed in Azerbaijani uniforms executing Armenian prisoners of war.

Peter Stano, a spokesperson for the EU's foreign policy branch, told reporters on Monday (3 October) that the video, if proven authentic, "show acts of war crimes and clear violation of international law."

But he also said it is up to Azerbaijan to carry out the probe, noting that the EU does not have any investigative powers.

"It's in the interest of Azerbaijani authorities to investigate and prove to the world that this is not the policy of the country," he said.

Foreign ministers from both sides had met in Geneva on Monday, as a follow-up to a mediation meeting in Brussels in late August.

Armenia in Geneva demanded war crimes be investigated and perpetrators be brought to justice. Azerbaijan said Armenian armed units needed to withdraw and accused them of placing landmines in Azerbaijan territory.

The latest war crime allegations may exacerbate already tense relations between Armenia and Azerbaijan, who have fought two wars over the disputed Nagorno-Karabakh region.

The most recent, in 2020, saw Armenia withdraw from large tracts of territory, leading to the deployment of some 2,000 Russian troops to maintain a shaky ceasefire agreement.

The six-weeks of fighting killed an estimated 6,000 people.

Both Baku and Yerevan continue to contest and vie over territory in the region, with the former laying down infrastructure such as roads.

But fighting broke out again earlier last month, with at least 207 Armenian and 80 Azerbaijani soldiers killed in what has been described as the deadliest escalation since 2020.

Yerevan accused Baku of taking an additional 10km² of territory, noting that some 2,700 civilians were evacuated from Armenia's Syunik and Gegharkunik provinces.

The International Crisis Group, an NGO, says the fighting may be Azerbaijan taking advantage of Russia's war in Ukraine.

War crimes on both sides? On Sunday, the EU's envoy to the South Caucasus, Tovia Klaar, also demanded an investigation into the apparent atrocities committed by Azerbaijanis.

But he then revealed that he had been sent several videos of possible war crimes being committed against Azerbaijanis.

"Also these need to be investigated and if authentic perpetrators need to be held responsible," he said.

"The conflict has left deep wounds on both sides and to heal accountability is needed," he added.

[back to contents]

Russia

Turkey

Ukraine charges Russian soldiers alleged to have shot at civilian cars (The Guardian) By Isobel Koshi
September 28, 2022

Ukrainian authorities say they have identified five Russian soldiers who allegedly shot at civilian cars in the Kyiv region during the first days of the war.

CCTV footage gathered by Ukrainian investigators shows Russian units shooting at civilian cars along roads just outside Hostomel, a town north-west of Ukraine's capital, Kyiv.

In one of the clips, a car catches fire after being shot by troops stationed in the forest opposite. The driver of the car died, according to Ihor Klymenko, the head of Ukraine's national police force.

Klymenko said the Russian soldiers shot as if they were on "safari". One of the cars examined as part of the case had 178 bullet holes, he said.

After Russian forces were pushed out of parts of northern Ukraine in late March, international investigators and prosecutors have made investigating war crimes in Ukraine a priority.

Erik Mose, the head of the United Nation's team investigating war crimes in Ukraine, said on Friday they had found evidence of war crimes including executions, torture and sexual violence in civilian areas. Mose said he was especially "struck by the large number of executions in the areas that we visited"

The Russian soldiers are charged with killing five people, and injuring a further six, who were trying to flee Hostomel on 25 February, a day after Russia invaded. A total of 11 people were killed and 14 injured on the stretch of road in question, say Ukraine's authorities.

Ukraine's security services alleged in a statement that the charged Russian soldiers had shot at 12 cars over a period of six hours. According to security services, three of the five men identified gave the orders to shoot at the vehicles.

"The criminal order to shoot at civilians was given by the commander of the riot police (from Krasnoyarsk region), his deputy and Russian national guard commander from the Krasnoyarsk region," read the statement from Ukraine's security services, which was accompanied by pictures of the men taken from CCTV.

One of those shot along the stretch of road outside Hostomel was a German national, driving to collect his family, but he survived, said Klymenko.

In March, before being shot by a Russian sniper himself, Eduard Lysovysk, a 59-year-old man from Hostomel, helped a woman whose car had been shot at while trying to leave the town with her grandson, Sasha. Sasha was shot in the forehead and 10 times in the chest and did not survive.

Lysovyk kept a visual diary, which included footage of several shot bloodstained cars on the road outside Hostomel.

Russia Beat and Denied Food to Prisoners of War, Ukraine Says (The New York Times) By Matthew Mpoke Bigg
September 29, 2022

Russian forces have detained Ukrainian prisoners of war in horrible conditions, subjecting them to beatings and denying them food to the point where many became severely undernourished, a senior Ukrainian government official said on Thursday.

The captors held so-called meetings in which prisoners were forced to run a gantlet through a barrage of blows from rubber batons, said Dmytro Lubinets, the Ukrainian parliamentary commissioner for human rights.

“These batons even broke, and after that they used wooden sticks,” he told journalists.

Around 800 prisoners of war have been returned to Ukraine in roughly 20 exchanges since Russia’s invasion began in February, according to Andriy Yusov, who represents the intelligence department in Ukraine’s ministry of defense. His statement to journalists gave no details of the mechanism for the swaps and did not say how many Russians were exchanged.

The treatment of prisoners of war is an emotional issue for Ukraine, which holds its fighters in high esteem for their defense of the country. Evidence of Russian abuses of captives, aside from being an apparent violation of the Geneva Conventions, has fueled outrage and added to a litany of reports of Russian war crimes.

The reports include the massacre of civilians in communities outside the capital Kyiv early in the conflict, the bombing of a maternity ward and a theater where civilians were sheltering in the southern city of Mariupol and rocket attacks on civilian targets including apartment buildings, shopping malls, train stations and busy public squares.

In addition, Ukraine is compiling evidence about an explosion in July that killed at least 50 prisoners of war at a Russian prison camp in Donetsk Province, in eastern Ukraine. Russia said Ukrainian forces shelled the camp, but Ukraine said it was a war crime committed by Russian forces. Some of those killed had fought to defend a steelworks during a siege in the port city of Mariupol that became a symbol of the country’s suffering.

President Volodymyr Zelensky signaled the national importance of prisoners in a speech delivered late on Wednesday. “We remember all our people and try to free each and every one of them from captivity, not a single Ukrainian has been forgotten,” he said.

Mr. Lubinets said that the prisoners he had spoken with were held in “terrible conditions,” given little food or water, no toilet paper, soap, or toothbrushes and were also forced to sleep on concrete floors without blankets or mattresses. All the prisoners lost weight, he said.

Ukrainian officials have avoided giving details of prisoner trades or saying how many prisoners it holds, citing security reasons. But on Thursday a senior official in the president’s office, Andriy Yermak, said that six people, including four marines who had fought at Mariupol and two civilians, were returned in a swap.

Military experts say that Ukraine had netted many new Russian prisoners during a recent counteroffensive in the northeast.

Ukraine: Missile attack on humanitarian convoy in Zaporizhzhia further proof of Russia’s ‘utter disregard for civilian lives’ (Amnesty International) September 30, 2022

Responding to reports that at least 25 civilians were killed today by a missile strike on a humanitarian convoy in the Ukrainian city of Zaporizhzhia, Denis Krivosheev, Amnesty International’s Deputy Director for Eastern Europe and Central Asia, said:

“The fact that a humanitarian convoy was struck in this horrendous attack is further proof of Russia’s utter disregard for civilian lives in Ukraine. People delivering humanitarian aid are not military targets, and it is devastating to see more lives ruined by wanton death and destruction. All those responsible for Russia’s repeated unlawful attacks in Ukraine must be held accountable for their actions.”

The convoy was struck as it was preparing to go a Russian-occupied part of the region to deliver humanitarian aid. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance mission is a war crime.

By analysing photos and video from social media, Amnesty International's Crisis Evidence Lab confirmed that the strike hit the line of civilian vehicles as it gathered at the Avtorynok car scrapyard market on the southern outskirts of Zaporizhzhia, approximately 27.5 kilometres from the front line. A crater near the convoy measured approximately five meters wide and 2.5 metres deep, which is consistent with the warhead of a large guided missile.

According to media reports, at least 25 people were killed and 50 wounded – all of them civilians. Amnesty International was able to confirm 23 individual deaths of women and men by analysing photos and videos to identify unique clothing and distinctive features on the victims' bodies.

Ukrainian authorities reported that 16 missiles were fired at or near Zaporizhzhia during the attack, and online records indicate that the alarm sirens of the civil defence warning system sounded at 7.11am local time, nearly simultaneously with the strike. Based on the distance inside Ukrainian controlled territory, the warning sirens, the size and type of crater, and the number of weapons simultaneously fired, Amnesty International believes this was almost certainly an attack by Russian military forces.

The strike comes as Russian President Vladimir Putin today announced the annexation of four Ukrainian territories occupied by Russian forces in the Donetsk, Kherson, Luhansk and Zaporizhzhia regions. Amnesty International has previously declared the so-called referenda that preceded the announcement illegal, and their results a "sham", and warned that Russia's annexation of occupied territory would violate international law.

Accountability for war crimes

Since the beginning of the conflict, Amnesty International has been documenting Russian war crimes and other violations of international humanitarian law committed during Russia's war of aggression in Ukraine. All of Amnesty International's outputs published to date – including news updates, reports, briefings and investigations – can be found here.

Amnesty International has called repeatedly for members of Russian forces and officials responsible for violations to be held to account, and has welcomed the ongoing International Criminal Court investigation in Ukraine. Comprehensive accountability in Ukraine will require the concerted efforts of the UN and its organs, as well as initiatives at the national level pursuant to the principle of universal jurisdiction.

Photos Show Evidence of Teeth Pulling, Live Burials in Russian Torture Room (Newsweek) By

Andrew Stanton

October 4, 2022

A Ukrainian official presented photographic evidence on Tuesday of torture rooms in a village in the country's Kharkiv region.

Allegations of war crimes and abuse from Russian soldiers emerged soon after President Vladimir Putin launched the Ukraine "special military operation" on February 24.

Anton Gerashchenko, who serves as an adviser to the minister of internal affairs of Ukraine, tweeted the latest accusation of abuse, sharing photos that appear to indicate torture in the village of Pisky-Radkivski.

One photograph showed a gas mask, which he said was used for torture, thrown on the ground. Another showed a box that appeared to contain teeth that were forcibly removed from torture victims. Evidence of being buried alive was also found in the village, he wrote.

"Investigators found a torture room in Pisky-Radkivski village, Kharkiv region. Tortures such as being buried alive and putting a burning rug into a gas mask were reported. A box with torn out teeth implants was also found," Gerashchenko tweeted on Tuesday.

The National Police of Ukraine announced the discovery of the alleged torture chamber in a Monday Telegram post.

"Another torture chamber of the Russian occupiers. After the deoccupation, our police officers document here the war crimes of the 'liberators' army. When Russian servicemen entered the village, they drove the locals out of their homes and settled there themselves," the post said, according to a translation.

Police found the torture chamber in a cellar, where locals were allegedly "kept in inhumane conditions."

"People were intimidated, beaten and abused," the post said.

Ukrainian police alleged that Russian troops also looted houses in the small village, located less than 100 miles southeast of the city of Kharkiv. Other details about the alleged torture, including the number of victims who were allegedly tortured, remained unknown Tuesday afternoon.

Russia War Crime Accusations Continue to Grow

Russia has faced accusations of torturing Ukrainian troops and civilians throughout the war, with Ukraine calling for a "Nuremberg-style" war crimes trial to be commissioned during the United Nations General Assembly in September.

One man told Ukrainian media that he was subject to physical and psychological torture in another village in the Kharkiv region. He said he was hit in the back of the head and suffered rib damage before being brought to a torture chamber.

At least 10 alleged torture sites have already been discovered in the town of Iziium, which was liberated by Ukraine's military in early September, according to the Associated Press. Russia is facing numerous international investigations for these alleged war crime violations.

Newsweek reached out to the Russian Ministry of Defense and the United Nations for comment.

Foreign Ministry Special Envoy Anton Korynevych: "We could arrange for trying Russia in absentia" (Kyiv Post) By Maryna Shashkova

October 5, 2022

The war that Russia is waging against Ukraine is Europe's biggest since 1945. Having failed to achieve its goal of occupying Ukraine's entire territory, the Kremlin nevertheless carries on and Putin's generals continue to give orders aiming to exterminate Ukrainians. Russian forces, losing ground on the battlefield, continue to shell Ukrainian cities and villages, killing civilians and destroying infrastructure.

Ukraine's President Volodymyr Zelensky intends to hold the Russian political leadership accountable for this crime of aggression. He has set up an ad hoc group of experts who are to work out legal mechanisms for establishing a special international tribunal. To find out what has been done in this direction, Kyiv Post approached Anton Korynevych, the Foreign Ministry's special envoy and a member of the ad hoc group, with questions about the group's progress, a tentative date of the tribunal's establishment, and the possibility of convicting Putin.

Kyiv Post: What are the main problems with establishing the Special International Tribunal (SIT)? How much work has been done?

Korynevych: I wouldn't say there are problems. I would say that the establishment of such a separate body as the Special International Tribunal on the Crime of Aggression against Ukraine is, conceptually, a very serious task that certainly takes a lot of active work on the Ukrainian side and the political will of our international partners to participate. This work is in progress.

I wouldn't like to talk about problems. Of course, there are certain things that we have to explain to our international partners, but that's quite normal for this working process. For example, we have to explain that the International Criminal Court (ICC) alone cannot ensure full and adequate punishment for the crimes committed in Ukraine since the crime of aggression against Ukraine is not and cannot be under its jurisdiction. And that's why we propose to establish this Special Tribunal as a legal mechanism to complement the ICC in the context of liability for the crime of aggression against our country.

Kyiv Post: What is the difference between the SIT and the ICC?

Korynevych: The ICC is a permanent body of international criminal justice. Since its jurisdiction is recognized by Ukraine, the ICC Office of the Prosecutor is probing for investigation into possible international crimes that fall under three categories: crimes of genocide, crimes against humanity, and war crimes. There is one more crime under the jurisdiction of the ICC, but the ICC doesn't and cannot have the jurisdiction over this type of crime in Ukraine. It's the crime of aggression.

For the ICC to have the jurisdiction over the crime of aggression there has to be at least one of two prerequisites: the ratification of the Rome Statute and the Kampala amendments concerning the crime of aggression, or a UN resolution recognizing the act of aggression submitted to the ICC for consideration.

In these cases, the ICC can have the jurisdiction over the crime of aggression. We all understand that the Russian Federation will not ratify the Rome Statute in the foreseeable future and would veto the UN resolution, so we propose that this specific

crime of aggression against Ukraine be investigated by the SIT.

This way it's easier to get to those who have given and are giving orders to wage this aggressive war. This would be a faster and more effective way to prosecute the Russian political and military leadership.

Kyiv Post: Does Ukraine plan to ratify the Rome Statute any time soon?

Korynevych: This question is for the relevant decision-makers. Personally, I am for the ratification.

Kyiv Post: If Ukraine doesn't ratify the Rome Statute, could that affect the Tribunal's work?

Korynevych: I don't think so. I think those who work in the ICC are clearly aware of the importance of their adequate response to the situation in Ukraine and the horrible crimes committed by the Russian military. The SIT, for its part, would be a separate international judicial body – independent of the ICC.

Kyiv Post: Could you please name the countries that have concluded the international agreement on the recognition of the Tribunal's decisions?

Korynevych: No one has signed the agreement yet. It will be signed when the whole pool of interested states is known. There are states that support this initiative and are ready to cooperate. We don't name them publicly because this is a sensitive issue.

Of course, the agreement will remain open to signing after a certain number of states ratify it. We are working on all these issues.

Kyiv Post: Could you disclose at least the number of these countries?

Korynevych: This is a sensitive issue and we are not discussing it publicly.

Kyiv Post: Are they not only European countries?

Korynevych: Let me say this idea is supported by countries in the Euro-Atlantic space. But we don't set regional limits. We are ready to work with all countries.

Kyiv Post: How many signatory states does it take to make the Tribunal legitimate?

Korynevych: There is no such requirement.

Kyiv Post: If, for instance, China refuses to sign, could that affect the process?

Korynevych: I don't see a problem here.

Kyiv Post: How long could it take to establish the Tribunal? Or do we have to wait until the war ends?

Korynevych: I'm sure we don't need to wait until the war ends. Actually, we're already working. We've been working since late February together with the Foreign Ministry, the President's Office, and the best international legal experts who support this idea.

How long it takes depends on our partners' political will. We are ready to start establishing it tomorrow. We have the relevant normative acts drafted and we are ready to move further. We can't let the crime of aggression against Ukraine go unpunished.

Kyiv Post: Who are the international legal experts helping Ukraine establish the SIT?

Korynevych: We have a strong informal working group that includes leading international law experts from Great Britain, the United States, Australia, Germany and other countries. I'd mention two of the best-known experts. One is Philippe Sands, whose book *East West Street: On the Origins of Crimes of Genocide and Crimes Against Humanity* is well known in Ukraine. This British expert was the first to offer the idea of an international tribunal and he is helping us a lot. The other is Dapo Akande, a Professor of Public International Law at Oxford. He is one of the leading international law experts of modern times. We really have good support from the best representatives of the academic community in international law.

Kyiv Post: How did you get to draw them? Or did they offer their services?

Korynevych: You see, the idea of establishing the SIT came from Kyiv and London at the same time. In fact, no one offered anything. We just joined our efforts and it's working. And we're grateful to our academic colleagues.

Kyiv Post: Regarding future verdicts and sentences, what terms can we expect for the Russians to be found guilty of this war?

Korynevych: We regard our Special Tribunal as a complementary body to the ICC. We believe that it needs to be based on the principles, norms and approaches of the ICC, so the system of punishment set in the Rome Statute is absolutely adequate. It's where the judges sentence the guilty to prison terms of up to 30 years or life imprisonment.

Kyiv Post: Who will stand trial – Russian generals, propagandists, top officials?

Korynevych: This tribunal will not deal with war crimes committed by Russian military individuals, because they are dealt with by Ukrainian courts and the ICC.

This tribunal will punish individuals for the crime of aggression against Ukraine, namely those who gave orders to start and continue this aggressive war. These are the top Russian political and military leaders.

Kyiv Post: Does it mean that Putin's arrest is possible?

Korynevych: Why not? But it's up to the tribunal to decide. Yes, this individual may really be involved in the crime of aggression against Ukraine by personally giving such orders.

Kyiv Post: Do suspects have to be tried in person?

Korynevych: I'm sure we can formulate the proper in-absentia procedure.

Kyiv Post: Supposing the SIT passes a life sentence on Putin. How would it be possible to put him behind bars? Russia would hardly extradite him.

Korynevych: We need to decide through negotiations and consultations on the in-absentia procedure, whether the defendant must necessarily be tried in person. Traditionally, most international courts and tribunals demand that defendants be present in the courtroom. We need to see if this requirement would have to be set. We'll discuss it with our international partners.

Either way, I'm sure that the very fact of indictment of the top Russian political-military leadership and the issuance of arrest warrants would be a big step forward. Those individuals would be locked up inside Russian jurisdiction. They would be non-handshakable in the international community, they wouldn't be able to freely travel abroad. The SIT would name them international criminals in legal, not political terms.

Kyiv Post: How long could it take?

Korynevych: The indictment could be prepared in several months.

Kyiv Post: Where would the convicted serve their terms?

Korynevych: International tribunals don't have prisons. They have agreements with governments on using their penitentiary facilities. This issue will be addressed after the tribunal is established.

Kyiv Post: So if a state doesn't sign the SIT agreement, it's not obliged to arrest or extradite suspects?

Korynevych: They won't be legally bound, but I think we can work out various mechanisms through which such states would detain suspects if they don't sign but publicly support the SIT agreement.

Kyiv Post: Who could be the prosecutors and judges in the Tribunal? Would Ukrainians be among them?

Korynevych: I think we need to formulate the mechanism for selecting judges. They should have relevant work experience in international tribunals. Prosecutors should also be independent and experienced. I'm sure there should be Ukrainian prosecutors for complete understanding of the context, but the more international this tribunal's composition the better for legitimacy.

Kyiv Post: Are there guarantees that Russia won't put its judges or prosecutors into these seats?

Korynevych: I wouldn't be so concerned about that. In the draft SIT statutory documents we offer an absolutely adequate mechanism for selecting judges and prosecutors. I don't see any threats in this context.

Kyiv Post: Who would pay the SIT staff?

Korynevych: Very importantly, the budget isn't going to be big. This compact judicial mechanism will be handling one single crime, so it won't need a lot of staff, infrastructure, and logistics.

The source of funding depends on how the Tribunal will be established – whether through Ukraine’s multilateral agreement with a certain number of countries, or through Ukraine’s agreement with the UN, or through Ukraine’s agreement with a European regional organization.

Kyiv Post: What could prevent the Tribunal from being established?

Korynevych: There will be no tribunal if our international partners don’t want to establish it, because Ukraine alone can’t establish it. But we are working to prevent such a situation.

Kyiv Post: Defense Minister Oleksiy Reznikov suggested that the tribunal take place in Kharkiv, the city the Russians keep shelling every day, having failed to take it. Is that possible?

Korynevych: I believe that this tribunal should take place outside of Ukraine since this country is the victim of aggression. This tribunal should really be international, so it should take place abroad. But that’s not a hot-button issue for now.

[\[back to contents\]](#)

MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

[\[back to contents\]](#)

Syria

[\[back to contents\]](#)

Yemen

France implicated in war crimes against Yemen: Investigation (Al Mayadeen) September 30, 2022

The French newspaper OrientXXI published an investigation that revealed the involvement of major French companies in killing children in Yemen, profiting from the war, with the support of the French government, which is - after the United States - the most important arms supplier to the Saudi-Emirati coalition involved in the war on Yemen since 2015.

According to the investigation, the French government authorized, in 2019 alone, 47 export contracts for missiles, guided bombs, and other explosive materials, with a total value of one billion euros (around \$974 million) to Saudi Arabia and 3.5

billion euros (around \$3.4 million) to the United Arab Emirates. In 2020, these licenses increased by 40% for Saudi Arabia and 25% for the UAE.

The investigation confirmed that three major French companies and their contractors were involved in a conflict that killed 110,000 people in 7 years, including more than 13,000 civilians, namely, the Thales Group, which equips fighter planes and supplies munitions, the French-British missile manufacturer MBDA, and Dassault Aviation, which provides the maintenance of the Mirage 2000 and has landed record-breaking contracts with the Emirates.

Meanwhile, since the start of the military intervention of the Saudi-led coalition against the Yemenis in March 2015, the French government has been trying to deny its involvement. In January 2019, then-Secretary of the Armed Forces Florence Parly assured public radio station France Inter, “We have not recently sold any weapons that might be used in the Yemeni conflict.”

A few months later, on April 15, 2019, an inquiry conducted by Global Investigative Journalism Network, DISCLOSE, proved the opposite, by basing its findings on a report from the Directorate of Military Intelligence. Not only did French planes, helicopters, tanks, and canons take part in the coalition attacks, but these weapons have also been used to target civilian areas.

The investigation stated that the French government still refuses to reveal details of the weapons that have already been supplied to each foreign country. However, its public reports submitted each year to Parliament highlight the importance of trade with two of the most interventionist countries in the Middle East, Saudi Arabia and the UAE, which are respectively the third and fifth largest customers of French arms. These reports tell that between 2015 and 2021, France supplied military equipment, munitions, and maintenance services valued at about 9 billion euros to these two countries, which lead the coalition against the Yemenis.

[\[back to contents\]](#)

Special Tribunal for Lebanon

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

[\[back to contents\]](#)

Israel and Palestine

Gov't contract shows how Israel enlists forests to grab land from Bedouin citizens (+972 Magazine) By Maron Rapoport
September 22, 2022

An agreement between the Israel Land Authority and Jewish National Fund uses militaristic language justifying tree-planting as weapon against 'invaders.'

Ever since its founding, the State of Israel has used tree planting as a means to either cover up the past or pave the way for the future. While on its face tree planting appears a benign, even positive policy to pursue, in Israel, the story is quite different.

The state has historically planted trees as a way to conceal the Palestinian villages it destroyed — and whose residents it expelled — during the Nakba in 1948. But the practice remains a tool for the further dispossession of Israel's Palestinian citizens to this day. Nowhere is this more apparent than in the Naqab/Negev, where Israel's struggle over land against Bedouin citizens is taking the shape of a military operation.

New documents uncovered by Local Call reveal the extent to which the Israeli authorities treat their own citizens as enemies. According to a contract between the Israel Land Authority (ILA), which manages state-owned land, and the Jewish National Fund-Keren Kayemeth LeIsrael (JNF-KKL), a quasi-governmental organization that owns 13 percent of the land in Israel and is responsible for tree-planting projects across the country, Israeli police recommended that the JNF plant forests in territories that the state wants to “protect” from the Bedouin in order to “to prevent invasions and trespassers.”

The plans, according to the contract, are to be kept “secret until their implementation,” while the Bedouin residents, who oppose the planting on land they claim ownership of, are defined as a “criminal [and] hostile population.”

The afforestation itself, the document stipulates, will be carried out by the JNF as a contractor of the ILA, and the land on which the trees will be planted is not assigned to it. The scope of the contract is NIS 15 million for 2022, and NIS 20.5 million for 2023. Notably, the agreement has been exempted from public tender; government institutions in Israel are supposed to issue such tenders for all contracts, unless a decision is specifically made otherwise.

While previous afforestation contracts between the ILA and JNF were justified by the latter’s proficiency in planting forests, this year the militarized language stands out as a major justification. The new agreement explicitly claims that afforestation has proven to be effective at preventing “invasions,” and that saplings are intended to facilitate a “strong capture” of the land.

Furthermore, the agreement states that the location for afforestation was determined after inspectors from the ILA, the Nature and Parks Authority, and the JNF identified “‘sensitive’ areas... [in which] repeated massive invasions take place, characterized by cultivation and illegal construction.”

The militaristic language may be a response to robust protests led by Bedouin residents in the village of Sa’wa al-Atrash in January, after Israeli authorities attempted to carry out afforestation plans on their land.

“This document shows how the state is deliberately operating in the dark,” said attorney Myssana Morany from Adalah, a legal center focused on the rights of Palestinian citizens of Israel. The contract, Morany added, shows that for the state and the police, “planting trees has become a weapon” against the Bedouin population.

‘A criminal population’

The agreement did not specify where the new afforestation will take place, but from data in Adalah’s possession, in addition to data obtained from a previous petition submitted by the Society for the Protection of Nature in Israel, it appears that more than half of the afforestation projects that were carried out for the purpose of land grabs over the last two decades took place in the Naqab. The document also makes no reference to the fact that in many cases, planting is done in territories that are not registered in the name of the state, since Bedouin residents have filed ownership claims for them.

Earlier this year, the JNF tried to plant trees close to the houses of the village of Sa’wa al-Atrash, on land over which the al-Atrash family filed an ownership claim decades ago, and which it cultivated until the moment of the JNF’s planting. Following major protests, police violence, and the arrest of dozens of residents, the planting was halted. Construction and Housing Minister Ze’ev Elkin at the time dismissed the confrontations as a “routine event.”

To substantiate the need to partner with the JNF specifically, the contract stated that the ILA “attached to its application a letter from the head of the Israel Police Special Forces Unit and the commander of the Yoav Unit [a paramilitary police unit tasked with enforcement in the Bedouin community] clarifying the necessity and effectiveness of carrying out the afforestation for the purpose of protecting the land, and in particular the need for such operations to be carried out by a public body [i.e. the JNF], which has an advantage by its very purpose and goals in dealing with a criminal population that tries to thwart afforestation.” It is unclear under what authority the police believed it could endorse which agency should carry out the planting of trees.

“The police crossed the line with this recommendation,” said Hussein al-Rifa’a, a social activist who was involved in the struggle in Sa’wa al-Atrash and previously headed the Regional Council of Unrecognized Villages in the Naqab. “It is an enforcement body, not a recommending body, but in the Naqab everything is possible.”

“This is a violation of [the police’s] authority,” echoed Dafna Saporta, coordinator of the Negev team at the planning NGO Bimkom, which works against the ILA and JNF-KKL’s afforestation methods. “What position can the police have on holding land?”

“We are facing a wave of incitement, and the media has been a willing participant,” al-Rifa’a continued. “The Bedouin are not criminals. They want solutions — for 70 years. Like any population that has been neglected by the state, there is a small percentage of negative things: one person commits an illegal act, and the entire community is labeled as ‘criminals.’”

‘Everything is in the same hands’

To explain why the JNF's contract was exempted from tender even though it is a public body, the agreement states that "there were people who sought to prevent the afforestation [who had] committed damage to property and lives," adding that "a private contractor motivated by considerations of profit alone will be deterred from working with a hostile population." The JNF, on the other hand, is "driven by conviction... the determination of JNF-KKL employees and their commitment to the task of protecting the land is great and proven in light of past experience."

The military atmosphere of the afforestation project "for the purpose of protecting the land" reaches its peak in Section 7.3.3 of the document: "in working with JNF-KKL," it reads, "the state's plans are kept secret until their implementation. This matter is of great importance since revealing the operations at an earlier stage could thwart the operation and endanger the forces operating in the field."

In a 2001 ruling, the Israeli High Court ruled that planting forests should be considered like any other planning act, and must therefore be presented to the proper planning committees where objections can be raised. However, the ILA claims that this is "agricultural afforestation" and does not require approval, thus bypassing the planning committees. Bimkom, as well as other organizations, strongly rejected this definition.

In 2015, the Society for the Protection of Nature in Israel petitioned the High Court against afforestation plans in the Naqab on the grounds that they cause severe damage to nature and illegally bypass accepted planning procedures.

The "Scoop Committee" (named after a top ILA official) was subsequently established to review cases designated as "agricultural afforestation." But the discussions in this committee — more than half of whose members are representatives of the ILA, JNF, and the Nature and Parks Authority — are not transparent to the public. Another petition filed by the Society for the Protection of Nature in Israel against the afforestation plans was rejected.

In February, Adalah filed a freedom of information request to the ILA to receive the committee's protocols and other materials related to its work. "We received very few materials," said Morany. The ILA "told us that some of the materials are in the hands of the JNF, who they approached, but the JNF did not provide them. They suggested I contact the JNF."

Turning to the JNF is hopeless, Morany said, because it is technically not a governmental body and therefore is not obligated to respond to freedom of information requests. But in light of the document in which the state openly admits it uses the JNF to maintain the secrecy of its afforestation plans, it is now clear, stressed Morany, that "everything is in the same hands. The state transfers to the JNF things it cannot legally do."

'We have to survive this wave of incitement'

According to Saporta, it can be assumed that the afforestation plans would have encountered difficulties had they reached the planning committees. "The afforestation is being carried out on territories that the state defined, as part of the Be'er Sheva Metropolitan Plan, as a 'mixed agricultural rural landscape'; that is, areas intended for the establishment and expansion of Bedouin villages. Afforestation contravenes this plan," she said.

As in Sa'wa, a large part of the planting is in areas very close to the homes of Bedouin residents, which is no accident. In one of the protocols of the Scoop Committee that Adalah received, Ilan Yeshuron, the southern region director of the ILA's land protection division, says that "the purpose of the planting is, among other things, to prevent the expansion of illegal [Bedouin] settlements in the area. We're approaching a distance of dozens of meters from the residential clusters, no more."

Because the ILA and the JNF do not provide data on their afforestation projects, it is difficult to know exactly the extent of their plans, but it is estimated to involve tens of thousands of dunams. According to Adalah, there are ownership claims on a significant portion of the afforested areas, meaning that, contrary to what is described in the ILA-JNF document, the state is not the owner.

"They say the goal is to prevent invasion, but determining who is invading or not is a legal matter," said Morany. "They are creating facts on the ground. There is no legal inquiry, there is no planning procedure, and there is no transparency."

The ILA claims that the project is only temporary, and that trees can be uprooted later if the legal situation changes. But this does not reassure Morany. "It's a bluff," she explained. "The tree planting prevents people with ownership claims from using the land. They're changing the situation and bypassing the regularization processes."

"The court won't help [the ILA]; these are private Bedouin lands," said Al-Rifa'a, referring mainly to the Be'er Sheva Valley, where a large portion of the unrecognized villages are located, and where a large part of the afforestation has been carried out. "From a legal perspective, the ownership of the land is not contested. The population was not transferred from another part of the Naqab, but rather has remained there since Israel's founding."

He continued: "The state tried to take over this area in all kinds of ways and it didn't work, so now they want to use the JNF

and the police to take over the land. We are in a bad situation, but we have to survive this wave of incitement.”

In its response to Local Call’s request for comment, the ILA stated: “Planting operations to protect and preserve land in the Negev have been carried out by the state for about 30 years as part of the ongoing work to protect the state’s lands and as part of the duties of the ILA established by law. These are temporary and reversible agricultural works, the purpose of which is to preserve the land so that it is available for any use determined by the authorized parties.”

It continued: “Many years of experience show that tree planting is highly effective in preventing invasions and illegal construction, as well as preventing major environmental damage as a result of dumping waste and illegal landfills, and conserving runoff water, etc. These protective plantings are carried out in coordination with all the relevant state bodies, following a clear decision of the High Court on the matter.”

Regarding the role of domestic security forces in the plans, the ILA added, “The police is a body that assists the ILA in carrying out the enforcement actions in accordance with the legal powers, and it is not involved at all in the management of the land and all that this implies.”

In its own statement to Local Call, the Israel Police said that its role is to “assist and secure the civilian enforcement bodies in performing their duties, after they have turned to the police of their own initiative for assistance. We emphasize that the police do not interfere in anything related to land management, including the rights to land, in all aspects arising from it.

“The letter in question refers to the difficulties that the enforcement bodies face in enforcing the law, the risks involved, and the benefits of working with a public body in light of the aforementioned circumstances. The statements regarding the benefits of planting as a way to seize possession of land are based on a professional position and extensive experience of Israel Police in assisting the enforcement bodies.”

Israeli forces kill four Palestinians, wound dozens in Jenin raid (Al Jazeera) September 28, 2022

Israeli forces began a large-scale raid on Wednesday morning in Jenin, the latest in a series of near-daily raids.

Four Palestinians have been killed and more than 40 others injured during an Israeli military raid on a refugee camp in Jenin in the northern occupied West Bank.

The raid began with dozens of Israeli military vehicles entering the camp at approximately 9am (06:00 GMT).

The Palestinian ministry of health said on Wednesday morning that the men killed were Ahmad Alawneh (26), Abed Hazem (27), Mohammad al-Wanneh (30), and Mohammad Abu Naa’sah.

Al Jazeera’s Walid al-Omari, reporting from Ramallah, said that the Al-Aqsa Martyrs’ Brigade had said that three of the men killed were members of the Palestinian armed group.

At least 44 others were injured, according to the ministry.

Local media said Ahmad Alawneh was 24 years old and worked as a Palestinian Authority (PA) intelligence officer. Surveillance camera footage circulated by local journalists of the moment he was killed showed him exchanging fire with Israeli forces.

Abed Hazem and al-Wannah were killed when Hazem’s father’s home was hit by a missile. Abed was the brother of Raad Hazem, who carried out an attack in Tel Aviv in April, killing three people, before being killed by police himself.

Plumes of smoke were seen after the missile exploded in the house. The army then proceeded to encircle the home, during which heavy armed clashes broke out with Palestinian fighters.

The Israeli army said that it had shot dead “two suspects involved in a number of recent shooting attacks”.

Clashes were continuing at midday. In addition to armed Palestinian fighters exchanging gunfire with the Israeli army, young Palestinians threw rocks at the entrance to the Jenin refugee camp, which Israeli forces responded to with live ammunition and tear gas.

Outrage among Palestinians was further heightened as photos shared online appeared to show that the body of Alwaneh had been desecrated, reportedly by an Israeli soldier.

Authorities and political parties declared a day of mourning and general strike with stores closed in the majority of West Bank cities including Jenin, Nablus, Ramallah and Hebron.

On September 6, Israeli forces raided Jenin and blew up an apartment that belonged to Raad Hazem, killing a 29-year-old Palestinian man and injuring 16 others.

Israel regularly carries out punitive demolitions of the homes of Palestinians who have carried out attacks against Israelis, something human rights organisations have described as “collective punishment”.

Israeli forces have been conducting near-nightly raids and killings in the northern occupied West Bank, mainly in Jenin and Nablus, where Palestinian armed resistance is becoming more organised and new groups of fighters have been formed.

More than 150 Palestinians have been killed by Israeli forces in the 1967-occupied territories since the start of the year, including 51 in the besieged Gaza Strip during Israel’s three-day assault in August. More than 30 of those killed were either from Jenin or were killed in the Jenin region in the occupied West Bank.

Twenty people have been killed in attacks carried out by Palestinians in Israel and the occupied West Bank in 2022.

Israeli forces kill Palestinian teenager in East Jerusalem (Middle East Eye) October 1, 2022

Israeli forces shot dead a Palestinian teenager in occupied East Jerusalem on Saturday, the Palestinian health ministry has said.

Fayez Khaled Damdum, 18, was hit with a bullet in the neck while driving a motorbike in the East Jerusalem town of al-Eizariya, according to Palestinian reports.

The shooting took place during a raid by Israeli forces in the area.

A spokesperson with Israel's police said they killed a suspect after he allegedly tried to throw a Molotov cocktail at the officers during protests.

Eizariya announced a day of mourning after Damdum's death was confirmed as angry protests erupted in the town. Dozens of people gathered outside the family's home to pay their respects, chanting anti-occupation slogans.

"He was the best person in the world, the nicest person," Damdum's sister told local media.

Occupied Palestinian cities have witnessed an increase in Israeli violence in recent weeks amid heightened security measures ahead of Jewish holidays.

Israeli forces conduct near-daily raid-and-arrest operations in various parts of the West Bank, which often lead to the wounding or killing of Palestinians.

Earlier this week, Israeli troops killed four Palestinians and injured more than 40 others in a raid on the city of Jenin, in the north of the occupied West Bank.

More than 150 Palestinians have been killed by Israeli fire this year, including 49 in the Gaza Strip and at least 100 in the occupied West Bank and East Jerusalem. The death toll in the West Bank is the highest since 2015.

Israeli soldiers kill Palestinian, wound two journalists (Al Jazeera) October 5, 2022

A Palestinian man was shot dead and at least two others were injured in the town of Deir al-Hatab, east of Nablus.

A Palestinian man has been shot dead and at least two others have been injured by Israeli forces in the town of Deir al-Hatab, east of Nablus in the occupied West Bank, the Palestinian health ministry said.

Alaa Zaghal, 21, “died of a bullet wound to the head fired by the occupation [Israeli] army,” a statement on Wednesday read.

At least six other Palestinians, including two journalists, were wounded by Israeli fire, medics at the scene said.

The Israeli army confirmed it was conducting a military operation in the village of Deir al-Hatab.

Local residents said the army had surrounded a house inside the village, killing Zaghal and shooting at a local media crew that was covering the incident.

Two journalists from Palestine TV were shot by Israeli soldiers, one in the hand and another in the shoulder, pictures released by the television station showed. Mahmoud Fawzy and Loai Samhan were seen bleeding and being taken away by ambulance

to a nearby hospital.

The violence was the latest to hit the north of the Israeli-occupied West Bank, an area that has seen near-daily raids, many of them deadly, by Israeli troops since March.

Nablus has increasingly become a target for Israeli operations following the emergence of a new armed faction, a loose coalition of Palestinian fighters called the Lions' Den.

The arrest of one of the group's members by Palestinian Authority security forces last month sparked clashes in the city between security forces and local gunmen, killing one.

On Monday, Israeli forces killed two Palestinians in the Jalazone refugee camp near Ramallah.

The Israeli military said soldiers went into the camp to apprehend an individual suspected of "terror activity".

During Monday's operation, "two suspects attempted to carry out a ramming attack against IDF soldiers. The soldiers responded with fire and neutralised the two suspects", said the Israeli military.

The account was disputed by a spokesman for Palestinian President Mahmoud Abbas, who said the troops had carried out an "execution".

"Such a reckless policy will not bring security or stability for anyone," said the spokesman, Nabil Abu Rudeineh.

The bodies of the two men were taken away by Israeli forces. This policy of holding the bodies of alleged Palestinian attackers denies families from burying their loved ones, rights groups say.

Ramy Abdu, the founder of the Euro-Mediterranean Human Rights Monitor, said Israel's withholding the bodies of Palestinians is an act of collective violence that is considered a war crime.

"Articles in the Geneva Conventions assure the necessity of burying the bodies of deceased detainees or those who were killed with respect according to procedures that are appropriate with their religious culture," he told Al Jazeera.

[\[back to contents\]](#)

Gulf Region

Biden administration seeks delay over Prince Mohammed immunity decision (The Gaurdian) By Stephanie Kirchgaessner
October 2, 2022

The Biden administration is seeking a 45-day delay in a court proceeding in which it has been asked by a US judge whether it believes Crown Prince Mohammed bin Salman should be granted sovereign immunity in a case involving the murder of Washington Post columnist Jamal Khashoggi.

Representatives from the US justice department said in a legal notice filed on Friday that the department was seeking the extension after Saudi Arabia announced in a press release last week that Prince Mohammed had been named prime minister.

Critics of the Saudi government said they believed the new designation was a manoeuvre designed to try to establish sovereign immunity protection for the 37-year-old prince, who is facing a civil case in the US for his alleged role in the murder of Khashoggi.

The legal case, which is being heard in a district court in Washington DC, has been filed against Prince Mohammed by Hatice Cengiz, Khashoggi's fiancée, and Dawn, a pro-democracy group founded by the journalist before he was killed.

The case has put the Biden administration in a legal and diplomatic bind.

The US president entered the White House promising to make the crown prince accountable for Khashoggi's murder and to make him a "pariah".

But Biden has largely abandoned that pledge in favour of pursuing other political and foreign policy objectives. In a trip to Jeddah this summer, the president fist-bumped the crown prince even after his own administration released a declassified intelligence briefing last year that concluded Prince Mohammed had likely ordered the Khashoggi killing.

Prince Mohammed has said he has taken responsibility for the murder but that he did not order the killing. The administration is not formally a party to the case, but was invited to weigh in on the matter. It had been given until 3 October by a judge hearing the Khashoggi case to respond to a series of legal questions about whether Prince Mohammed should be granted legal immunity, which traditionally is granted to a state's ruler, like a prime minister, president or king.

In its two-page filing on Friday, the Biden administration acknowledged it needed more time after already being granted an extension to settle the issue because of Prince Mohammed's recent elevation to the role of prime minister. "In light of these changed circumstances, the United States requests a second extension of time of 45 days to prepare its response to the Court's invitation," the administration said in a notice to the court. "The United States appreciates the Court's patience and consideration in this matter."

Legal experts who have studied the issue say they believe Cengiz's legal team will likely challenge any legal argument that calls for Prince Mohammed to be granted immunity. Among other issues, they will likely argue that King Salman's designation was solely designed for Prince Mohammed to evade justice.

That is because, in announcing the change – an exception to Saudi law that calls for the king to also serve as prime minister – it is stated that King Salman will still act as prime minister in meetings in which he is present.

Human-rights lawyers have also argued against giving sovereign immunity protection precedence over other principles human rights principles.

Agnès Callamard, the secretary general of Amnesty International, said there were "far greater values at stake" than the immunity of a "possible sovereign that has proven repeatedly that he is prepared to violate the sovereignty of other states and international law".

"The protection of the right to life, the prohibition of torture and enforced disappearance, international peace, the use of force on the territory of another state, principles of international justice and the protection of fundamental human rights should trump concerns of sovereign immunity," Callamard said.

Sarah Leah Whitson, a lawyer and executive director of Dawn said the best thing the US government could do would be to refuse to weigh in on the matter. Any such decision would likely be seen as a sign to the court that the administration did not believe it had an interest in the case.

"MBS's [Mohammed bin Salman's] ploy to secure immunity by designating himself as PM should be rejected as an abuse of sovereign immunity. To allow tyrants to dodge prosecution for war crimes and grave abuses by title-washing will eviscerate universal jurisdiction laws all over the world," she said.

Experts have also cautioned that much more is at stake for Prince Mohammed than the civil case in Washington. If a US judge were to determine that the crown prince should be granted sovereign immunity, it would likely assure the crown prince that he was no longer facing legal threats or the threat of possible arrest when he travels outside the kingdom.

If a judge determines that Prince Mohammed ought not to be granted sovereign immunity – either because he is not yet fully ruler of the kingdom, or because his alleged wrongdoing was too grave – it would conversely send a stark message that the crown prince could face more legal trouble.

The decision in the first instance will be made by Judge John Bates, who was appointed to the bench in 2001 by then-president, George W Bush.

Bates has previously received media attention as a Republican-appointed federal judge who ruled against the Trump administration in 2018 after the White House sought to end an Obama-era programme known as Daca, which was designed to protect immigrants who arrived in the US as children.

Bates called the Trump administration's reasoning in the case "arbitrary" and said it had not given sufficient explanation of why the programme should be considered unlawful.

Informal workers at risk of exploitation in Qatar during World Cup - U.S. official (Reuters) By

Andrew Mills
October 3, 2022

Workers in Qatar's informal economy are especially at risk of exploitation during this year's soccer World Cup and Doha must strive to prosecute human traffickers and identify their victims, U.S. Under Secretary of State Uzra Zeya told Reuters.

The Gulf Arab state has come under intense scrutiny and criticism from human rights groups over its treatment of migrant workers in the run up to hosting the tournament next month, the first Middle Eastern country to do so.

"The World Cup presents a challenge in terms of the increased likelihood or possibilities to exploit vulnerable migrant workers and it's all the more important to enforce the laws in place and to see more efforts to prosecute perpetrators of human trafficking," Zeya said on Sunday during a visit to Doha.

"This is often a hidden crime and for particularly those in the informal economy ... who have less access, let's say, to law enforcement or to other institutions in place of protection," added Zeya, Under Secretary for Civilian Security, Democracy, and Human Rights.

Migrant workers and other foreigners make up the majority of the Gulf state's 2.8 million population. It is recruiting thousands of overseas temporary workers to augment its workforce during the month-long World Cup, when it expects 1.2 million visitors.

The government has said its labour system is a work in progress, but denied a 2021 Amnesty International report that thousands of migrant workers were still being exploited.

Zeya commended labour reforms introduced by Qatar in recent years but acknowledged "challenges" implementing the new rules which include protections against non-payment of wages, a monthly minimum wage of 1,000 riyals (\$275) and allowing workers to change employers more easily.

"If fully implemented, they would really represent Qatar assuming a great leadership role regionally," Zeya said, adding she was "heartened" the government recently reopened a shelter for human trafficking victims that shut during the pandemic.

Qatar has made "significant efforts" towards combating human trafficking but does not meet the U.S. government's minimum requirements for the elimination of human trafficking, according to the State Department's 2022 Trafficking in Persons report.

[\[back to contents\]](#)

ASIA

Afghanistan

Australian forces killed Afghan civilians as 'quotas' (PressTV) By Rahmatullah Baghban

September 25, 2022

New shocking footage from the Australian Special Forces unit in Afghanistan emerged this week.

This video was filmed in a military block in Afghanistan in 2012 and shows Australian commandos discussing plans to meet a 'kill quota' of 10 - as they are preparing for an operation. The "Quota" is also reportedly referred to as kill count. In another clip, an Australian soldier is seen in a moving helicopter, firing at several unarmed Afghan civilians in a residential compound.

Some Australian military forces have also confirmed that compelling evidence exists of Australian soldiers murdering handcuffed detainees and prisoners to add to their kill count.

Here in Kabul, Afghan people and advocates are demanding compensation and accountability for war crimes committed by the NATO coalition, including American, Australian and British forces.

The new footage comes as two years ago, an inquiry found that Australian Special Air Service (SAS) officers were responsible for 39 unlawful killings in Afghanistan. In total, more than 46 thousand Afghan civilians were killed in the US-led war from 2001 to 2021.

The scandals of the US-led war on Afghanistan are emerging day by day. Afghans are awaiting justice and call for war crimes probe into atrocities committed by NATO troops.

Women Protests Demand More Security After Afghan Bombing (World News) October 1, 2022

A group of Afghan women Saturday protested a suicide bombing that killed or wounded dozens of students in a Shiite education center in the capital Kabul a day earlier, demanding better security from the Taliban-run government.

The demonstration was quickly broken up by Taliban police.

The bomber struck an education center Friday packed with hundreds of students in a Shiite neighborhood, killing 19 people and wounding 27. Among the casualties were teenagers taking practice university entrance exams, a Taliban spokesman said.

The morning explosion at the center took place in Kabul's Dashti Barchi neighborhood, an area populated mostly by ethnic Hazaras, who belong to Afghanistan's minority Shiite community. The Islamic State group has carried out repeated, horrific attacks on schools, hospitals and mosques in Dashti Barchi and other Shiite areas in recent years.

About 20 protesters Saturday gathered in the Dashti Barchi area for about 45 minutes before their rally was broken up by Taliban security. They carried banners in English and Dari reading "Stop Hazar Genocide."

"We are asking the Taliban government, when they claim that they have brought security, how they cannot stop an attacker from entering an educational center to target female students. In this incident, one family has lost four members, why is it still happening," said demonstrator Fatima Mohammadi.

Staff at the Kaaj education center spent Saturday cleaning up the wreckage caused by the attack, while victims' family members searched through items covered with blood belonging to their loved ones.

Hussain, who goes by one name, witnessed the attack. He said he believed the death toll was significantly higher, based on the large number of bodies he saw.

"First the attacker just over there, where a huge crowd of students was standing, opened fire. At least 40 people were killed there," he said.

Zahra, a student who survived the attack, was unharmed because she went out just minutes before to buy a pen. She said she lost her friends in the attack and also her hope for a better future.

"I am not even sure if there is a future for us anymore or not," she said.

No one has yet claimed responsibility for the attack. The Islamic State group — the chief rival of the Taliban since their takeover of Afghanistan in August 2021 — has in the past targeted the Hazara community, including in Dashti Barchi, in a brutal campaign of violence.

Militants have carried out several deadly attacks in Dashti Barchi, including a horrific 2020 attack on a maternity hospital claimed by IS that killed 24 people, including newborn babies and mothers.

[\[back to contents\]](#)

Extraordinary Chambers in the Courts of Cambodia (ECCC)

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

Khmer Rouge trial ends with mixed legacy and unclear impact (Asia Times) By Rosemary Grey And Rachel Killean
September 23, 2022

A United Nations-backed tribunal in Cambodia has just concluded its largest trial, concerning crimes committed during the Khmer Rouge regime. The tribunal's appeal judges yesterday confirmed the conviction against 91-year-old Khieu Samphan, the former head of state, for his role in these crimes.

Yesterday's decision was a turning point. After this, there will be no further trials in the Extraordinary Chambers in the Courts of Cambodia. But what will the lasting impacts of these trials be?

The Khmer Rouge, otherwise known as Communist Party of Kampuchea, held power in Cambodia from 1975 to 1979. Their ascent to power followed a period of violent authoritarianism, conflict and the loss of half a million lives during US bombing in the Vietnam war.

While many Cambodians initially welcomed the Khmer Rouge's victory, this popular support was short-lived. Life under Khmer Rouge rule meant forced labor, starvation, and the constant threat of torture, imprisonment and death.

Prosecuting the crimes of the Khmer Rouge

In 1979, the Vietnamese defeated the Khmer Rouge and installed a tribunal to prosecute Communist Party of Kampuchea Prime Minister Pol Pot and Deputy Prime Minister Ieng Sary in absentia.

After that largely symbolic effort, there was no accountability for the crimes of the Khmer Rouge for several decades.

However, following negotiations between the Cambodian People's Party (still in power) and the UN, in 2003 a tribunal was established to prosecute senior Khmer Rouge leaders and "those most responsible" for the crimes.

Known officially as the Extraordinary Chambers in the Courts of Cambodia, this UN-backed tribunal started work in 2006. Its jurisdiction covers crimes defined in Cambodian law and international law, including war crimes, crimes against humanity, and genocide.

There is now a permanent court to prosecute these kinds of crimes: the International Criminal Court in The Hague. But it can only address crimes committed after 2002, whereas the UN-backed tribunal in Cambodia's mandate reaches back to the 1970s.

The trials In its 16 years of operation, the UN-backed tribunal in Cambodia has completed just three trials.

In the first trial, it found Kaing Guek Eav (alias "Duch"), former head of the S-21 prison, guilty of crimes against humanity and war crimes.

S-21 was used to torture suspected enemies of the regime. An estimated 12,000 men, women and children were detained there; only 12 are known to have survived. Duch's conviction was upheld on appeal, and he died in prison in 2020.

The next case concerned four Communist Party of Kampuchea senior leaders: Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith.

But Ieng Thirith was found unfit to stand trial in 2012 and Ieng Sary died in 2013, leaving only two defendants in the case.

Due to the complexity of the case, the tribunal split it into two phases.

In 2014, the tribunal convicted Nuon Chea and Khieu Samphan of crimes connected to the expulsion of Cambodia's urban population into rural worksites. This conviction was mostly upheld in 2016, with both defendants receiving a life sentence.

In 2018, it convicted both men of further crimes against humanity, war crimes and genocide.

This conviction covered forced labor, the torture and execution of suspected dissidents, crimes targeting ethnic, political and religious groups, and orchestrating forced marriages with a view to incentivizing population growth.

The judgment also recognized many rapes by Khmer Rouge cadre in worksites and prison sites, although these crimes were not formally charged.

Both men appealed the 2018 judgment, but Nuon Chea died shortly after at age 93, leaving Khieu Samphan as the sole appellant.

Genocide

The case that ended yesterday was the Cambodia tribunal's only case to include charges of genocide.

Nuon Chea was convicted of genocide against the ethnic Vietnamese and Cham groups; Khieu Samphan was convicted of genocide against the ethnic Vietnamese only.

These legal findings do not necessarily square with popular conceptions of genocide in Cambodia, where "genocide" has come to mean the atrocity crimes against the entire population.

But in international law, "genocide" is defined more narrowly – it only captures crimes committed with an intent to destroy a national, ethnic, racial or religious group.

Nor do the tribunal's genocide findings necessarily accord with the perspectives of the targeted groups.

Our research suggests the Cham and ethnic Vietnamese communities do not always draw clear distinctions between their experience, and that of the broader Cambodian population. While they wanted the tribunal to recognize their suffering, this did not have to include a conviction of genocide targeting them exclusively.

But ultimately, these legal details may not matter. It seems the 2018 genocide conviction was meaningful for many Cambodians, who viewed it as affirming their experience of "genocide."

What next?

Many Khmer Rouge leaders died before they could be indicted, and attempts to prosecute other suspects were blocked by the Cambodian government.

Now, attention is turning to the tribunal's legacy.

Already, there are signs it affected the historical record. For example, the pattern of forced marriage and sexual violence recorded in its judgments was not widely acknowledged by Cambodian or Western historians prior to these trials.

But the full extent of the tribunal's impact will take decades to assess.

It is yet to be seen whether it affected the rule of law in Cambodia, whether its judgments and reparations brought a meaningful sense of justice to survivors, and how the judgments will influence understanding of the regime and its crimes.

[\[back to contents\]](#)

Bangladesh International Crimes Tribunal

Bangladesh Government Keeps Rewarding Rights Abusers (Human Rights Watch) By Meenakshi Ganguly
October 5, 2022

As security force commanders in Bangladesh remain implicated in grave human rights abuses including enforced disappearances, extrajudicial killings, and torture, Prime Minister Sheikh Hasina Wazed has offered them promotions and rewards instead of ensuring accountability.

On September 30, Chowdhury Abdullah Al-Mamun was promoted to Inspector General of Police, less than a year after he was sanctioned by the United States government for his command as director general of the notoriously abusive Rapid Action Battalion (RAB) from April 2020 until now, during a period when the RAB committed grave human rights abuses committed. The US also sanctioned the RAB itself as an entity “that is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse.”

Outgoing police chief Benazir Ahmed is also sanctioned by the US government, naming the abuses committed by RAB while he was director general from 2015 to 2019. During that time, officers under his command allegedly committed 136 reported extrajudicial executions and 10 enforced disappearances. While Ahmed faces travel restrictions to the US, the Bangladesh government made him part of an official delegation to a meeting at the United Nations in New York to bypass the ban.

When asked about calls from the US, the UN, and others to reform RAB, Al-Mamun made clear that business would continue as usual. “We are not doing anything for which we need to reform RAB,” he said. “So, there is no question of reformation.”

Earlier this year, Prime Minister Sheikh Hasina awarded Al-Mamun and another sanctioned RAB official, additional director general Colonel Khan Mohammad Azad, with prestigious police medals for their “bravery and service to the country.” In response to the announcement of US sanctions, deputy chief Azad said, “If bringing down a criminal under the law is a violation of human rights, then we have no objection to violating human rights in the interest of the country.”

These actions send the message to Bangladesh security forces that not only will the government ignore abuses, but it will reward them. But the US and other concerned governments see through the accolades and so should other Bangladeshi law enforcement officers. As US ambassador to Bangladesh Peter Haas said, “there is no scope for repeal of sanctions against the Rapid Action Battalion without concrete action and accountability.”

[\[back to contents\]](#)

War Crimes Investigation in Myanmar

Meta’s Toxic Algorithm ‘Substantial Contributed’ to Ethnic Cleansing in Myanmar: Amnesty International (Gizmodo) By Dell Cameron

September 28, 2022

A new report from Amnesty International this week dives deeply into the Facebook-fueled atrocities perpetrated against the Rohingya Muslim minority by Myanmar security forces. Beginning in 2017, the genocide is estimated to have since claimed the lives of more than 25,000.

The 74-page report, *The Social Atrocity: Meta and the Right to Remedy for the Rohingya*, describes a litany of human rights abuses suffered by Myanmar’s Rohingya over the last five years against a backdrop of a further half-century of systemic persecution and apartheid rule. In describing Meta’s role in the humanitarian catastrophe, Amnesty lays out arguments for reparations to meet the educational needs of the displaced population, citing Gizmodo’s own release of the Facebook Papers.

Assessing Meta’s contribution to the genocide — which Amnesty concludes was substantial — the report finds that Facebook’s “content-shaping algorithms” directly fueled killings and other abuses. Meanwhile, the company profited off the swell of divisive, hateful content that aided Myanmar’s government in laying the groundwork for a military-led ethnic cleansing campaign. “The mass dissemination of messages that advocated hatred, inciting violence, and discrimination against the Rohingya, as well as other dehumanizing and discriminatory anti-Rohingya content, poured fuel on the fire of long-standing discrimination and substantially increased the risk of an outbreak of mass violence,” the group said.

In late 2016, Myanmar security forces kicked off a series of brutal crackdowns in Rakhine, the country’s most poverty-stricken state, where much of the Rohingya population had been forced into over-packed ghettos. Widespread human rights abuses were documented — beatings, murders, rapes, arbitrary arrests, and enslavement — while satellites captured images of security forces burning thousands of homes to the ground. The killings and other atrocities, many perpetrated by radicalized Buddhist nationalists, escalated in early 2017, eliciting a spate of insurgent counterattacks.

The Myanmar military quickly responded by launching what it euphemistically called “clearance operations,” a campaign of genocide that included the use of battlefield ordinance such as mortar weapons, gunships, and landmines.

Survivors interviewed by human rights groups, including Amnesty, have described widespread incidents of torture and rape by security forces, the intentional burning of villages and crops with aim of starving those not beaten or shot to death. In 2017 alone, more than 700,000 people were displaced, most of them fleeing under vicious persecution to Bangladesh, forming what is today the world’s largest refugee camp.

The Amnesty report documents exhaustively the role of social media, Facebook in particular, in spreading an enormous flood of content that aided extremist nationalists in persecuting and dehumanizing Rohingya. “We used to live together peacefully alongside the other ethnic groups in Myanmar,” Mohamed Ayas, a Rohingya schoolteacher, is quoted telling Amnesty. “Their intentions were good to the Rohingya, but the government was against us. The public used to follow their religious leaders, so when the religious leaders and government started spreading hate speech on Facebook, the minds of the people changed.”

“In the months and years leading up to the atrocities, Facebook’s algorithms were intensifying a storm of hatred against the Rohingya which contributed to real-world violence,” said Agnès Callamard, Amnesty International’s secretary general. “While the Myanmar military was committing crimes against humanity against the Rohingya, Meta was profiting from the echo chamber of hatred created by its hate-spiralling algorithms.”

The company, Callamard added, must be held to account. It has a responsibility, she said, “to provide reparations to all those who suffered the violent consequences of its reckless actions.” Examples of hate speech on the platform aimed at dehumanizing the Rohingya people are “countless,” Amnesty says. Most notoriously, Myanmar’s military leader, Min Aung Hlaing — who seized power for himself in last year’s coup d’état — wrote in a Sept. 2017 post: “We openly declare that absolutely, our country has no Rohingya race.” Meta took almost a year to suspended his account.

The dehumanization of Rohingya is considered an essential step in the road to their genocide. Principally, it aided the government in convincing the Burmese military to perpetrate the killings, as well helped to gain the acceptance, if not participation, of the public at large. On this, Chris Sidoti, an international human rights lawyer, is quoted by the report: “Dehumanization enables humans to undertake anti-human activities by reducing [the victim] to a sub-human level, which enables justification of their killing. It means that setting fire to a house with women and kids inside is nothing more than pouring petrol down an ants’ nest.”

In a statement, Rafael Frankel, Meta’s Asia-Pacific director of public policy for emerging markets, said that Meta stands with the international community and “supports efforts to hold the Tatmadaw [Myanmar military] accountable for its crimes against the Rohingya people.”

“To that end, we have made voluntary, lawful data disclosures to the UN’s Investigative Mechanism on Myanmar and to The Gambia, and are also currently participating in the OECD complaint process,” Frankel said. “Our safety and integrity work in Myanmar remains guided by feedback from local civil society organizations and international institutions, including the UN Fact-Finding Mission on Myanmar; the Human Rights Impact Assessment we commissioned in 2018; as well as our ongoing human rights risk management.”

Meta’s contributions to the dehumanization of Rohingya were significant, Amnesty says. While the company has long denied the accusation, the human rights group has joined a chorus of experts long arguing that Facebook benefits directly from engagement driven by divisive and inflammatory speech. “Ultimately, this happened because Meta’s business model, based on invasive profiling and targeted advertising, fuels the spread of harmful content, including incitement to violence,” the report says. “The algorithmic systems that shape a user’s experience on Facebook and determine what information they see are designed to keep people on the platform — the more engaged users are, the more advertising revenue Meta earns.”

Rohingya have been marginalized, subjugated, and brutalized for many decades. They are considered today one of the most — if not the most — persecuted people in the world. While their circumstance is often reduced in the press to a byproduct of religious conflict, it is more aptly characterized as a people’s struggle for identity.

Historians often correlate the Rohingya’s arrival in Arkan — the historical name for Myanmar’s western Rakhine State — with the region’s annexation by the British Empire in the mid-1820s; a period marked by an influx of worker migrants from present-day India and Bangladesh. Despite this, Rohingya are an indigenous people with cultural, if not genealogical ties to Arakanese Muslims, who first appeared in the region a millennium ago: Their culture, religion, and language are distinct from the country’s major ethnic groups; they maintain strong territorial ties, despite being dispossessed and rendered stateless by their own government; and, most importantly, they self-identify as indigenous.

To successive Myanmar governments, however, the Rohingya people are but foreigners, distinct even from other Burmese Muslim groups such as the Karam, who, while subject to chronic persecution, long ago attained recognition as one of the

country's "national races." Religion, though, is still a significant factor, even if the conflict to which it gave rise was born largely of colonialist provocation; namely, the Japanese invasion of British Burma during World War II, which served as a major impetus to the decades of bloodshed between the Arakanese Buddhists and Muslims — the latter having been recruited by their British overseers, while the former sided with the Japanese, ostensibly to gain their own independence.

During the massacres that unfolded in 1942, tens of thousands were killed, raped, and tortured on both sides of the conflict. Two decades later, Burma's independent, fledgling government would fall to a military junta, laying the foundations for decades of state-supported violence and discrimination. In 1974, the Ne Win government officially recognized Arakanese Buddhists, known as the Rakhine, as the state's rightful inhabitants. Rohingya, meanwhile, were assigned the relegated status of "resident foreigners," denied even the right to self-identify as Rohingya. Officially, the government calls them "Bengali," another tool to reinforce the criminal, invader-immigrant brand that's been foisted upon them.

[\[back to contents\]](#)

AMERICAS

North & Central America

[\[back to contents\]](#)

South America

[\[back to contents\]](#)

Venezuela

[\[back to contents\]](#)

TOPICS

Truth and Reconciliation Commission

On National Day for Truth and Reconciliation, Murray Sinclair challenges Canadians to be mindful year-round (CBC) By Darren Major

September 30, 2022

On the second annual National Day for Truth and Reconciliation, Canadians were challenged to commit to reconciliation year-round.

Murray Sinclair, the former chair of the Truth and Reconciliation Commission, said the day was initially envisioned to be a day for Canadians to reflect on the country's history and treatment of Indigenous people — and commit to do better for the rest of the year.

"This important work of reconciliation is not a one-day affair. As we say, it will take us several generations," he said at a national ceremony held in Ottawa on Friday afternoon.

"On Sept. 30 and beyond, we must resolve to stand with [survivors and their families], to have their backs — don't leave them to do this work alone," Sinclair said. "We need your help, we need your understanding and we need you to ensure that this is forever made a part of Canada's national memory."

Last year, Sept. 30 was made a federal statutory holiday in order to remember children who died while being forced to attend church-run and government-funded residential schools, those who survived the system and made it home, and the families and communities still affected by lasting trauma.

The reconciliation project is making progress — but not quickly enough for many

Doctor who blew whistle on atrocities of residential schools honoured in Ottawa

Sinclair said that pausing to reflect is "not a radical concept," noting that Canada does so every year for Remembrance Day and did so to honour the death of Queen Elizabeth earlier this month.

"On Sept. 30, I am simply asking you to extend the same courtesy that you are used to doing for others," he said.

Laurie McDonald, a Métis residential school survivor, gives remarks on the National Day of Truth and Reconciliation.

Friday afternoon's ceremony included musical performances and testimonies from residential school survivors.

The crowd stood as a 50-metre-long memorial cloth bearing 4,100 names of children who did not return from residential schools was presented on the stage.

Métis survivor Laurie McDonald spoke of his experience in residential school as a two-spirited person.

"The church told us to put it under the carpet, in their hypocritical mind that was a sin," McDonald said.

"I had to go underground with that gift, but I am here," McDonald said. "I am Indigenous, but I'm also a two-spirited person and that is a gift, and I will continue because that is part of my healing."

'Every day is Sept. 30'

In Ottawa, the day started with an eagle feather ceremony on Parliament Hill in front of the Peace Tower, which included a traditional round dance that saw dozens of members from the crowd participate.

Anishinaabe (Algonquin) Elder Claudette Commanda spoke of how the day is a moment for Canadians to listen and reflect on their history.

"It's a day for you Canadians to listen, to learn, to understand, to have it in your heart and in your spirit to feel the beauty of Indigenous people, the strength and resilience of survivors, but to learn history," she said.

"Reflect on the truth, learn from the past, walk together in peace, understanding and healing. Walk together this journey called reconciliation," she said. "Everyday is Sept. 30." The ceremony was followed by a walk to nearby LeBreton Flats Park,

where attendees placed children's footwear on the ground to commemorate those who died in residential schools.

A year after spending the first National Day for Truth and Reconciliation on vacation in Tofino, B.C., Prime Minister Justin Trudeau attended a sunrise ceremony in Niagara Falls, Ont., this morning.

Following the ceremony, Trudeau spoke with residential school survivors and later challenged Canadians to be more accepting of the stories of survivors during an address to the crowd.

"How many times do Indigenous peoples need to tell their stories of trauma, of loss, of pain, of grief, until we absorb those stories as non-Indigenous people and make them our own?" he said.

"They too are the story of Canada and therefore they too are the story of each of us."

Indigenous and non-Indigenous people need to build a country 'as partners,' says Niigaan Sinclair, a journalist, professor and member of the Anishinaabe First Nation.

'We are still here'

Speaking ahead of Trudeau, Haudenosaunee Grandmother Marie Jones noted that the day should also be a reminder that the effort of residential schools — the forced assimilation of Indigenous children — failed.

"As Indigenous people we are still here," she said, garnering applause from the crowd.

Conservative Leader Pierre Poilievre attended a sunrise ceremony in Ottawa this morning.

"Today, we listen to the survivors, remember those — the children — we lost, and commit to continue walking the path of healing and reconciliation with Indigenous people," he tweeted following the ceremony.

NDP Leader Jagmeet Singh, who attended the ceremony on Parliament Hill, said he wanted to show his support for Indigenous communities.

"[I'm] here to remember the children, to stand in solidarity, to remember the harms [caused by residential schools] and make it clear that we are here to fight for justice," he said.

Ceremonies were held across the country to reflect on the country's history and treatment of Indigenous people. All federal government buildings in Canada — including the Peace Tower in Ottawa — lowered their flags to half-mast from sunrise to sunset.

Sept. 30 is also Orange Shirt Day, which honours the story of Phyllis Webstad, a former residential school student who had her orange shirt taken away on her first day at a residential school. The National Centre for Truth and Reconciliation is encouraging Canadians to wear orange as an act of solidarity.

A sunrise ceremony kicked off the second full day of activities at Nathan Phillips Square in Toronto on Friday, celebrating Indigenous cultures, traditions and languages through workshops, presentations, stories, teachings, dance, film and music.

Dozens of Indigenous and non-Indigenous people gathered at dawn around a sacred fire outside city hall for the ceremony. There was a sage smudging ceremony and dried tobacco was passed around to those gathered to place in the fire as an offering.

In nearby Hamilton, Indigenous non-profit groups, beaders, residential school survivors, elders from nearby Six Nations and other community members gathered Friday morning for an event hosted by the Hamilton Regional Indian Centre.

Tiffany Silversmith, a youth from the area, opened the day by singing a song in the Cayuga language and calling for more action on reconciliation.

"[We need] to spread awareness of reconciliation, and turn that into reconcili-action, and make significant changes that will benefit all life and all people on Turtle Island," she said.

In the centre of Halifax's downtown, hundreds gathered to mark the day and hear from Acadia First Nation Chief Deborah Robinson, Mi'kmaw elder Alan Knockwood and Halifax's Indigenous adviser Cheryl Copage-Gehue.

Knockwood told the crowd at the city's Grand Parade that as the community comes together to reflect on Canada's legacy of colonialism, the children lost in the residential school system are "here in our hearts and they are with us here."

[\[back to contents\]](#)

Terrorism

[\[back to contents\]](#)

Piracy

[\[back to contents\]](#)

Gender-Based Violence

WHO trains health workers to provide quality care for gender-based violence survivors in Ukraine (WHO)
October 4, 2022

WHO is strengthening Ukraine's response to sexual and gender-based violence (GBV) by building the capacity of health care workers and health care facilities to provide survivor-centred care.

With funding from the Government of Canada and support from the Ministry of Health and civil society organizations, WHO in Ukraine trained more than 60 doctors, nurses and health facility managers from the Odesa, Dnipropetrovsk and Kyiv regions on service provision for GBV survivors.

Based on WHO guidelines and national legislation on sexual and gender-based violence, the 2-day training equipped health care workers with the knowledge and skills to identify signs of violence, deliver appropriate clinical care and psychosocial support, and provide appropriate referrals to social and legal support services.

“The health sector plays a critical role in responding to gender-based violence, including physical, sexual and emotional violence, all of which can have serious consequences for physical, psychological and reproductive health,” explained Dr Jarno Habicht, WHO Representative in Ukraine.

“Since the Russian Federation's invasion of Ukraine in February, there is an increased exposure of women and other population groups to sexual and gender-based violence, making prevention and response efforts even more important,” he added. “WHO is committed to supporting Ukraine in addressing gender-based violence as an urgent public health matter and ensuring that those experiencing violence receive high-quality, survivor-centred care.”

For some people, their doctor may be their only support

GBV is a widespread human rights violation with public health consequences. According to current estimates, 2 of every 3 Ukrainian women have experienced psychological, physical, or sexual violence in their lifetime and 18% of women and girls aged 15–49 have experienced intimate partner violence. The Russian invasion of Ukraine has increased sexual and gender-based violence, including conflict-related sexual violence. Yet, most cases are never reported.

“Currently more than 90% of women who have experienced violence do not contact the police,” said Yefimenko Olena Volodymyrivna, Director of the Health Department of the Kyiv Oblast State Administration. “However, if medical problems arise as a result of the violence, they will seek medical attention. This is why doctors must be qualified to identify signs of violence and to provide assistance as efficiently as possible. Trainings such as this are necessary in order to build a comprehensive system of assistance to survivors in all health facilities.”

Ukraine ratified the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention, in June 2022, setting minimum standards for the prevention, protection, and prosecution of violence against women and domestic violence. The Government of Ukraine, supported by WHO, is committed to stepping up national health sector response and support mechanisms for survivors of violence.

"As family doctors, we must understand that working with gender-based violence survivors is our duty and part of our daily work," said Svitlana Vedmid, a family doctor and medical director working in the Dnipro region and one of the training participants. "Family doctors are often the primary link to other services, such as mental health services, and they are also often the first to contact for those experiencing violence. For some people, their doctor may be their only support if something happens."

"My motivation to support GBV survivors is empathy," added Tetyana Volkovich, a family doctor from Pavlograd in the Dnipropetrovsk region. "A doctor should help a person as a human. And after this training we have more knowledge and tools for this. Earlier we provided information about cases of violence to our management but now we have adopted a plan on how to act independently in such cases and we have learned the numbers of mobile teams and shelters in our city."

WHO, following recommendations in the World Health Assembly 67.15 Resolution and the Strategy on women's health and well-being in the WHO European Region, continues to strengthen Ukraine's health sector response to sexual and gender-based violence to ensure life-saving care for women, girls and other at-risk groups, including persons living with disabilities, the LGBTQI+ community and displaced persons. Together with the Ministry of Health and civil society partners, WHO plans to scale up trainings for health care providers in 8 regions as part of ongoing humanitarian response efforts.

Horrific treatment of female Armenian soldiers qualifies as gravest gender-based violence – NGOs (panorama) October 5, 2022

Over 50 Armenian NGOs have appealed to international human rights institutions over Azerbaijan's latest massive attacks against Armenia. The full text of their statement is provided below.

"Just after midnight on September 13, 2022 Azerbaijan launched a large-scale attack and invasion of the sovereign territory of the Republic of Armenia shelling civilians, civilian infrastructure, and other civilian objects along Armenia's eastern border and deeper beyond the frontline. Planned beforehand, the Azerbaijani forces used combat drones, artillery, and large caliber firearms.

As a result, Armenia has 207 killed or missing servicemembers, 5 killed civilians, and hundreds of wounded, more than 7600 civilians have been internally displaced. For a country with less than 3 million population, these numbers are significant.

The decades-long state-sponsored propaganda of hatred and intolerance towards Armenians in Azerbaijan is evident here. Aside from the evidence of ill-treatment, torture, humiliation, mutilation, and execution of Armenian prisoners of war, during the recent attacks, Azerbaijani servicemen have also stripped naked, tortured, and executed female Armenian servicemembers.

Dozens of graphic videos depicting the inhuman treatment and execution of Armenian servicemembers, and civilians have been voluntarily shared and disseminated on social networks by Azerbaijani servicemen, speaking to an absence of a fear of punishment. The especially horrific treatment of female Armenian servicemembers qualifies as gravest gender-based violence. The cause of this behavior is deeply rooted misogyny of Azerbaijani servicemen and society at large as proven also by the encouragement and normalization of these offenses on social media by Azerbaijani users.

On September 16, 2021, Armenia filed a case at the International Court of Justice (ICJ) against Azerbaijan to combat Azerbaijan's state-sponsored policy of armenophobia, from which Armenians in Nagorno-Karabakh and Armenia have been subjected to systemic discrimination, killings, and torture. On August 30, 2022, the Committee on the Elimination of Racial

Discrimination published its Concluding observations on Azerbaijan expressing its concerns and recommendations to Azerbaijan stating that "(4) the Committee is deeply concerned about: (c) Incitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and governmental officials, and the lack of detailed information on investigations, prosecutions, convictions and sanctions of such acts."

On October 2, a new video was disseminated on Azerbaijani Telegram channels, showing Azerbaijani soldiers executing Armenian POWs on Armenian territory. Armenia's Ombudsperson has confirmed the authenticity of the video.

We, the undersigned, are appalled by the silence and equivocation of the international community around this aggression and violence. This silence only serves to embolden the Azerbaijani government and makes the achievement of peace in the South

Caucasus impossible. Human rights organizations have a particular responsibility to speak up against the impunity of the Azerbaijani government and hold it to account for its gross human rights violations, torture, and other breaches of international obligations.

The undersigned civil society organizations of Armenia: • Strongly condemn Azerbaijan’s recent attacks on the sovereign Armenian territory, and its armenophobic rhetoric and policies. • Call on the Azerbaijani government to commence good faith negotiations for the sake of real, sustainable regional peace. • Call on the UN Human Rights Council to send rapporteurs to visit and inspect Armenian towns and cities affected by the Azerbaijani incursion, and interview affected residents and witnesses to document and give a direct response to Azerbaijan’s violations of international law and hold it to account. • Call on democratic countries internationally to condemn Azerbaijan’s incursion into the sovereign territory of the Republic of Armenia and halt all military aid to Azerbaijan. • Call for sanctions against Azerbaijan for its gross violations of international law. • Call on the EU and the US to stop enabling Aliyev’s regime amidst its gross human rights violations. • Call on independent human rights organizations, including Human Rights Watch, to send an urgent mission to Armenia to independently confirm Azerbaijani war crimes and crimes against humanity. • Welcome the calling out of the aggressor by various international organizations such as Freedom House, the Lemkin Institute for Genocide Prevention, several governments, politicians, and members of the human rights community." The statement is signed by: 1.Yerevan Press Club NGO 2.For Equal Rights Educational Centre NGO 3.Union of Informed Citizens NGO 4.Public Journalism Club NGO 5.Restart Gyumri- Initiative Centre NGO 6.Human Rights Research Centre NGO 7.Media Initiatives Centre NGO 8.Free Citizen CISC 9.Women's Right House NGO 10.Protection of Rights Without Borders NGO 11.Centre For Community Mobilization and Support NGO 12.Peace Dialogue NGO 13.Law Development and Protection Foundation 14.Helsinki Association for Human Rights 15.Armenian Progressive Youth NGO 16.Transparency International Anticorruption Center 17.Committee to Protect Freedom of Expression 18.Political Dialogue NGO 19.Advanced Social Technologies NGO 20.Disability Rights Agenda NGO 21.Democracy Today NGO 22.Civil Youth Centre Community Development NGO 23.British - Armenian Human Rights Association 24.Coalition to Stop Violence Against Women 25.Granish Literary Community NGO 26.Spitalk Helsinki Group Human Rights NGO 27.Women’s Resource Center NGO 28.Society Without Violence NGO 29.Women’s Support Center NGO 30.Pink Human Rights Defender NGO 31.Sexual Assault Crisis Center NGO 32.Real World, Real People NGO 33."Agate" Rights Defense Center for Women with Disabilities NGO 34.Human Rights Power NGO 35.Cultural and Social Narratives Laboratory NGO 36.Goris Press Club NGO 37.Center for Perspective Development NGO 38.Media Diversity Institute - Armenia NGO 39.OxYGen Foundation for Protection of Youth and Women Rights NGO 40.Freedom of Information Centre NGO 41."Region" Research Centre 42.Open Society Foundations–Armenia 43."Bayazet" Armenian Analytical-Research Center NGO

[[back to contents](#)]

Commentary and Perspectives

Kazakhstan Should Hear Out the UN on Rights Abuse in China (Human Rights Watch) By Hugh Williamson
September 29, 2022

“Every neighbour had someone in the camps or ‘taken to study,’ as they call it.”

“...the worst thing was that you never knew when you would be let out.”

“I haven’t talked to my family because I was told not to contact them or else they would be sent to re-education.”

These are but a handful of the accounts in an August report published by Michelle Bachelet, the then-UN High Commissioner for Human Rights, describing egregious and widespread abuses by the Chinese government against Uyghurs and other Turkic communities in Xinjiang, western China.

The abuses may amount to crimes against humanity, “requiring urgent attention by the United Nations intergovernmental bodies and human rights system,” she said in the report.

China tried to block publication of the report, but it is important for other governments to give it the urgent attention it deserves and have the chance to discuss its findings in a UN setting.

Governments, including Kazakhstan, will decide if such a discussion is possible.

The situation in Xinjiang is important for Kazakhstan. Ethnic Kazakhs, including residents and citizens of Kazakhstan, have

been among those who have been detained and abused in the detention camps across the border in China. In recent years many have fled to Kazakhstan and sought refuge there.

In early October the UN Human Rights Council (HRC) in Geneva, the top UN body handling human rights issues, will vote on a procedural motion proposing a discussion in the Council early next year of the UN's Xinjiang report. Kazakhstan is currently a member of the Council and has an important voice on this issue. It is vitally important for Kazakhstan to help clear the way for open debate on this key human rights issue.

People quoted in the report described being held in mass arbitrary detention facilities for months—with no indication of how long they would be held or what conduct landed them there, and without contact with family members. They described beatings, being deprived of adequate food, and being forced to regularly take unidentified medication, which made them drowsy.

One woman described a forced gynecological examination performed in front of other people: it “made old women ashamed and young girls cry.” The majority of the people interviewed had been threatened by authorities not to tell anyone about their experiences.

The UN analysis also details the government's deliberate misuse of “terrorism” and “extremism” legislation, in which authorities treat legitimate behavior—including wearing “irregular beards,” “having too many children,” or “resisting...sports activities such as football”— as aspects that can lead to arbitrary detention.

Since the publication of the report, the UN's most authoritative assessment of human rights in Xinjiang, Beijing has rejected its contents, arguing it should not be discussed within the UN. It euphemistically refers to the abusive detention centers as “vocational education and training centers” – though it refused to produce a copy of any curriculum when asked by the UN rights office.

Kazakhstan seeks close and constructive relations with its neighbours as part of its multi-vector foreign policy. It has also said it is committed to upholding international human rights standards based on UN norms

Kazakhstan should do its part to ensure that Bachelet's report is debated at the Human Rights Council. It would show Kazakhstan's support for the values of the United Nation, including the Council, at a time when those values are under threat. No human rights issue should be beyond discussion at the Council..

President Kassym-Jomart Tokayev himself knows the importance of mechanisms for international human rights, from his years working in Geneva as director-general of the United Nations office.

Kazakhstan has the chance to do the right thing regarding Xinjiang and international human rights. It should not let this opportunity pass.

If India wants to support Sri Lankans, it must back extension of UN panel probing rights violations (Human Rights Watch) By Meenakshi Ganguly
October 3, 2022

Images of Sri Lankans crowding into the presidential palace, gazing upon the finery or taking a dip in the pool were flashed across television networks and newspapers worldwide in July. This was the culmination of months of protest calling for former President Gotabaya Rajapaksa to resign, following a staggering economic crisis that had brought the country to a standstill.

The president fled the country and eventually resigned. He was replaced by his nominee, Ranil Wickremesinghe, a veteran lawmaker who had previously served several times as prime minister.

Things do not bode well for the joyous protesters seen on television and social media. Although Wickremesinghe promised reform and embarked upon crucial negotiations for an International Monetary Fund bailout, he also used the military to disperse protests and arrest dozens of alleged protest organisers.

He has even used the notorious Prevention of Terrorism Act to detain three student activists for up to a year without charge. Those attempting to protest the new arrests are driven away by teargas and water cannons.

Wickremesinghe has essentially continued where his predecessor left off. Undermining the rule of law and obstructing justice for rights violations have contributed to Sri Lanka's current troubles, which is not only an economic calamity but also a political and human rights crisis.

The roots of rights abuses and lawbreaking by officials go back years – or even decades. Sri Lankan governments have appointed alleged abusers to high office and blocked investigations, undermining not just the independence of the judiciary, but the entire justice system. In one rare case where a soldier was convicted of extrajudicial killings, he received a presidential pardon.

During the devastating civil war between the government and the separatist Liberation Tigers of Tamil Eelam, both sides committed widespread violations of international law. Throughout the conflict and afterward, Sri Lankan society was deeply fractured over ethnicity and religion.

Gotabaya Rajapaksa was defence secretary when the war ended, and his brother Mahinda Rajapaksa was president. Both oversaw the security forces' countless war crimes while Gotabaya Rajapaksa is implicated in several grave rights violations including killing journalists.

The government, disregarding victims, rights activists and United Nations experts, engaged in triumphalism and Sinhala Buddhist ultranationalism after the Liberation Tigers of Tamil Eelam was defeated in May 2009. Authorities suppressed critics with threats, surveillance, arbitrary arrests, abductions, detention, and torture.

Mahinda Rajapaksa lost the 2015 election and a new government, with Wickremesinghe as prime minister, pledged reform, but with little progress. But even those few advances were reversed after Gotabaya Rajapaksa won the 2019 election after a divisive campaign targeting minority Tamils and Muslims, and promptly amended the constitution to weaken human rights institutions and give the president the power to appoint senior judges. He also undermined institutions, like the Bribery Commission, that are responsible for combatting economic crimes.

The recent protests, although sparked by the economic crisis, reflected a more united call for good governance and accountability. Many Sri Lankans seek constitutional reform and steps to address corruption. But this will need international support and action.

A resolution currently before the United Nations Human Rights Council extends the mandate of a UN project to gather and analyse evidence of war crimes and other crimes under international law that have been committed in Sri Lanka and to prepare the evidence for use in possible future prosecutions.

It also mandates the United Nations to continue monitoring and reporting on the country's economic and social rights crisis. As people struggle for daily necessities, and the government cracks down on dissent, that is more important than ever.

The Sri Lankan government opposes these measures, falsely claiming that it is already acting to protect human rights.

During a discussion on Sri Lanka at the Human Rights Council, India, which has supplied essential items to deal with shortages due to the economic crisis, noted "the lack of measurable progress" on "commitments of a political solution to the ethnic issue." Several other countries have voiced concerns about lack of human rights protections.

To support Sri Lankans who are calling for change and accountability, it is essential for India and other members of the Council to support the resolution.

Congo Oil, Gas Lease Sale Threatens Rights and Climate Catastrophe (Human Rights Watch) By Antonia Juhasz and Luciana Téllez Chávez

October 3, 2022

On July 28, the Democratic Republic of Congo government began an auction for licensing rights to 27 oil and three methane gas blocks. It was the same day the United Nations recognized the human right to a clean, healthy, and sustainable environment.

Environment ministers from around the world will meet on October 3 in Kinshasa, to prepare for the annual summit, COP27, that reunites signatories to the Paris Agreement on climate change. The meeting takes place against the backdrop of Congolese President Félix Tshisekedi's recent decision to open 11 million hectares of Congo's forests—the world's second largest rainforest—to drilling.

Tshisekedi told the United Nations General Assembly on September 20 that the auction has caused "unnecessary controversy." He contended that a country in desperate need of development should not be prevented from exploiting its natural resources.

Congolese authorities rightly attest to the hypocrisy of Western governments that are most responsible for the climate crisis while failing to adequately support developing countries to face this crisis. But the undeniable failures of these countries do

not alleviate the Congolese government's responsibility for the predictable human rights toll posed to Congolese communities pushed onto the front line of oil operations.

The auction opens to fossil fuel production vast new sensitive inland areas home to rural communities, including Indigenous peoples.

An Indigenous leader, speaking on condition of anonymity, told Human Rights Watch that "if multinationals respond to this auction, it could have adverse impacts on Indigenous peoples' way of life, on our ancestral territories and on the biodiversity contained in these lands."

Some of the proposed oil blocks directly encroach upon protected areas, including Virunga and Upemba National Parks, and the world's largest tropical peatland, where drilling could release up to six billion tons of carbon, equal to more than 14 percent of the world's total greenhouse gas emissions in 2021.

"The negative impacts on our lands are inevitable once oil is exploited here," Kahambu Kalere, a resident of Kanyabayonga told the Network for the Conservation of Forests, an alliance of local non-governmental organizations from North Kivu province. "We think this is not an opportunity but a threat."

On September 23, Congolese climate activists organized a concert in Goma, and marches in Kinshasa and Bukavu. Justin Mutasheba, of the Association of Young Visionaries for the Development of Congo, called on the government to annul the auction. "It's about stopping a climate catastrophe and to respect the rights of local communities who live in areas targeted for oil exploration," he told Human Rights Watch.

Hydrocarbons Minister Didier Budimbu is busy promoting the auction and claims that "it will be an ecological exploitation, without any negative impact on the environment." But "clean" oil operations cannot be guaranteed.

Oil production on Congo's Atlantic coast is the source of persistent health and environmental harm. In 2013, a Congolese Senate commission accused the government of "irresponsibility" for failing to address the air, water, and land pollution from these operations. This April, nearly ten years later, an exhaustive study by the Congolese nongovernmental group Natural Resources and Development documented "leaks and spills of crude oil and mud as well as flaring of gases are the most visible forms of pollution" harming local communities.

Drilling in the rainforest brings other risks. Gaining access to remote areas requires clearing forest to build roads, expanding the zone of impact well beyond the specific auction blocks. In Ecuador, for example, much of the extensive deforestation in the Amazon followed oil access roads.

From seismic surveys to determine if and where oil is located to production and extraction, explosives, heavy machinery, invasive infrastructure, polluting operations, and construction of pipelines to transport oil out of the rainforest bring a host of damage even under the strictest of regulatory regimes. In some contexts, the presence of temporary oil workers has been a source of violence and atrocities, including rape and murder of women and girls.

In a country where dividends generated by natural resources wealth continue to benefit only a few rather than the broader development of the Congolese people, those challenging the value of an oil and gas tender must not be dismissed. The authorities in Kinshasa should consider their voices and uphold their obligations to protect the rights of rural and Indigenous communities and others who ultimately would bear the greatest toll.

[\[back to contents\]](#)

Aiding and Abetting

[\[back to contents\]](#)

WORTH READING

Ministry of Defence Impunity: the Overseas Operations (Service Personnel and Veterans) Act 2021

Bethany Shiner and Tanzil Chowdhury

October 4, 2022

This article critically interrogates the policy objectives of the Overseas Operations (Service Personnel and Veterans) Act 2021 and its means to achieve them. While the Ministry of Defence claimed the legislation aimed to protect service personnel and veterans from the “problem of ‘lawfare’” following “repeated investigations ... in connection with historical operations”, the Act, despite amendments, continues to strengthen impunity of the British Government for human rights violations, and international and domestic crimes committed in overseas military operations. It does so through three flawed modus operandi: introducing an unwarranted presumption against prosecutions, the superfluous curtailing of judicial discretion over time limitations to bring tort and human rights claims, and the securing of finality of claims despite less-than-adequate investigations. As such, the Act remains deeply problematic as it intentionally curtails the bringing of the types of claims that led to the International Criminal Court’s probe into British war crimes in Iraq. It is argued that the consequences of the Act’s policy aims are symptomatic of the British state’s refusal to confront the crimes, liability, and human rights violations of proximate military conflicts such as Iraq and Afghanistan and limit claims arising from abuse committed during future overseas operations. More generally, the Act is part of a wider attempt by this government to put the executive beyond legal or parliamentary reproach.

[\[back to contents\]](#)

War Crimes Prosecution Watch Staff

**Founder/Advisor
Dean Michael P. Scharf**

**Faculty Advisor
Jim Johnson**

**Editor-in-Chief
Matthew Koutsky**

**Managing Editors
Spencer Luckwitz
Harper Fox**

**Technical Editor-in-Chief
Alexa Stovsky**

**Technical Editors
Matthew Koutsky
Alexa Stovsky
Kayla Briskey
Emory Bado**

**Emerging Issues Advisor
Judge Rosemelle Mutoka
Contact: warcrimewatch@pilpg.org**

Africa

Libya

Kelsey Tschanen, Associate Editor

Matthew Mullins, Senior Editor

Central African Republic

Kelsey Tschanen, Associate Editor

Matthew Mullins, Senior Editor

Sudan & South Sudan

Chad Weisman, Associate Editor

Matthew Mullins, Senior Editor

Democratic Republic of the Congo

Chad Weisman, Associate Editor

Matthew Mullins, Senior Editor

Côte d'Ivoire (Ivory Coast)

Austin Milliren, Associate Editor

Matthew Mullins, Senior Editor

Lake Chad Region

Austin Milliren, Associate Editor

Matthew Mullins, Senior Editor

Mali

Emory Bado, Associate Editor

Matthew Mullins, Senior Editor

Liberia

Emory Bado, Associate Editor

Matthew Mullins, Senior Editor

Uganda

Matthew Koutsky, Associate Editor

Francesca Bergeret, Senior Editor

Kenya

Matthew Koutsky, Associate Editor

Francesca Bergeret, Senior Editor

Rwanda (International Criminal Tribunal for Rwanda)

Matthew Koutsky, Associate Editor

Francesca Bergeret, Senior Editor

Somalia

Matthew Koutsky, Associate Editor

Francesca Bergeret, Senior Editor

Ethiopia

Matthew Koutsky, Associate Editor

Francesca Bergeret, Senior Editor

Europe

Court of Bosnia and Herzegovina, War Crimes Section
Madison Turk, Associate Editor
Kayla Briskey, Senior Editor

International Criminal Tribunal for the Former Yugoslavia
Michaela Guyot-Polverini, Associate Editor
Kayla Briskey, Senior Editor

Domestic Prosecutions in the Former Yugoslavia
Madison Turk, Associate Editor
Kayla Briskey, Senior Editor

Turkey
Kyle Dunnell, Associate Editor
Kayla Briskey, Senior Editor

Kosovo Specialist Chambers
Kayla Briskey, Senior Editor

Azerbaijan
Kyle Dunnell, Associate Editor
Kayla Briskey, Senior Editor

Russia
Harper Fox, Associate Editor
Matthew Koutsky, Senior Editor

Middle-East

Iraq
Lucas Katz, Senior Editor

Syria
Lucas Katz, Senior Editor

Yemen
Harper Fox, Associate Editor
Lucas Katz, Senior Editor

Special Tribunal for Lebanon
Matthew Koutsky, Associate Editor
Lucas Katz, Senior Editor

Israel and Palestine
Elise Manchester, Associate Editor
Lucas Katz, Senior Editor

Gulf Region
Matthew Koutsky, Associate Editor
Lucas Katz, Senior Editor

Asia

Afghanistan
Lucas Katz, Associate Editor
Estefania Sixto Seijas, Senior Editor

Extraordinary Chambers in the Courts of Cambodia

**Matthew Koutsky, Associate Editor
Estefania Sixto Seijas, Senior Editor**

Bangladesh

**Matthew Koutsky, Associate Editor
Estefania Sixto Seijas, Senior Editor**

War Crimes Investigations in Myanmar

**Lucas Katz, Associate Editor
Estefania Sixto Seijas, Senior Editor**

Americas

North and Central America

**Sam Rodis, Associate Editor
Lucas Katz, Senior Editor**

South America

**Sam Rodis, Associate Editor
Lucas Katz, Senior Editor**

Venezuela

**Sam Rodis, Associate Editor
Lucas Katz, Senior Editor**

Topics

Truth and Reconciliation Commissions

Francesca Bergeret, Senior Editor

Terrorism

**Kayla Briskey, Associate Editor
Francesca Bergeret, Senior Editor**

Piracy

Francesca Bergeret, Senior Editor

Gender-Based Violence

Francesca Bergeret, Senior Editor

Commentary and Perspectives

**Matthew Koutsky, Associate Editor
Francesca Bergeret, Senior Editor**

Aiding and Abetting

**Matthew Koutsky, Associate Editor
Francesca Bergeret, Senior Editor**

Worth Reading

Matthew Koutsky, Senior Editor

**War Crimes Prosecution Watch is prepared by the
International Justice Practice of the Public International Law & Policy Group
and the Frederick K. Cox International Law Center of
Case Western Reserve University School of Law
and is made possible by grants from the Carnegie Corporation of New York
and the Open Society Institute.**

Grotian Moment: The International War Crimes Trial Blog:
<http://law.case.edu/grotian-moment-blog/>

Frederick K. Cox International Law Center:
<http://law.case.edu/centers/cox/>

Cox Center War Crimes Research Portal:
<http://law.case.edu/war-crimes-research-portal/>



To subscribe or unsubscribe from this newsletter, please email warcimeswatch@pilpg.org.