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AFRICA

NORTH AFRICA

Libya

NGO: Libyan Coast Guard threatened to shoot down plane (ABC News) By Renata Brito
October 26, 2022

The German non-governmental organization Sea-Watch on Wednesday accused the Libyan coast guard of threatening to shoot down their monitoring plane that helps the group document the interception of migrants in the Mediterranean Sea.

According to an audio recording of the threats, the Libyan coast guard vessel allegedly ordered the NGO plane to “get out of Libyan territorial” waters despite being in international waters where Malta is responsible for coordinating search and rescue operations. The incident occurred Tuesday.

“Please be informed that you are within European Search And Rescue Area, this is not Libyan territorial waters. This is not Libyan territorial waters, over,” a member of the Sea-Watch crew flying overhead responded to the Libyan authorities via radio.

“Get away from Libyan territorial otherwise we’ll shoot you by SAM missiles,” the Libyan Coast Guard vessel allegedly responds back, referring to the acronym for surface-to-air missiles.

The Libyans ultimately pulled dozens of migrants onto their vessel and proceeded to shoot the rubber boat with what appeared to be incendiary ammunition, setting it on fire, according to footage of the interception released by Sea-Watch.

A spokesman for the Libyan coast guard did not immediately answer phone calls and messages seeking comment. Maltese authorities have also not yet responded to questions sent by AP via phone and email.

It is not the first time European NGOs operating in the Mediterranean reported threats or violent behavior by the Libyan Coast Guard. Last year, the European Union-funded and trained Libyan coast guard was caught on camera chasing and shooting in the direction of a migrant boat.

But Sea-Watch says this is the first time that their plane, the Seabird, was targeted.

“Especially for the crew this was really scary,” said Felix Weiss, a spokesperson for Sea-Watch’s airborne operations. Weiss said Tuesday’s incident is making them reassess the risks with flying over the Central Mediterranean to document human rights violations.

Although Weiss said it’s unlikely Libyan authorities would follow through on their threats to bring down the plane, their behavior has become increasingly unpredictable and aggressive. “The so-called Libyan coast guard are carrying AK-47s with them and they have already used them several times,” Weiss said.

The Central Mediterranean is known as the deadliest migration route in the world with nearly 3,000 deaths since January 2021 according to the International Organization for Migration.

The EU, Italy and Malta have for years been criticized for outsourcing migrant interceptions and rescues to the war-torn country.

Upon their return to Libya, migrants and refugees are held in government-run detention centers where torture, rape and killings have been documented extensively. A U.N. fact-finding mission has found that the systemic abuse of migrants there may amount to crimes against humanity.

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CENTRAL AFRICA

Central African Republic

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Remarks at a UN Security Council Briefing on the Situation in the Central African Republic (United States Mission to the United Nations) October 19, 2022

**Ambassador Robert Wood, Alternate U.S. Representative for Special Political Affairs,
New York, New York, October 19, 2022**

AS DELIVERED

Thank you, Mr. President. Let me first welcome the Minister for Foreign Affairs of the Central African Republic and also the Representative of Rwanda. Thank you, SRSG Rugwabiza for your briefing. It was quite comprehensive. Your report highlights the essential role MINUSCA plays in protecting civilians and providing stability in the Central African Republic. I would also like to convey the United States’ deep appreciation to the mission leadership, its peacekeepers, and the troop- and police-contributing countries for the sacrifices they make each and every day in pursuit of peace in the Central African Republic.

Tragically, three Bangladeshi peacekeepers made the ultimate sacrifice earlier this month, killed by an explosive device while on patrol. While we do not know who bears responsibility for laying the device that took their lives and gravely wounded another, their deaths were even more tragic because evacuation options were limited by the Central African authorities’ restrictions on the mission’s evacuation procedures. If MINUSCA had been able to swiftly evacuate the peacekeepers by air, rather than by a nine-hour journey overland, they might still be with us today.

As such, the United States joins in calls for a rigorous investigation that identifies and brings to justice those responsible. We also call on the Government of the Central African Republic to adhere to the Status of Forces Agreement and lift restrictions

on MINUSCA's movement. As we approach MINUSCA's mandate renewal, we must ensure the mission has all the tools necessary to protect the safety and security of UN personnel.

The flow of illicit arms negatively affects regional security, as well as the safety and security of civilians and peacekeepers. As this tragic incident demonstrates, the current sanctions measures remain critical until CAR and regional states can address cross-border smuggling and diversion to armed groups. We are likewise concerned by the Panel of Experts reporting that anti-personnel landmines continue to be found in CAR. We urge all actors to immediately halt the use of land mines, especially as part of a strategy to control illicit mining.

Despite these challenges, MINUSCA's robust and proactive posture protects civilians, helps push armed groups to disarm and return to the peace process, and safeguards communities, allowing displaced civilians to return home.

We commend enhanced cooperation between the mission and the Central African Armed Forces. Joint operations are a means of further professionalizing the Central African security forces and supporting a durable restoration of state authority.

With that said, the military alone will not bring peace to the Central African Republic. A stable, prosperous state can only emerge through an inclusive political dialogue, full implementation of the 2019 peace agreement, expansion of state authority, and justice for victims. We likewise stress the importance of women's full, equal, and meaningful participation and leadership in these processes. Integrating women, youth, and minority voices into all levels of decision-making ensure peace processes are effective and sustainable.

We are encouraged by the Central African Republic's initiative to advance the peace process, specifically Prime Minister Moulou's leadership. But CAR can't do it alone. Constructive engagement by partners lends further support to the peace process and overall regional stability. Unfortunately, some entities continue to destabilize and exploit the Central African Republic.

The Kremlin-backed Wagner Group, whose forces are referred to as "other security personnel" in the Secretary-General's report, perpetrated numerous incidents of human rights abuses during the reporting period, often in the presence of national defense forces. Independent investigations continue to corroborate these reports and note Wagner forces are re-arming ex-combatants, creating proxy militias outside the government's authority, and stealing the country's mineral wealth. These egregious activities exacerbate violence, restrict the Central African Republic's development, and undermine regional stability. The Central African people deserve better.

The United States remains a steadfast partner of MINUSCA. We look forward to working with you, SRSR Rugwabiza, the Central African people and government, and members of this Council to bring peace to the Central African Republic. Thank you, Mr. President.

France To Pull Military Support In Central African Republic Amidst Disputes Over Ties With Russia (Organization for World Peace) By Sarah McArthur

October 25, 2022

France has announced that it will remove all of its remaining soldiers from the Central African Republic by the end of this year, as diplomatic ties between Paris and Bangui hit an all-time low. While there has been no official reason given for the end of the withdrawal, this move is the latest in 18 months of withdrawals of French support for its former colony, as it accuses Bangui of colluding with Russia in anti-French propaganda campaigns, and of letting Russian mercenaries loose on civilians with total impunity. Non-European media outlets interpret the situation differently: emphasizing the right of sovereign states to choose their own allies, they insinuate that the French reaction is merely the disgruntlement of a neo-colonial power which is losing its privileged position in Francophone African politics.

The 130 French soldiers which remain in CAR are there in a logistic support role. The majority of French military support arrived on 5th December 2013 under Operation Sangaris to calm the civil war which had overwhelmed the country after the Seleka rebellion. This was the seventh French military intervention in CAR since it became independent in 1960. Sangaris was declared a success and officially ended in 2016, when a new Central African government had been elected. After this, France continued to provide military training, advice and weapons to the Central African government until 2021.

According to most sources, the Russian mercenary group Wagner first arrived in CAR in 2018, however Russian support became far more visible in late 2020 and early 2021, when a new coalition of anti-government militia nearly took control of the entire country. Having narrowly evaded expulsion, the Central African government led a forceful military campaign in 2021 to regain control of the country, relying on bilateral allies such as Russia and Rwanda. The former ambassador to the

Central African Republic, who represented France during the Sangaris military intervention, believes that Sangaris ended prematurely, leaving space for Russia to get a foothold. While some called him the “Emperor of Bangui” at the time, he insists that the French mission was not neo-colonial, and only even supported the Central African government to implement its own plans.

In an interview with France24 in October, President Touadera spoke openly about cooperation with Russia, but denied making any deals with private military companies such as Wagner. He also rejected the idea that his turning to Russia was because he was frustrated with Paris. However, he did claim that he turned to bilateral allies because the UN and France could not, or would not, help in the urgent military situation of 2020-21. He said that in a time of war with the new rebellion he was forced to turn to all of his allies for support to bring peace to CAR. When asked about human rights violations by Russian soldiers, Touadera pointed out that Sangaris and UN peacekeepers had also been accused of violations, and that the Central African government has launched an inquiry into the conduct of Russian soldiers. However, Human Rights Watch (HRW) and ACLED have reported that Wagner has committed proportionately more war crimes than the national government or anti-government militias.

So is France pulling out because it no longer has the political space to provide stabilising support to a country deep in a protracted conflict, or because it no longer “monopolises” political space in a former colony? In fact, the reason does not matter: what matters is the final comment of President Touadera: “all military interventions in CAR have led to violence against civilians”. Military support, no matter where it is coming from, may serve governing regimes, but it does not serve normal citizens. If France or Russia are truly interested in protecting and helping the Central African people, they should turn to non-military methods such as development aid. Perhaps Central Africans would be less likely to join anti-government militias if they had a job which could feed their families, rather than constant fear of which military group might arrive to “liberate” their town next.

CAR Special Court sentences three 3R militia members for «crimes against humanity». (MSN) By Daniel Stewart
October 31, 2022

The Special Criminal Court (SPC) of the Central African Republic sentenced on Monday three members of the Return, Reclamation and Rehabilitation militias, or 3R movement, to sentences ranging from 20 years to life imprisonment for "crimes against humanity".

The three convicted -- Issa Sallet Adoum, Ousman Yaouba and Tahir Mahamat -- were accused of perpetrating a massacre in mid-May 2019 in the northwest of the country in which 46 civilians were killed. In addition, they have been found guilty of engaging in "murder, inhumane acts and humiliating and degrading treatment."

Sallet Adoum has been sentenced to life imprisonment, while the other two convicted, Yaouba and Mahamat, have been given a 20-year prison sentence, Radio France Internationale reports.

This is the first verdict of the TPE, a hybrid court of local and international magistrates, dealing with crimes that occurred during the second civil war that broke out in 2012, when Séléka Muslim militias rose up against then-President François Bozizé only to end up engaged in an all-out conflict against the so-called anti-balaka, predominantly Christian, self-defense militias.

This United Nations-backed body began its work four years ago to judge the extremely violent period of fighting that erupted nearly a decade ago and is still raging in the country despite the peace agreement signed in early 2019.

The 3R movement emerged in 2015 with the initial purpose of defending pastoralists of the Muslim Peul ethnic group in the midst of clashes between Seleka and anti-balaka. However, the following year, organizations such as Human Rights Watch, specialized in monitoring the international human rights situation, began to denounce a real spectrum of atrocities committed by the militias in their areas of operation.

The group, for its part, has assured that the three accused for the killings of Koundjili and Lemouna "were not acting on orders from the commanders" and assured that the movement adheres to the letter of the conditions of the Political Agreement for Peace and Reconciliation signed by the group in February 2019. The movement has also never declared any links with the Séléka militias.

The CAR special court is also competent to judge crimes committed during the first civil war in CAR that broke out in 2004 after Bozizé's rise to power between the government and the rebels of the Union of Democratic Forces for Regroupment (UFDR), one of the direct precedents of the second armed conflict led by the Séléka and Anti-balaka.

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Sudan & South Sudan

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Sudan: No Immunities From Prosecution for Grave Human Rights Violations or Serious International Crimes Can Be Contemplated (Dabanga) By Emma DiNapoli

October 23, 2022

Since the October 25 2021 military coup, rumours of an "imminent" political breakthrough have circulated countless times. This time around, almost exactly one year since the coup, a deal between the military and the Forces for Freedom and Change (FFC) may actually be drawing nearer.

Setting aside questions of the FFC's legitimacy as a representative negotiation body--and with the important caveat that it is difficult to parse truth from speculation at the moment--at REDRESS (where I work on anti-torture and accountability issues in Sudan) we have read with alarm recent reporting about some features of the possible forthcoming agreement. Earlier this week, a story in Bloomberg indicated that "under the suggested deal... the pact would provide some form of independence and immunity from prosecution for the military, concessions that would roll back commitments made in a constitutional document written after Bashir's fall."

Indeed, outside of provisions contained within the Constitutional Document 2019, immunities from prosecution for certain crimes would also mark a significant departure from even the draft constitutional agreement prepared by the Sudanese Bar Association (SBA) (which reportedly forms the basis of the contemplated deal). Discussed here again without either endorsing or rejecting the process resulting in the document, the draft agreement as circulated earlier this month appears to proscribe any immunities for war crimes, crimes against humanity, extrajudicial killings, violations of human rights and international humanitarian law, the crime of undermining the constitutional order, and the crimes of corruption that were committed within the time period between June 30, 1989 and the date of signing this Constitution.

'No concessions to the military in relation to immunities should be accepted... '

On this point, at least, the SBA is correct. Without knowing more about the specifics of the deal, no concessions to the military in relation to immunities should be accepted by either Sudanese opposition groups or international mediators--since this would be contrary to the international prohibition on amnesties in respect of international crimes subject to a treaty-based obligation to prosecute. This includes genocide, crimes against humanity, war crimes, torture, and enforced disappearance.

For example, Sudan is a party to several treaties, including the Convention against Torture and the Convention for the Protection of All Persons from Enforced Disappearance, which impose a concrete duty to investigate and prosecute acts of torture and enforced disappearance--both of which have been systematically deployed since the coup.

Human rights bodies, particularly the UN Human Rights Committee, which is responsible for interpreting the International Covenant on Civil and Political Rights (ICCPR), have clearly stated that "amnesties are generally incompatible with the duty of states to investigate [acts like torture]," because "states may not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as may be possible."

Some might argue that amnesties are necessary in Sudan to facilitate a political transition, looking to the example of other post-conflict contexts in which conditional amnesties were extended to support national reconciliation (see, for example, amnesty laws enacted in Uganda and Nicaragua). Evidently the military has made this point strongly, and perhaps persuasively.

'Transitional justice requires accountability for serious human rights violations to erode these practices in the future... '

But the story of Sudan's post-independence, post-coup politics is also one about the absence of respect for the rule of law and human rights protections; to take a leap of faith with regards to the military's meaningful commitment to breaking the cycle of abuses and impunity now would be foolish. Transitional justice requires accountability for serious human rights violations to erode these practices in the future. Beyond adversely affecting victims' access to the truth of what happened and to

reparations, the extension of immunities from prosecution to actors responsible for serious international crimes will not promote a genuine and lasting transition towards a democratic Sudan.

In June 2022, at REDRESS we explained in greater detail what I will summarise now as the peace vs. justice problem: in democratising societies, victims will (for obvious reasons) expect justice, often in a courtroom, while internal and external political actors will prioritise stability, including economic stability, for the sake of what they present as long-term peace. "Long-term peace" often wins out over "justice." But this is an unhelpful and false dichotomy, because impunity encourages repetition of violations and shakes victims' trust in the rule of law--ultimately perpetuating the cycle of instability and human rights abuses which the revolution and pre-coup transitional agreement were designed to overcome for good.

This is exactly what has historically happened in Sudan and most recently. The task now is not to repeat these mistakes. Serious engagement with human rights and transitional justice challenges is a prerequisite for a democratic and peaceful Sudan. To this end, preventing the extension of immunities for grave human rights violations and international crimes is an obvious first step.

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Democratic Republic of the Congo

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

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Mali

Islamist armed groups in Mali have killed hundreds of people and forced tens of thousands to flee their villages during apparently systematic attacks since March 2022, Human Rights Watch said today. Malian security forces and United Nations peacekeepers should bolster their presence in the affected regions, ramp up protection patrols, and help authorities provide justice for victims and their families.

Since early in the year, Islamist armed groups aligned with the Islamic State in the Greater Sahara (ISGS) have attacked dozens of villages and massacred scores of civilians in Mali's vast northeast regions of Ménaka and Gao, which border Niger. These attacks have largely targeted ethnic Dawsahak, a Tuareg ethnic group.

"Islamist armed groups in northeast Mali have carried out terrifying and seemingly coordinated attacks on villages, massacring civilians, looting homes, and destroying property," said Jehanne Henry, senior Africa adviser at Human Rights Watch. "The Malian government needs to do more to protect villagers at particular risk of attack and provide them greater assistance."

Between May and August, Human Rights Watch interviewed 30 witnesses to attacks between March and June on 15 villages in Ménaka and Gao regions. The witnesses described a pattern of heavily armed men on motorcycles and in other vehicles surrounding their village, shooting indiscriminately, summarily executing men and other villagers, and looting and destroying property. Often other villages in the region were attacked around the same day, suggesting a plan or directive. Tens of thousands of people who lost their livestock, livelihoods, and valuables have fled for elsewhere in Mali or to neighboring Niger.

A number of armed groups are active in the region and implicated in grave abuses. Security analysts believe the Islamic State in Greater Sahara now largely controls three of the four administrative cercles, or circles, of the Ménaka region through various Islamist armed groups. In addition, former rebel Tuareg groups, aligned with the Malian government since a 2015 peace deal are present, notably a Dawsahak faction of the Tuareg National Movement for the Liberation of Azawad (Mouvement pour le salut de l'Azawad, MSA-D) and the Imghad Tuareg Self-Defense Group and Allies (Groupe d'autodéfense touareg Imghad et alliés, GATIA).

There were almost weekly media reports of killings, destruction of villages, and mass displacement of civilians in Ménaka and Gao earlier this year. In May, the media reported attacks on several villages in Ménaka. A witness told Human Rights Watch that on May 22, heavily armed men on about 100 motorcycles invaded the village of Inékar in Ménaka and started shooting at the men, killing nine of his male family members. In June, the media reported an attack at Izingaz, in Tidermène circle, in which Tuareg groups alleged that 22 civilians were killed. In September, media reported that Islamist armed groups carried out a large-scale attack on Talataye commune in Gao, killing at least 42 civilians.

Community leaders have stated that nearly 1,000 civilians have been killed in the region since March. A local investigation committee member told Human Rights Watch that at least 492 were killed between March and June in Gao region alone, but believes the number is much higher since the committee did not investigate all attacked locations.

The current wave of armed Islamist group attacks followed a clash between the Islamic State group and MSA-D in early March. The Islamic State then apparently began to target Dawsahak villages, issuing a fatwa – a religious order or decree – against villagers they accused of allegiance to former rebel groups and a rival armed Islamist group, villagers said. The fighting between the armed groups led to attacks on towns and villages and their inhabitants in violation of the laws of war.

"They burned houses, took our animals and grain, and what they could not take they set on fire," said a village leader who witnessed attacks on the town of Tamalate on March 8. A teacher who witnessed an attack on Intagoiyat village in March said, "They shot at everything. They just kill, they do not try to interrogate, they do not talk except 'God is great' and it's over."

The surge in violence coincides with France's withdrawal on August 15 of its remaining troops deployed as part of a regional counterterrorism operation to Niger and other locations. It also reflects longstanding tensions among the region's pastoralist communities, semi-nomadic herders dependent on dwindling water and pastures. While the vast majority of recent killings have been carried out by Islamist armed groups against the Dawsahak community, Human Rights Watch has also received reports of retaliatory attacks by pro-government armed groups against presumed Islamic State supporters.

Both the Malian army and the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), have forces in Gao and Ménaka. However, these troops do not patrol far from the towns and – particularly in Ménaka – have little or no capacity to protect civilians, including displaced populations, in remote areas. The UN mission should continue to ramp up its patrolling, deterrence flights, and interactions with the affected communities, Human Rights Watch said.

Islamist armed groups have also attacked civilians in other parts of Mali this year. Human Rights Watch investigated the June 18 attack on villages in Bankass circle in Mopti region, allegedly by the Katiba Macina, an armed group aligned with the Al-

Qaeda coalition, that the government reported killed 132 villagers.

Human Rights Watch has for several years also documented serious abuses by the Malian security forces and forces widely believed to be with the Russia-linked Wagner Group, a private Russian military security contractor, during military operations.

“Malian authorities should work closely with the UN to provide better security for the population in the northeast and other conflict-affected areas of the country,” Henry said. “The UN and Malian authorities should improve security arrangements in threatened areas, engage more with local communities, and impartially investigate all reports of serious abuses.”

For additional details about the attacks, please see below.

Attacks in Gao and Ménaka Regions

Between May and August, Human Rights Watch researchers interviewed in person 17 people who witnessed serious abuses in Gao, and 13 in Ménaka by phone. Witnesses in Gao described attacks on villages in the Talataye commune. Those from Ménaka described attacks on villages in the Andéramboukane circle. All interviews were conducted in local languages in confidence, using an interpreter where necessary, and no compensation was provided. Names of witnesses have been withheld for their safety.

Many villagers said that the Islamic State in the Greater Sahara previously had imposed Sharia, or Islamic law, on their villages, requiring them to pay Islamic tax, known as zakat, and adhere to strict morality and dress codes, but had not carried out attacks. In early 2022, tensions increased between the Islamic State and MSA-D, leading to a clash in Tamalate, Ménaka region, on March 8. The Islamic State then attacked ethnic Dawsahak villages, accusing them of affiliation with MSA-D, GATIA, and rival Islamist armed groups, witnesses said.

Witnesses described the attackers as well-armed men on motorbikes, dressed in military fatigues and turbans, speaking Fulfulde (spoken by ethnic Fulani), Tamashek (spoken by ethnic Tuareg), and Arabic. In some cases, they carried the Islamic State’s black flag. As an apparent modus operandi, the attackers surrounded villages and then detained and summarily executed people, most of them men. These included some older men and men with mental disabilities, but also children. The attackers looted valuables, food, and livestock, and set fire to homes. In many cases, survivors said they could not bury or hold funerals for those killed for fear of another attack.

Although Human Rights Watch could not confirm the reported death toll, witness interviews and reports by the UN and other agencies indicate that hundreds of civilians were killed and tens of thousands were forced to flee, having lost their livestock, valuables, and livelihoods during the attacks. The following witness accounts, though not comprehensive, illustrate serious abuses by the Islamic State that violate international humanitarian law.

Gao Region, March 2022

Villagers described a series of attacks on predominantly Dawsahak villages in Talataye commune. They reported that between 5 and 35 civilians were killed in each incident. Human Rights Watch could not confirm these numbers. The UN peacekeeping mission reported that these attacks killed at least 100 civilians and displaced thousands.

Oudeini

Around March 17, a group of men armed with Kalashnikov assault rifles and PKM machine guns arrived in the village of Oudeini. They killed five men in the village and perhaps dozens more near a water point where men had gathered with their livestock, witnesses said.

A woman, 23, said: “They were going door to door. They brought out five men, ordered them to kneel and one of the attackers shot them dead.” The attackers then burned homes, looted valuables, and threatened to kill any women remaining in the village or marry them by force.

A man, 75, said: “I was at the well watering my animals around 9 a.m. The attackers first captured five people among us, made them kneel, and shot them. Then they came back to us and one started shooting at me at close range. Luckily for me the bullet went past my head, but he shot me in the leg.”

Intakofa

On the same day as the Oudeini attack, a group of Islamic State fighters targeted Intakofa village and surroundings, witnesses said. The men arrived on motorcycles, armed with Kalashnikovs and PKM machine guns, and shot at the villagers.

“They invaded our village, shooting as we fled,” said a shepherd. He hid with several other unarmed men in a well until

nightfall, then in the forest, before returning to the village. He said villagers buried 24 men, all killed by gunshot: “We dug a pit to put the bodies in before fleeing.”

A member of a local investigation committee said that he helped bury a total of 92 bodies a week after the attacks on the area.

“The bodies were scattered over an area of 10 kilometers in Garnadamouss and Intakofa,” the committee member said. “Some bodies were lying on their backs, others had their hands tied behind their backs, others on their sides. Some were shot in the head, some in the stomach. We saw Kalashnikov bullet cartridges everywhere.”

Inziguitiya

The Islamic State fighters also attacked Inziguitiya village the same day, killing at least 35 men, villagers said. Upon arriving in the village, groups of fighters went house-to-house pulling people out of their homes, looking for MSA members and “collaborators.” They then executed some men and looted food and livestock.

A 35-year-old woman said: “The attackers arrived [at our home] and ordered the men to kneel down, then opened fire on them. I covered my children’s faces so that they did not have to watch the murder of their father.”

She said she sought safety in a nearby forest with other women and children, then returned the next day to bury the dead. “We first buried my husband and his friends and then we went around and picked up bodies all over the village.” She said they buried 35 men’s bodies, all with gunshot wounds to the head or chest.

One man said he hid in a well with a group of men: “When I got out, I found my friends were all dead around the well.”

Agoursso

A 42-year-old woman described an attack on her village in mid-March, in which the attackers shot and killed her husband and her father, and other men in the village:

They arrived on many motorbikes and surrounded the village while people were resting in their huts. Some men were able to escape, but other men like my husband were unable to escape.... As soon as my husband came out of the house, they opened fire on him and died on the spot. When I came out of the house, I nearly fell over my father’s body.

She estimates that 20 men altogether were killed in the attack. Before leaving, the attackers took all the food, jewelry, and valuables and set fire to the house.

Inwelane

The village of Inwelane was attacked on March 20. A woman said that a group of heavily armed fighters arrived at their village about 10 a.m.

“They did not question anyone, they opened fire on us, shooting everywhere,” she said. “They shot the men without saying a word. From 10 a.m. to noon they shot at men, looted animals, and burned what they couldn’t take away.”

She said attackers entered her home and shot her husband, killing him, and then her neighbor’s husband and 5-year-old child. She helped bury 30 bodies but believes many more were killed.

On March 26, the attackers returned to the village, witnesses said.

A villager said that the attackers stayed from 4 p.m. until 8 p.m.:

They were very numerous and well-armed. They arrived and opened fire on us. I left my home running, while I was running the bullets were flying above my head. I hid [in the bush] and observed them heading toward my house where they took out my wife and my children. They set fire to our house and gathered the crying women, and told them, according to my wife, that they will kill all their husbands as they are collaborators of the MSA and GATIA. They looted the whole village and burned all the crops. There is nothing left: my camels, cows, goats, are all gone.

In Delimane

Villagers said that around March 20, a group of heavily armed men they identified as Islamic State fighters surrounded In Delimane village, ordered families out of their homes, and then executed 20 men by gunfire. The attackers also threatened to forcibly marry the women if they did not flee the village.

“They brought out our husbands and told them to kneel,” one woman said. “They were facing east and then [one of the

gunmen] opened fire on them, including my husband. They died on the spot. They told us that this is what they would do to all the Dawsahak, because they have a fatwa against us that gives them the right to kill our husbands and to take us women as their wives and to seize our animals.”

A man, 32, said: “They shot everyone in the head. I heard ‘taa taa taa’ and then the next day I participated in the funeral.” He said they were forced to pay money and gasoline to the attackers so they could hold the funeral. “We found that all 20 had been shot in the head. We put them in the same hole.”

Ménaka Region, March 2022

Witnesses described attacks on several towns and villages in the Ménaka region, mostly in the Andéramboukane administrative circle between March 8 and 28, and reported scores killed in each attack. The UN mission documented that at least 157 civilians were killed in Ménaka region during that period.

Tamalate

Following the killing of an Islamic State fighter in Tamalate, tensions rose between the group and MSA-D, and the two armed groups clashed on March 8, witnesses said. A village elder said:

I was in my house at the time of the clash. A few minutes later, the jihadists [Islamist fighters] invaded the village, shooting at civilians. The jihadists separated into two groups: one attacked the elements of MSA south of the town and another group attacked civilians in the north. I saw three men shot in the head. The jihadists shot at everything.

Inchinane

Also on March 8, in the early afternoon a large group of men wearing military fatigues on motorcycles and vehicles, and armed with Kalashnikovs and PKMs, attacked Inchinane, witnesses said. A village elder said that the entire village fled so they did not count the bodies but learned later that at least 100 people may have died in the attack.

One man, injured in the attack, described being dragged out of his house and shot: “I was in my house. Several motorcycles surrounded me. The attackers were heavily armed and had walkie-talkies. One of them pulled me out of the house and shot me near the head and on the shoulder. I fainted then and broke my arm.”

He said the reason for the attack was not clear: “The ISGS have imposed Sharia on us for more than three years. We pay zakat twice a year, exceeding Sharia rules. They forbade us to smoke cigarettes and we accepted that, but they came back to say we are collaborators of MSA and GATIA. I think it is just a pretext to exterminate us.”

Another villager recalled hiding in an abandoned house and overhearing attackers speaking in Tamashek, saying they could loot what they wanted. When he left the village several hours later, he saw bodies of men scattered around and later found out that his uncle and cousin were among them.

Tingorof

Villagers said that on March 28 they saw a large number of armed men, some riding motorcycles and others in three vehicles, surround the village. They were dressed in military uniforms and in civilian clothes and turbans, and carried the Islamic State black flag. During the attack they shouted, “God is great!”

A village official said he witnessed the attack from a hiding place and saw the attackers shooting at villagers. The attackers killed 15 people, including 2 women, 2 children, and at least 2 older men in their homes. He also said that they burned shops and homes.

“After they executed these people, the attackers gathered the animals and ransacked the houses, they took all valuables and gold, cows, camels, sheep, and goats. Everything was taken,” the mayor said. “Survivors could not bury the dead for fear of another attack and the whole village fled to Ménaka or Niger.”

He added: “They came before to collect zakat, but this time they came and attacked us for no reason. We have no militia in our village. We are just defenseless civilians.”

Intagoiyat

Also on March 28, at around 11 a.m., fighters wearing black turbans with a red stripe and carrying the Islamic State black flag attacked the village of Intagoiyat. They killed 105 people, including 17 boys and 3 girls, witnesses said.

“They started shooting at everything, killing and injuring villagers as they fled,” a 45-year-old teacher said. The attackers then

went house to house and executed men before leaving at around 1 p.m. They then returned several hours later and killed more men.

A shepherd said that he and others tried to save some of the wounded and bury the dead, but they fled when the attackers returned in the evening. He saw them loot livestock, jewelry, money, and other goods, and destroy homes and a water pump. He said the survivors fled to Ménaka or across the border to Niger.

Ingarzabane

At about 6:30 p.m. on March 28, the Islamic State fighters also attacked Ingarzabane village, killing 43 men including 20 teenage boys, witnesses said. A village elder said he was able to escape as the gunmen attacked the village: "By the grace of God I was able to get out of the village under heavy fire of the attackers who shouted, 'God is great.'" When he returned later, all the livestock had been stolen.

"They looted all they could take and shot those [animals] they could not bring, and set fire to houses," he said. After three days he and survivors tried to bury the dead. "We found bodies scattered everywhere, in and outside the village. They were already decomposing and there was a foul smell everywhere. We were afraid the attackers would come back so we could not bury them all. We buried only five bodies."

A shepherd, 46, said: "We counted 43 dead including children under 18. They burned our things and looted our animals. We became poor in an instant. I don't have enough to feed my family now."

Inkalafane

On March 28, Islamic State fighters also attacked Inkalafane village, killing 35 civilians including 7 children under 16, villagers said. A 55-year-old shepherd who escaped the attack was in his village that morning when a large group of armed men arrived in an armed vehicle and riding motorcycles. He said that two months earlier, some of the men had come to the village to demand payment of zakat. But this time, he said, "they came to kill us, and most of the villagers understood this and fled." He and others went to Ménaka. When they returned to the village, they found bodies scattered everywhere. "We were afraid to bury them all because we thought the attackers would come back to kill us," he said. The fighters had stolen all the livestock and valuables and burned homes. "They took everything and left us nothing."

Intakoreit

Witnesses said that in an attack on Intakoreit village the same day, March 28, fighters killed about 40 people, including 2 men with mental disabilities and 7 children. A village elder said that the attackers came around 11 a.m. and opened fire on the village, then went house to house to take men out and summarily execute them. He hid in the forest and escaped but returned two days later to see the dead bodies. "Many of the victims were executed with a bullet in the head. The number of people executed was larger than those killed indiscriminately," the villager elder said. He and other survivors could not bury the bodies for fear of another attack.

Attack in Mopti region, June 2022

In the past year, Islamist armed groups have also attacked civilians in other parts of Mali. In one particularly horrific incident on June 18, fighters from the Katiba Macina, a group within the umbrella coalition of Al-Qaeda-aligned groups, Jama'at Nasr al-Islam wal Muslimin (JNIM), allegedly attacked villages in Bankass circle in the Mopti region, killing 132 villagers, according to government reports. The attacks were believed to be in retaliation against the community for asking the Malian army to intervene, despite a preexisting agreement not to involve the authorities. The massacre forced thousands to flee to Bankass and other towns for safety.

Human Rights Watch researchers interviewed five witnesses to the Bankass attacks and community leaders from Dianwali, Deguessago, and Diallassagou villages. They said many armed men on motorcycles speaking Dogon and Fulani languages attacked their respective villages in the late afternoon, looted grains and food from homes, and abducted a large group of men whom they summarily executed in the forest.

A teacher from Deguessago village said: "They tied our hands and led us on foot like animals into the forest with weapons pointed at us. They made us walk for several kilometers until nightfall." He and other survivors were allowed to leave the execution site before the killing started because they were not originally from the targeted villages.

An older man said: "We were all rounded up and led into the forest. We walked several hours one behind the other. Then in the middle of the forest they asked us to sit down. We were joined by another group of captured men. Fortunately for me one of the assailants recognized me and let me go."

A woman in her 60s from one village said the fighters abducted her 30-year-old son, and she believes they killed him:

I was terrified. The attackers invaded our village shooting everywhere. At 5 p.m., they arrived at my door. They looted our house, taking our millet, our valuables, and captured my son. They grabbed him and tied his hand and left with him. Since then, I have not seen him again. A week after his capture, I was informed that the attackers executed all the captured men in the forest.

Russian mercenaries accused of civilian massacre in Mali (The Guardian) By Jason Burke
November, 1, 2022

Russian mercenaries in Mali have been accused of a new massacre of civilians following a major military operation in the centre of the unstable country.

At least 13 civilians were killed on Sunday in the region of Mopti by Malian troops supported by “white soldiers”, local elected officials and an official of a community association told the Agence France-Presse.

Fighters from the Kremlin-linked Wagner Group arrived in Mali late last year after a lucrative deal was struck with its new military rulers. They have been deployed on a series of offensives against Islamist extremists who control swaths of the country and have been repeatedly linked to atrocities.

The reported massacre appears to have occurred during a large-scale airborne operation in a region known as a stronghold for extremist groups. Airstrikes were followed by a ground assault by Malian troops and suspected Wagner fighters near the town of Tenenkou, local sources said.

“On Sunday in Guelledjé [near] Tenenkou ... the Malian military came in force with white soldiers. There was shooting and arrests. At least 13 people were killed,” a local politician told AFP.

The information was confirmed by another local official. Those killed included a woman, her daughter and her granddaughter, the source said. A resident of Guelledjé said the village was attacked because “the army and the white soldiers of Wagner consider it to be an Islamist extremist stronghold”.

An official of Tabital Pulakuu, an association for the promotion of the culture of Mali’s Peuhl ethnic groups, told AFP that “more than 20 civilians were killed and arrested on Sunday in Guelledjé”, all from the Peuhl community. “Not all Peuhl are jihadists,” the official said. “Those who were killed are innocent civilians.”

Extremist Islamist factions have sought to recruit among the pastoralist Peuhl by exploiting grievances with the government and other ethnic groups. According to survivors, many of the civilians killed in a series of massacres in Mali linked to Wagner earlier this year were all from the Peuhl community.

Mali’s military rulers, who took power in a coup in May last year, have said the thousand or more Russian paramilitaries in the country are instructors and not deployed in combat roles. A source “categorically” denied the reports of a new massacre, AFP reported. In previous incidents, Mali’s armed forces have said that only terrorists had been “neutralised” during “vigorous” security operations. The new offensive by Mali’s military and Wagner comes after gains by Islamist militants earlier this month. Fighters from groups linked to the Islamic State seized territory in the east, killing hundreds of civilians and forcing thousands to flee, regional Malian officials and analysts said.

The gains by the militants highlight Mali’s struggle to fill the vacuum left after the departure of French and other European forces, while relations with neighbouring Niger have deteriorated, preventing joint military operations near the Niger and Burkina Faso borders.

Growing acrimony between western powers and military leaders who seized power in a 2020 coup pushed France to move its counter-insurgency operations to Niger this year.

Other European countries have withdrawn troops, often citing Mali’s collaboration with Russian mercenaries.

In the east of Mali, national troops and the few remaining international forces that back them are increasingly confined to the towns that host their bases.

Wagner has been active in a dozen countries across Africa, and it has been repeatedly accused of human rights abuses on the continent. In May a Human Rights Watch report alleged that forces in Central African Republic (CAR) identified as Russian appeared to have killed and tortured civilians since 2019, echoing similar findings from a group of UN experts last year. Wagner has also taken part in the invasion of Ukraine and been linked to atrocities there.

According to the Armed Conflict Location and Event Data Project, a non-profit that tracks violence across the world, Wagner’s

deployment in Mali has “entailed mass atrocities, torture, summary executions, looting, the introduction of booby traps as a counter-insurgency tactic, and influence operations in the information environment”.

The military that took power by force in Mali in 2020 has turned away from the French ally and its partners for the past year, and looked to Russia. The government claims to have reversed the security trend and defeated the jihadist groups.

Victoria Nuland, US undersecretary of state for political affairs, said last week terrorism had become significantly worse since Wagner had deployed to Mali.

“Terrorism is going up, not down, and we are firmly of the view that Wagner works for itself, not for the people of the country that it comes to,” Nuland said.

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Liberia

Liberia: Victims Detail Forced Labor Under Ulimo As Kamara Admits to Paris Trial he was the Only “Co Kundi” in Lofa (Front Page Africa) By Anthony Stephens and Prue Clarke

October 21, 2022

As he has done throughout the trial Kamara denied that he knew anything of child soldiers, torture, sex slaves, rape, cannibalism and forced labor in the county despite the testimony of dozens of Liberian and international witnesses in this trial and hearings of Liberia’s 2008 Truth and Reconciliation Commission.

“Maybe it went on in another places,” Kamara told the court. “I only know of two child soldiers. They were twins captured in Gbarnga. 16 or 17 years old.”

Kamara insisted that he never spent any time in Foya town where his commander “Deku” was in charge. He said he was always on the frontlines. Kamara said he knew nothing of where food and fuel came from and denied he and his troops were told to “pay yourself” – meaning that they were not supplied by Ulimo but were to take food and fuel from civilians.

“The Ulimo administration in Foya responsible for that I don’t know anything,” Kamara said. “I was always on the frontline.”

Court observers said they thought the jurors would find that hard to believe given the volume of evidence they have heard from a variety of witnesses and testimony going back 15 years. Given there is no physical evidence in this trial, jurors’ decision will come down to whether Kamara or the witnesses are telling the truth. If jurors question Kamara’s honesty over atrocities that are so well documented, they may well conclude that he is being dishonest about his guilt.

Unlike in the United States which requires a unanimous verdict to convict, the French system requires only a majority of the nine-person jury to find Kamara guilty.

Outside the court Sabrina Delattre, lawyer for the plaintiffs – nine victims and Civitas Maxima, the Swiss-based human rights organization – said she was feeling confident about the trial. She highlighted the fact that Kamara had conceded that he was “Co Kundi” during the war; that he had been in Foya during the four-month Ulimo occupation in 1993 and that he knew of no other Co Kundis in the district at the time.

“The thing that is really specific about this case is that Kunti is denying a lot of things but he’s not denying that he was in Foya at the time. He’s also confirmed that his name was Co Kundi at the time and he confirmed yesterday that he’s the only person in Ulimo whose name was Co Kundi so I’m really confused now that he’s saying the witnesses are mistaken about the fact that Co Kundi was there in 1993 because Kundi is saying the same thing. “

Delattre also rejected Kamara’s argument that witnesses were trying to win asylum or travel to Europe. “We’ve been working on this case for a long time and some people have already been here and given their statements to the judge and they always went back to their city; went back to their life in Liberia,” Delattre said. “Nothing like that happened. Right now some of the witness in the trial are already back to Liberia. So I think this is a nonsense.”

Also today came the surprise news that Alieu Kosiah, the Ulimo commander and Kamara ally who was convicted of crimes

against humanity in Switzerland in 2021, will testify in person on Friday on Kamara's behalf. Kosiah was convicted of multiple atrocities including the use of child soldiers. In an inexplicable decision, that helped seal his conviction, Kosiah called a man who told the court that he had been a child when Kosiah recruited him as a fighter as one of Kosiah's own character witnesses.

Having a man convicted of multiple atrocities defend him on Friday may further undermine Kamara's claim of innocence in the minds of the jurors.

Earlier in the day, one of the plaintiffs in the case accused Kamara of forced labor—one of the charges for which he's being prosecuted.

"I remember specifically one moment when Co Kundi ordered his bodyguards to grab me to carry on forced labor," the witness said. The man, now in his 50s, alleged that 50 to 100 other men in the town were forcefully abducted by Kamara and other ULIMO commanders.

He said the civilians gathered looted items, including cars, cocoa, coffee, and parts scrapped from a generator that served the whole town of Foya and put them into a six-tire truck with logs. The victim said they pushed the truck to the town of Solomba along the Liberian-Guinean border about 23 kilometers away.

The victim told the court Kamara and his soldiers would sing as they drove the civilians "Till go, any bush shake you die, any bush shake, your heart."

"We really went through terror to carry those things," he said confirming that people died on the march. "I didn't see people being killed. But there was shooting."

Thierry Fusina, the president of the court, asked whether human parts were used at checkpoints.

"Yes, yes. I've spoken of human beings— my brother-in-law, his head was cut off." It was put on a stake, the victim said. "The head was placed at the front of a checkpoint and people passing had to do like this," he said demonstrating a salute.

ULIMO captured Lofa County from Charles Taylor's National Patriotic Front in 1993. Many of the witnesses in this trial have claimed that they and other civilians were tortured, killed, and subjected to forced labor for their alleged support of the NPFL. Their testimonies were corroborated by Wednesday's first witness.

"One terrible moment was a guy they accused of being with Charles Taylor. His penis was cut off. True life story," the witness said. "He ran against a wall. Still they killed him." He said as a result of the soldiers' alleged human rights violations, Alhaji Kromah, then leader of ULIMO, went to Foya to apologize to the people.

"He brought some cattle. I think he was still apologizing to the people of Foya because the disaster of Foya" the man said.

Kamara claimed Kromah made the apology in 1996 when he was campaigning for elections and would not have done so otherwise.

The trial continues on Thursday.

'Truth telling' and the path to war crimes justice in Liberia (The New Humanitarian) October 25, 2022

During 14 years of civil war in Liberia, its citizens were victims of mass killings, rape, torture, displacement, and other human rights violations. In spite of growing international calls for the creation of a war crimes court, the country hasn't prosecuted anyone for those atrocities. The only significant Liberian government-sponsored mechanism for justice is a community-led effort known as the "palaver hut" programme.

Under this model, victims and alleged perpetrators are given the space for truth telling as a means to establish a common ground for peace and reconciliation. The programme is restricted to violations classified as "lesser in gravity" such as arson, assault, forced displacement, forced labour, looting, destruction and theft of properties, and desecration of sacred places.

In August, 18 years after the war ended, Leemu*, a farmer and trader in her 40s, attended a public palaver hut hearing at the town hall in Sanoyea, north of the country's capital, Monrovia, to face the former fighter she had accused of committing crimes against her and her family.

At one end of the town hall sat elders from the community, along with representatives from Liberia's Independent National Commission on Human Rights (INCHR). Peter*, the accused, also sat in the room.

“When Peter and other fighters entered our town, they beat people, looted, and drove us from there,” Leemu told The New Humanitarian. “When we ran away, I had to leave my grandmother behind because she was too old to walk and I was not able to carry her on my back. One night, the roof fell in and she died because no one was there to help her.”

Her trauma did not end with the war. Like many fighters, Peter returned to the community where Leemu would see him.

“The hearings are good for the community. People came and spoke their minds and forgave each other.”

“I remember Peter's face from when he and the other fighters drove us from the town,” Leemu said. “After the war, I used to see him sometimes in the area, and I used to feel bad because it is because of him I wasn't there for my grandmother.”

During the hearings, Peter pleaded guilty and asked for forgiveness, though he claimed to have acted on the order of his commander under the threat of punishment. Besides his apology and the public hearing, he faced no legal punishment for his acts during the war. He left town before he could be contacted for comment.

“The hearings are good for the community. People came and spoke their minds and forgave each other,” said Moses Nupolu, the paramount chief of Sanoyea chiefdom who served on the seven-member committee for Leemu's palaver hut. “Now the hearings are over, everyone is moving together in peace,” he added.

While human rights advocates agree that the palaver huts are a good mechanism for dealing with communal issues, they say they fall short.

“The hearings, by themselves, do not address the grave human rights atrocities committed during the war as cases like massacres cannot be addressed in the palaver hut,” said Tennen Dalieh Tehoungue, a Liberian researcher on universal jurisdiction and transitional justice, and a PhD candidate at Dublin City University.

Politically protected war criminals The question of accountability for war crimes still looms large over Liberian society – a fact US Ambassador-at-Large for Global Criminal Justice Beth Van Schaack underscored during a visit to the country earlier this month. “There has been no accountability here on the criminal side, or the civil side, for those who have been most responsible for those abuses,” she said.

Between 1995 and 2003, Liberia was convulsed by two civil wars that left at least 250,000 people dead, and millions displaced. Two years after the end of the war, the Liberian Transitional Legislative Assembly established the Truth and Reconciliation Commission (TRC).

Its mandate was to promote “national peace, security, unity and reconciliation” by investigating gross human rights violations, violations of humanitarian law, sexual violations, and economic crimes that had occurred during the armed conflicts. In 2009, the commission issued recommendations to the government, including reparations, an extraordinary criminal tribunal, domestic prosecution, public sanctions, and a national palaver hut programme.

“There has been no accountability here on the criminal side, or the civil side, for those who have been most responsible for those abuses.”

However, many recommendations – including prosecuting and disbarring war criminals from public office – were never implemented.

Notably, the commission recommended that Ellen Johnson Sirleaf, the president at the time, be disbarred from public office because of an alleged connection with one-time rebel leader and former president Charles Taylor. But in 2011, the Liberian Supreme Court held that recommendations barring a number of people from holding public office were unconstitutional.

“The TRC report engenders little political will because those listed in the report as [the] most notorious perpetrators hold influential positions in government,” said Aaron Weah, an adjunct lecturer at the Kofi Annan Institute for Conflict Transformation (KAICT) and a PhD candidate in transitional justice at Ulster University. “Secondly, it appears that the formula for winning the presidency in Liberia requires presidential candidates to court perpetrators who are gatekeepers to certain vote-rich counties.”

Human rights groups have repeatedly called for the establishment of a war crimes court to more effectively hold individuals accountable for atrocities. But officials have refused to establish one, and the presence of former war actors in the political establishment has made that goal much more difficult.

For example, former warlord Prince Johnson, who was recommended for debarment from public office, is currently a two-term senator of vote-rich Nimba County, and an ally of current President George Weah. He has opposed a war crimes court, and promised to campaign against any presidential candidate who commits to setting one up.

“Unless heads of warring factions are arrested, tried, and convicted for war crimes, the message of deterrence to prevent another circle of violence will never truly be communicated.”

Instead, litigation against notable war actors and former warlords has been left to foreign countries such as the United States, Britain, Finland, and Switzerland – operating under the legal principle of universal jurisdiction.

A former Liberian rebel recently went on trial in France, accused of crimes against humanity, torture, and acts of barbarism during the armed conflict. Others have been tried on fraud charges for omitting their roles in the war from immigration documents.

Weah, the lecturer, said such litigation has “sustained the momentum for criminal accountability” in Liberia.

“However, so far, all of those arrested in Europe and America have been largely junior level perpetrators,” he said. “No head of a warring faction has been arrested, tried, and convicted, except Charles Taylor, through the Sierra Leonean Special Court.”

Liberia, he noted, has been turned into a “haven for war criminals. Unless heads of warring factions are arrested, tried, and convicted for war crimes, the message of deterrence to prevent another circle of violence will never truly be communicated to the [next] generation.”

A space to heal In spite of its limitations – and the broader failure to bring higher-level war criminals to justice – the palaver programme has brought a modicum of justice to traumatised communities.

Based on age-old tradition, Liberians have long used the system to settle disputes. The practice is common in rural areas, and hearings are usually convened by community leaders to settle disputes involving family issues, land, debt, or theft.

Tehoungue said palaver hut hearings can be effective when legitimate leaders mitigate conflict between victims and perpetrators. “These exchanges allow for mutual understanding and a ‘safe space’ for victims to demand accountability and compensation,” she said.

The Liberian government launched the National Palaver Hut Programme in 2013, with the aim of boosting reconciliatory efforts. The process is overseen by a council of elders who are mostly community leaders; it usually ends with the perpetrators apologising to their victims. Joseph Blamiyon, who coordinates the programme for the INCHR, said community leaders “listen to stories and facilitate resolution of the case”. To address the possibility of individuals potentially being re-traumatised, he said the INCHR had contracted psycho-social services to provide mental health assistance during and after the hearings.

Thus far, the programme has held hearings in four counties and helped resolve at least 277 war-related cases involving more than 500 people, giving some more closure to victims and providing a safe space for people, families, and communities.

Since the hearings aren’t legally binding proceedings, cases can be dismissed if the accused deny the accusation and if the committee has no evidence of the alleged act.

While the implementation of other justice mechanisms in Liberia remain uncertain, the palaver hut can be a space for healing, for some victims at least.

Princess*, who faced a fighter she accused of war crimes during the palaver hut hearings in Sanoyea, said she felt some closure afterwards. “The war is over. The man has apologised, and I have forgiven him,” said the trader. “I have moved on. It is no longer in my mind.”

*Names have been changed to protect the identities of victims and perpetrators.

Convicted War Criminal Kosiah Dismisses Cannibalism Charge in Paris War Crimes Trial (Front Page Africa) By Anthony Stephens and Prue Clarke

October 25, 2022

Aliou Kosiah, convicted of war crimes in a Swiss court last year, appeared as a defense witness in the trial of Kunti Kamara, his one-time United Liberation Movement of Liberia for Democracy colleague today and rejected the charge that Kamara had committed cannibalism.

Kosiah, who travelled from Switzerland under heavy guard, was not cuffed but he was accompanied at all times by two French police officers. The two former allies looked at each other but they did not greet or communicate in any way.

Kosiah was asked about one of the key events in the case against Kamara, the murder of a schoolteacher in Foya during

Ulimo's four-month occupation of the district in 1993. The schoolteacher's sister, mother, brother-in-law and friends have testified that Kamara tortured the man for two days before ordering him killed, his rib cage cut open and his heart cooked and eaten.

Kosiah rejected the charge.

"Mr. President, let's forget about human heart because we know that it's ridiculous," Kosiah said. "Let's come to goat. If you have a chef and he gave you the heart. Can anybody here eat it?" said Kosiah.

Kosiah denied Ulimo took part in such acts and alleged it was instead the descendants of African Americans who settled the country in 1822, often known as "Congos", who consumed human flesh. Numerous witnesses have described consumption of human flesh by Ulimo in Lofa. A French author who has studied Liberia's traditional societies said consumption of human flesh and human sacrifice were common.

The court was crowded with lawyers, journalists and human rights activists who had come to see the spectacle of one war criminal testifying in the trial of a man accused of war crimes. They also wanted to see Kosiah whose combative behavior and outspokenness in the Swiss court had earned him notoriety. Kosiah did not disappoint questioning at the outset, as he had in his own case, the legitimacy of two white judges hearing the case (a third judge in Kamara's trial is of African descent.)

The decision to bring Kosiah to defend Kamara was a risky move by the defense. The jury may well interpret Kamara's association with Kosiah as a sign of guilt. At first Kosiah did offer a defense of Kamara's claim that Ulimo committed no atrocities in Foya. It was the same argument Kosiah made in his trial and will make in his appeal in January.

But Kosiah repeatedly denied Kamara's claim that he was a battlefield commander. "No, no," he responded to a question from Thierry Fusina, the court's president. "I don't know whether he was a battlefield commander for Foya, but for Ulimo, he was a fighter."

Kosiah also dismissed Kamara's testimony that he had 80 men under his control.

"80 men? Which? Where? 1993? I will say no," he said.

Kosiah claimed he was Kamara's superior.

"When I met Kundi for the first time, it was in Foya. There was never a day that Kundi and I stood to talk because I was a superior officer. When I was passing, he will say 'Yes Sir!'" said Kosiah.

"They captured Foya. That's where he was at that time," Kosiah said of the capture of Foya by Ulimo. "I cannot confirm that, I cannot deny. I was not there when Foya was captured." Kamara and several witnesses have said Kosiah was in Lofa with Ulimo at the time.

Kosiah claimed Kamara was standing trial because of him.

"I am the one that put Kundi in problem," he laughed. Kosiah said he told investigators in his own case to ask Kundi if he was in Lofa. "If he says I was in Foya, then, I plead guilty, because I was not there. As far I am concerned, Kundi is object in this case. And I am object."

Kosiah and Kamara have repeatedly demonstrated an apparent failure to understand how each testimony can hurt the other. Legal analysts said Kamara's testimony in Kosiah's case that he had been in Lofa helped seal his conviction. Lawyers on both sides of Kosiah's case have been in the court gathering evidence for Kosiah's appeal in Switzerland in January.

In court today Kosiah also undercut Kamara's claim that Ulimo had not committed any atrocities in Lofa by confirming witness testimonies of looting and forced labor by Ulimo soldiers.

"I used to see people going to the border. I used to see civilians and soldiers going to the border," he said. "So, I am not here to deny whether civilians carried loads for soldiers."

But later, on cross examination, an agitated Kosiah contradicted himself.

"Solomba has three big hills. Even 1000 can't push it. Even 5000 people can't push it. If you do it, I will give you my wife. If you can do that, it means, you can make elephant to wear trousers."

As he did in his own trial, Kosiah repeated allegations that Civitas Maxima, the Swiss based human rights organization, and its Liberian partner the Global Justice and Research Project coached and bribed witnesses to lie about alleged Liberian war criminals.

“They go to Liberia. They manipulate people in Liberia to come and testify against old fighters. Once you fight, not because of what you did, for Alan Werner, automatically you are a criminal,” he said. Kosiah also quoted a document he claimed to have obtained from Alan White, a former chief investigator for the UN-backed Special Court for Sierra Leone, that has evidence condemning the two organizations. The organizations have always denied the allegations.

Earlier in the day there was an awkward moment when it became apparent that a defense witness flown from Liberia to Paris at the expense of the French taxpayer, only spoke Kissi. The man, who was also partially blind, appeared in court with an English-French translator just long enough to demonstrate to everyone that he would not be able to testify.

In a second blunder, an attempt to bring a Kissi speaking translator from Brussels was thwarted when he was denied boarding on the flight because they had only been given a one-way ticket. Judge Fusina announced the witness would return to Liberia that day and arrangements would be made for him to testify from Monrovia by video next week.

A prosecution witness who was hospitalized shortly after his arrival from Liberia last week has been released and will appear in court on Wednesday.

The first testimony of the day came from Christian Ballouard, a psychologist based in Paris who had examined three of the 9 plaintiffs in 2018 and 2019. His task was to assess their mental state for two purposes: firstly to ascertain whether they were mentally or psychologically impaired in some way that might make their testimony against Kamara unreliable in. Ballouard’s second task was to assess whether they had incurred long term psychological injuries as a result of the trauma that said they endured.

The psychologist testified that each of the men was suffering trauma in his own way. Ballouard made much of one plaintiff who testified that his mother and sister were killed within a week by Ulimo. Ballouard said the man carried a tremendous guilt that he did not help his sister, or warn her in some way of Ulimo’s approach, even though he knew that doing so would have cost him his life.

Two of the plaintiffs were still deeply impacted by the barbarity they witnessed he said – the cannibalism, butchering of humans and rape. In two cases, he said, conversion to a new religious belief – in one case Mormonism, in another case Jehovah’s Witnesses – had provided some relief from their traumas.

The psychologist assured the court that all three men were not impaired in any way that might make their testimony questionable. Marilyne Secci, Kamara’s defense lawyer, repeatedly challenged the psychologist as to whether the plaintiff’s memories could have changed over time and been shaped by the broad trauma that all Liberians were suffering during the war.

Ballouard said each person processes trauma in a different way, but it was very clear to him that in each case, the trauma that the plaintiffs had testified about was the cause of their trauma.

Sabrina Delattre, lawyer for the civil parties, asked the psychologist to explain why some victims who could not identify Kamara when they were given 9 photographs of Liberian men his age to choose from, then identified him with great conviction in the courtroom.

It made complete sense the psychologist explained some people are better at identifying people based on facial recognition. Other people recognize other factors such as voice, gesture, physical presence. A photo may not give these people enough information to use to identify a person.

The trial continues on Monday.

Prosecution Wants Accused Liberian Warlord Given Live Imprisonment, But Defense Pleads Innocence; Claims Unfair Trial (Front Page Africa) By Anthony Stephens

November 1, 2022

Prosecutors in the war crimes trial of Kunti Kamara, an accused Liberian warlord have asked the French jury hearing his case to find him guilty of all the charges he’s accused of, but his defense claims he’s innocent and has not been accorded a fair trial.

Mr. Kamara, 47, is accused of crimes against humanity and torture, including cannibalism, forced labor, murder and complicity in rapes. He’s accused of committing the crimes as a commander for the United Liberation Movement for Democracy (Ulimo)—charges he denies—attacking the credibility of witnesses, known as civil parties, who have brought the charges against him. Kamara admits he was in Foya, an area in northern Liberia, where all the crimes were allegedly committed for four months. But he insists to the nine-jury panel that he spent a large part of his time there on the frontlines.

The jury comprises three judges and six ordinary French citizens. Unlike in Liberia and other common law jurisdictions like the US and the UK, which require a unanimous jury verdict, the French legal system requires a simple majority jury decision, which means only five of the nine must agree to find Kamara guilty of his charges. If found guilty, Kamara faces 30 years in jail—the maximum under French law. Legal analysts say his acquittal could be a blow to the civil parties and prosecution who have come under attack from his supporters for his prosecution.

Judges and jury in the Paris trial of Kunti Kamara. Credit: Leslie Lumeh/New Narratives Knowing what's at stake, state prosecutors seized the moment on Monday to define every element of his charges in their final argument and justify to the jury why they should adjudge him guilty.

"It's your responsibility to sentence Mr. Kamara for all the crimes he did," said Aurelie Belliot, a prosecutor in the case. "France should not be the last hiding place for war criminals. So, I am asking you to sentence Mr. Kunti Kamara to life imprisonment,".

Although Kamara initially admitted in the trial that he had 80 men under his command, he claimed last week that he was a "floating officer". But Belliot said she finds his argument to be inaccurate, because he also told the court last week that he held the ranks of colonel and captain in Ulimo. Belliot insists Kamara was aware of the alleged crimes by his men, including rapes of women by one of his dreadful soldiers, "Babylon".

"This constitutes aiding and abetting this crime," she said. As a superior he should have stopped this crime, but never did. Kunti Kamara is still telling the court that he's the only one that never saw anything. The fact that he's saying he never saw anything, does not give credibility to his defense,".

Kamara is being prosecuted under the legal principle of universal jurisdiction, which allows the prosecution of individuals accused of committing war crimes and crimes against humanity, regardless of where they took place. It's the same legal doctrine Swiss authorities successfully used to prosecute Alieu Kosiah, another former Ulimo commander for war crimes in June 2021. But appeal proceedings against his 20-year sentence are set for January 2023. But critics have criticized Kamara's prosecution in France, arguing that the jury has never been to Liberia and does not understand the context of the Liberian civil wars. But justice advocates, including Massa Washington, an ex-commissioner of the Truth and Reconciliation Commission backed the trial.

The prosecutors used a large part of their argument to also defend the trial and the legal principle.

"You should take into consideration the suffering of the Liberian people. Every person in Liberia is saying that this hearing is a light of hope," said Claire Thouault, the other prosecutor in the case.

Just like in other war crimes trials that we've covered, inconsistencies of witness testimonies have dogged this trial—a major line of argument by the defense. Kamara himself has accused the witnesses of lying about him.

But Thouault defends the witnesses.

"The issue that civil parties could not remember dates was not a memory issue, but a cultural issue," she said. "During the civil war, there were no death certificates. There was no one to establish the cause of death. It was devastating! Testimonies are the central evidence. Many trials like Rdanwa and other places, many testimonies were about the victims. Testimonies were about events,".

But Kamara's lawyers disagree.

"Maybe the people are speaking together. Maybe these are the plot theories he's talking about," said Marilyn Secci, lead defense lawyer. "They didn't recognize him. The first time they recognized him was only in court. A witness who claimed to have been on the scene cannot call the names of two of three people there,".

Secci also challenged the credibility and reliability of the evidence of the prosecution and civil parties.

"No picture about the facts. No picture about Mr. Kamara at the time. No bodies. You cannot provide evidence or claim with no body," she said. "I cannot accept those accusations. The crimes are serious. Mr. Kamara runs the risk to spend his whole life in prison,".

Secci also claimed that her client has been unjustly treated.

"My client didn't have a fair hearing in this case," she said. "Because the French justice that wants to carry out fair justice but didn't have the means. This criminal case was just carried out like an ordinary case. My colleague and I had to share the legal wages. The defense didn't have a means in this trial to present a proper defense,".

Tarek Koraitem, the other defense lawyer pleaded with the jury to acquit his client.

“Your decision is very vital. You have to do it with justice,” said Koraitem. And you have to do in in line with the French penal code. You are not Liberians to carry vengeance against a Liberian,” he said.

The jury will hand down its verdict on Wednesday, but Kamara will make his final defense before they retire to their deliberation room and then emerge to announce their much-anticipated ruling. Court’s President, Thierry Fusina told Kamara about the importance of his statement.

“By law, you are the last person to think well, said Fusina. “So, take time to think well. You are going to have a day to be able to think and to be able to tell the court what you want,”.

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

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Kenya

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ICC Public Documents - Situation in the Republic of Kenya**

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Rwanda (International Criminal Tribunal for Rwanda)

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [\[English translation\]](#)

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

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Grotian Moment: The International War Crimes Trial Blog

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ASIA

Afghanistan

ICC's request to reopen an investigation into Afghanistan war crimes gets approved (Fox News) October 31, 2022

Judges have approved a request by the International Criminal Court's prosecutor to reopen an investigation into war crimes and crimes against humanity in Afghanistan, saying Afghan authorities are not carrying out meaningful probes into the alleged crimes.

The court announced the decision Monday, saying that authorities in Kabul have not established that "Afghanistan has investigated, or was investigating, in a manner that covers the full scope of the Prosecutor's intended investigations and that would justify even a partial deferral of the court's investigations."

The decision comes just over a year after Prosecutor Karim Khan announced that he wanted to resume an ICC probe in Afghanistan because under the country's new Taliban rulers there was "no longer the prospect of genuine and effective domestic investigations" in the country.

Judges at the global court authorized an investigation by Khan's predecessor, Fatou Bensouda, in 2020 covering offenses allegedly committed by Afghan government forces, the Taliban, American troops and U.S. foreign intelligence operatives dating back to 2002. The United States are not a member of the court and do not recognize its jurisdiction.

The decision to investigate Americans led to the Trump administration slapping sanctions on Bensouda, who has since left office. However, the probe was shelved after Afghan authorities asked to take over the case — known at the court as requesting deferral.

The ICC is a court of last resort, set up in 2002 to prosecute alleged atrocities in countries that cannot or will not bring perpetrators to justice — known as the principle of complementarity. When Khan sought last year to reopen the court's investigation, he said he now plans to focus on crimes committed by the Taliban and the Afghan affiliate of the Islamic State group, adding that he will "deprioritize" other aspects of the investigation.

On his decision to no longer prioritize other aspects of the probe, including allegations of crimes by Americans, Khan said last year that his office "will remain alive to its evidence preservation responsibilities, to the extent they arise, and promote accountability efforts within the framework of the principle of complementarity."

Judges said in their decision Monday that their decision to authorize a resumption of the investigation covers all alleged crimes, meaning it could include allegations of crimes by U.S. personnel. However, it remains up to Khan to decide what allegations to investigate.

In 2016, before seeking authorization to open a full-scale investigation in Afghanistan, ICC prosecutors said that U.S. troops and the CIA may have tortured and mistreated people in detention facilities in Afghanistan, Poland, Romania and Lithuania.

Khan's decision last year to no longer prioritize investigations into those allegations drew criticism from activists.

In response to Monday's court decision, Patricia Gossman, the associate director for Asia at Human Rights Watch, said: "The International Criminal Court's resumed investigation in Afghanistan should address serious crimes by all sides to the conflict, including U.S. forces, to bring justice even when the most powerful nations are involved."

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

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Bangladesh International Crimes Tribunal

US Congress To Recognise Bangladesh Genocide In 1971 (Pressenza) By Aleem Samad

October 31, 2022

The resolution demands that the United States government should recognise the genocide committed by the Pakistan armed forces during the brutal birth of the country in 1971, which disproportionately targeted members of the Hindu community, secularists, and nationalist groups in East Pakistan (now Bangladesh).

Congressman Steve Chabot is a member of the House Foreign Affairs Committee's Subcommittee on Asia and the Pacific, and Co-Chair of the Bangladesh Caucus, introducing the resolution said, "There was a genocide. Millions of people were killed [in

1971] in what is now Bangladesh, and what was then East Pakistan.

About 80 per cent of those millions that were killed were Hindus. And it was, in my opinion, a genocide just like other genocides – like the Holocaust – happened. “The historic resolution observes that the Pakistani ruling elite and officials harboured well-documented anti-Bangalee sentiment, considering Bangalees to be a lesser people group that had been corrupted by un-Islamic practices.

The infamous brutal crackdown “Operation Searchlight” involved widespread massacres of civilians. The operation targeted the Bangalee nationalists and especially the Hindus, who are dubbed with the demeaning word “Malaun” (cursed).

“The genocide against Bengalees and Hindus is one of the forgotten genocides of the 20th century and its lack of recognition remains an open wound for millions of people who were directly affected by the atrocities, remarked Senator Tabo”

Pakistan’s President, General Agha Muhammad Yahya Khan, is recorded as saying to his top military brass “[k]ill 3 million of them and the rest will eat out of our hands”.

Unfortunately, the genocide against ethnic Bangalees and Hindus is one of the forgotten genocides of the 20th century and its lack of recognition remains an open wound for millions of people who were directly affected by the atrocities.

Earlier, the United States based non-governmental organisations Genocide Watch and the Lemkin Institute for Genocide Prevention sought international recognition of the atrocities committed by the Armed Forces of Pakistan as ‘genocide’.

An estimated number killed in the atrocities was 3 million (an official figure of the Bangladesh government). Nearly several hundred thousand were victims of rape as a weapon of war.

The bloody war caused nearly 10 million war refugees and took shelter in camps along the borders of India for their safety and up to 50 per cent of the population was internally displaced.

On March 28, 1971, United States Consul General in Dhaka, Archer Blood, sent a telegram to Washington titled “Selective Genocide” in which he wrote “Moreover, with support of Pak[istan] military, non-Bengali Muslims are systematically attacking poor people’s quarters and murdering Bengalis and Hindus. Streets of Dacca are aflood with Hindus and others seeking to get out of Dacca...”

Senator Edward Kennedy, Chairman of the Senate Judiciary Committee in a report to the Committee on November 1, 1971, states “Nothing is more clear, or more easily documented, than the systematic campaign of terror—and its genocidal consequences—launched by the Pakistan army on the night of March 25th. Field reports to the U.S. Government, countless eye-witness journalistic accounts, reports of international agencies such as the World Bank, and additional information available to the Subcommittee document the continuing reign of terror which grips East Bengal. Hardest hit have been members of the Hindu community who have been robbed of their lands and shops, systematically slaughtered, and, in some places, painted with yellow patches marked ‘H’. All of this has been officially sanctioned, ordered and implemented under martial law from Islamabad.”

In a study published in 1972 titled “The Events in East Pakistan”, the Secretariat of the International Commission of Jurists states “There is overwhelming evidence that Hindus were slaughtered, and their houses and villages destroyed simply because they were Hindus.”

During the nine months of the war, the Pakistani military forces persecuted, tortured, and murdered representatives of Bangla culture and identity, including poets, musicians, professors, journalists, physicians, scientists, writers, and filmmakers.

Often debates are alive on the definition of genocide, persecution, atrocities and massacre rage among scholars and historians. The attempt to eliminate Hindus and the rape of women constitute crimes against humanity, war crimes, and genocide.

There is no confusion after the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed on December 9, 1948, declares that genocide “means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.” and “The following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide.”

The resolution calls on the Pakistan authority, in the face of overwhelming evidence, to offer acknowledgement of its role in such genocide, offer formal apologies to the Government and people of Bangladesh, and prosecute, in accordance with

international law, any perpetrators who are still living, the resolution said.

Meanwhile, the Human Rights Congress for Bangladesh Minorities (HRCBM) held a press conference at the National Press Club in Washington DC which was attended by journalists, human rights defenders, academics, social entrepreneurs, members of the Bangladeshi diaspora and also exiled rights defenders of Sindh and Balochistan.

Priya Saha, Executive Director of HRCBM said, “The Pakistani military and its militia forces, namely the death squad Al-Badr carried out the targeted assassination of more than 1,100 Bangla-speaking intellectuals and other professionals, to create an intellectual vacuum in the country. In Bangladesh, 1,942 mass graves were discovered.”

Speakers at the press conference discussed and answered questions about the impact of this historic resolution on the geopolitics of the Indo-Pacific and radical groups originating from Bangladesh and Pakistan.

Among the speakers were Dr Sachi Dastidar, distinguished professor emeritus at SUNY, recalled his family’s personal experience as victims of genocide.

Prof Dwijen Bhattacharjya of Columbia University and General Secretary of the Bangladeshi Hindu Buddhist Christian Unity Council in the United States believes that resolution 1430 will be departing from the 1971 United States policy on the genocide in Bangladesh.

Saleem Samad, General Secretary of the Forum for Freedom of Expression, Bangladesh said the Pakistan military committed genocide with an “intent to eliminate” a race, language, culture, heritage, traditional practices and of course religion.

The ‘rape as a weapon of war’ was executed for several reasons. Firstly, to give birth to “war babies” to establish a so-called ‘superior’ race. Secondly, to change the identity of race and ethnicity. Thirdly to break the morale of a defiant nation.

Munawar “Sufi” Laghari, the Executive Director of Sindhi Foundation said the resolution to recognise the Bangladesh genocide would enable Pakistan’s ‘military establishment’ to halt ongoing ethnic persecution of Sindhi and Baloch, enforced disappearances and forced conversion of Hindus girls in the restive province of Sindh and Balochistan.

The press conference moderated by Adelle Nazrarian, Media Fellow at the Gold Institute for International Strategy (GIIS) and Communication and Legislative Director at HinduPACT urged the Bangladeshi diaspora in the United States, in particular, to work with their local representatives and requested that they support the resolution.

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War Crimes Investigation in Myanmar

Myanmar’s Resistance Forces Treat Prisoners Humanely Despite Junta War Crimes (The Irrawaddy) By Nayt Thit

October 29, 2022

Amid numerous extrajudicial executions, violations of the Geneva Conventions and war crimes by Myanmar’s junta, resistance groups and their allied ethnic armed organizations (EAOs) reportedly treat their prisoners of war humanely.

The junta repeatedly claims to follow the rules of armed conflict while its forces execute detainees, including supporters and members of the ousted National League for Democracy.

In early October, 11 NLD members and supporters, who were accused of helping resistance forces, were stabbed to death while in junta detention over two days in Nyaung-U, Taung Tha, Natogyi and Kyaukse townships in Mandalay Region. Junta-appointed administrators were involved in the arrests.

In late June, nine resistance members, including four teenagers, in Wetlet Township, Sagaing Region, were executed after being arrested unarmed while they were traveling to adjacent Shwebo Township for medical training.

In early May, regime forces massacred 29 out of more than 30 male villagers detained during a raid on Mon Taing Pin village in Ye-U Township, Sagaing Region.

In July Radio Free Asia and other outlets published images and videos from a soldier's cell phone who took part in the atrocity.

A photo shows five dead villagers who appear to have been stabbed in their abdomens and throats while blindfolded with their hands tied behind their backs.

One of the victim's sons told The Irrawaddy said they were accused of helping resistance groups.

A video shows soldiers boasting about how many detainees they have killed and by which methods.

Prisoners of war must be humanely treated without having their health seriously endangered while in custody, according to the Geneva Conventions.

Deprivation of these rights or harming a combatant who has surrendered is a war crime under the charter.

Meanwhile, the civilian National Unity Government has ordered its forces to follow the convention.

Regime Major Aung Kyaw Min was captured unconscious and seriously injured along with 16 comrades by the Karen National Liberation Army (KNLA) during a shootout in Kyainseikgyi Township, Karen State, on October 16.

"[The KNLA troops] saved my life and properly treated my serious injuries. They treated us humanely," the major told the media.

Zin Moe Aung, formerly of Light Infantry Battalion 434, had been told that resistance forces would cut his throat if he was captured.

But when he was seized by the KNLA and its resistance allies in Ye Township, Mon State, in September, he was treated well.

"They treated us like their brothers. I really thank them for their kind and warm treatment," he told the media.

Saw Liston, the Dooplaya District secretary of the KNLA's political wing, the Karen National Union, said the group's policy is to treat prisoners of war humanely.

"We are not murderers. We can't act like the regime," he said.

NGOs call on UN Security council to "stop evading its responsibility" to Myanmar (mizzima) By Mizzima
October 29, 2022

The UN Security Council should stop evading its responsibility to act to stop the Myanmar military's war of terror by continuing to defer to ASEAN's desultory Five-Point Consensus, according to Progressive Voice, Kachin Women's Association Thailand and Women's League of Burma.

The organisation's statement followed the Southeast Asian foreign ministers meeting, that was called to discuss Myanmar, on 27 October in Jakarta, Indonesia, to discuss In the face of the Myanmar military's mounting atrocities against millions of civilians, the ASEAN Foreign Ministers' decision to retain the failed Five-Point Consensus is yet another indication that the UN Security Council must take concrete action by adopting a resolution on Myanmar, they said.

On 23 October, the Myanmar military killed nearly 100 people and injured over 100 in Hpakant, Kachin State, when it targeted a music festival that was attended by around a thousand people who were celebrating the founding of an ethnic revolutionary organization, the Kachin Independence Organisation (KIO). The military refused to allow those injured access to treatment at a nearby hospital.

The ASEAN Foreign Ministers concluded the special meeting on Thursday, which assessed the implementation of the Five-Point Consensus. Despite the junta's total contempt for the Five-Point Consensus, ASEAN reaffirmed its importance, opting to hold on to the failed Consensus. In responding to the atrocity crimes in Kachin State, Moon Nay Li of Kachin Women's Association Thailand said: "The UN Security Council must act with utmost urgency in response to the Myanmar military's airstrikes in Hpakant, Kachin State, that has killed nearly 100 people. "If the Security Council had acted decisively, we may not be in this situation where we mourn the loss of our friends, family, and colleagues. The lives of Myanmar people are at even greater risk as the Myanmar military continues to target civilians indiscriminately as they commit atrocity crimes.

“The Council must immediately exercise its power to pass a resolution on Myanmar that imposes a global arms embargo and targeted economic sanctions against the military and its associates. It is crucial that the Council refers the situation of Myanmar to the International Criminal Court to end its killing spree, and to hold perpetrators accountable for the genocide committed against the Rohingya and war crimes and crimes against humanity against other ethnic minorities.”

In consideration of the inevitable veto of a resolution by Russia and China on the Security Council that continue to provide weapons to the Myanmar military, the groups called for the resolution to be brought to the UN General Assembly for an open debate and vote.

Khin Ohmar of Progressive Voice said: “The Security Council and ASEAN must acknowledge that their inaction has emboldened the military, sending a signal that it could commit a massacre without facing any consequences.

“The timing of the massacre — just days before the ASEAN Foreign Ministers’ special meeting and the Special Rapporteur’s reporting to the UN General Assembly — is blatant evidence of the junta’s defiance against condemnations, which have proven to be empty. The decision by ASEAN Foreign Ministers to retain the Five-Point Consensus only further reinforces this message.

“In failing to act decisively, ASEAN is only working in favor of the illegal junta, shielding any effective action against this junta by the Security Council. This opens ASEAN up to becoming complicit in the junta’s atrocity crimes, including in the massacre in Hpakant.

“Instead of addressing the crisis in Myanmar, the UN are partnering with the very perpetrators who committed the massacre in Kachin State. The UN cannot even name the perpetrators of these crimes in a statement that condemns this act of terror in Hpakant, despite them standing accused of serious international crimes before the world’s highest courts.

“You cannot solve the crisis in Myanmar by shaking hands with war criminals who created this crisis, while neglecting the will of the people of Myanmar.”

Naw Hser Hser of Women’s League of Burma said: “Lending further legitimacy to the junta by inviting them to summits, meetings and other platforms will only lead to more deaths and displacements on the ground as the junta becomes ever more emboldened to increasingly carry out these airstrikes.

“While the UN are signing MoUs and Letters of Agreement with the junta who are responsible for the humanitarian catastrophe, local grassroots networks are the ones responding immediately to overcome immense challenges the people are facing on the ground and to provide aid to those most vulnerable and most in need, including along the Myanmar’s borders.

“Local humanitarian responders in Myanmar are resourceful, knowledgeable experts in responding to situations of conflict and have the trust of local communities. What they need is practical support with flexible funding from the UN and the international community to continue to carry out their invaluable life-saving work.

“The solution lies with the people of Myanmar, not the military junta. If the international community, the UN and ASEAN are serious about resolving the crisis in Myanmar and ensuring peace and stability in the region, they must stand with the Myanmar people to end the military’s atrocity crimes and hold them accountable.”

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Gender-Based Violence

South Africa Needs to Step Up Fight Against Gender Based Violence (Human Rights Watch) By Ashwanee Budoo-Scholtz
November 1, 2022

The second Presidential Summit on Gender-Based Violence and Femicide (GBVF) this week in South Africa presents an opportunity to reflect on the successes and challenges in tackling widespread GBVF in the country.

Since the first summit in 2018, South African authorities have taken some positive steps, including adopting the National Strategic Plan on GBVF 2020 and the September 2021 amendment to the 1998 Domestic Violence Act, to make it easier for victims to get protection orders. In January, authorities amended a raft of laws, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act, the Domestic Violence Amendment Act, and the Criminal Law (Forensics Procedures) Amendment Act, all aimed at strengthening efforts to address GBVF.

Despite these strides in law reform and apparent political will, GBVF is still rampant in South Africa in part due to inadequate funding and lack of cooperation among government departments, and there are several instances in which the criminal justice system has not been supportive of survivors. Poverty and patriarchal norms are also barriers to implementing measures to tackle GBVF. President Cyril Ramaphosa, who is hosting the summit, described GBVF as the “second pandemic” at the height of the Covid-19 pandemic in 2020.

The summit should lay out what the steps will be taken to implement the ambitious strategic plan, including how much funding will be available, how it will be prioritized and how spending will be tracked so the public can see what has been spent, and where. Authorities should also adopt unambiguous blueprints for cooperation between the different government departments. All measures proposed need to adopt an intersectional approach to ensure inclusion of the perspectives and experiences of GBVF faced by all women, including lesbian, bisexual, and transgender women, women activists, older women, women with disabilities, undocumented survivors, and sex workers. The summit should adopt strategies, including education in schools and the promotion of sexual health and community mobilization programs that address misogyny, patriarchy, and negative attitudes towards all women in South Africa.

I resigned over war crimes against women and girls in Ethiopia. I want justice (The Gaurdian) By Filsan Abdi
November 2, 2022

In 2020, at the age of 28, Filsan Abdi became the youngest minister and the first Somali Ethiopian to be appointed to the Ethiopian government. She resigned as minister for women, children and youth at the height of the war in Tigray last year because of the government’s failure to hold perpetrators of war crimes – including mass rape – to account. She remains the only senior official to resign in protest over the conflict. She says there has still been no accountability or justice for the women and children damaged by the fighting.

As a former minister in Ethiopia, it is heartbreaking to see the people of my country enduring incredible hardship. That they do so with immense resilience gives me the courage to plead for the protection of women and children. Extrajudicial killings, rape and starvation of civilians continue as methods of warfare. The lack of accountability and justice by the government and international entities intensifies the risk of disintegration that will exacerbate civilian hardship and heighten regional instability.

It is devastating that the war that started on 4 November 2020 continues with no respite: 24 months of gunfire, explosions, bloodbaths and screams of women and children. There has been no trace of accountability or justice.

The crimes against women and girls are what caused me to resign last year.

Atrocities by all sides were exposed in a recent report of the UN international commission of human rights experts on Ethiopia.

In terms of human rights abuses and rape cases – specifically those involving 53 Ethiopian government soldiers accused and tried, but never sentenced – justice is not being delivered. There has been no news of what happened to any of the accused. The Tigray Defence Forces are accused of rape and widespread damage to homes, schools and health centres. While authorities implied abuse by their soldiers is addressed “as per the code of conduct and disciplinary procedures of the army” there has been no cooperation whatsoever.

When I was a minister, senior officials obfuscated and lied, and tried to omit any mention of rape by the government and Eritrean forces from the official investigation. The government focused on propaganda at the expense of genuinely pursuing

justice. Many opportunities for accountability were missed.

There needs to be zero tolerance for sexual violence in conflicts, such as the horrors we have seen in Ethiopia. There should be accountability on all sides concerning sexual assault, whether it is perpetrated by government soldiers, Eritreans, the Tigray army or militias. A lack of transparency puts a big question mark on the judicial system.

Fighting resumed in August before previous wounds had healed, and now new ones will be formed.

The international community needs to do more, and I make a plea to all warring parties to do their utmost to protect women and children.

Thousands of women and girls have been robbed, beaten, mutilated and gang-raped as part of this campaign of violence

It has been a year since I resigned. What has changed since then?

The situation has worsened. A cloud of insecurity, fear and violence hangs over the people. The evidence is that the humanitarian crisis is intensifying in Tigray and spreading to other regions.

People are dying, in the fighting and from hunger and disease. Women are bearing the brunt of this crisis. Opposing groups use violence against women to break the enemy's will and gain strategic advantage. Thousands of women and girls have been robbed, beaten, mutilated and gang-raped as part of this campaign of violence. To make matters worse, the warring parties have deliberately obstructed their access to care. Survivors have been left to struggle with famine and find a way to care for their families.

Many people have no option but to flee their homes, leaving the once-bustling streets desolate. Ethiopia, along with the rest of the Horn of Africa, is experiencing its worst drought in 50 years, with at least 20 million people needing food assistance. Images of starving children and mothers in the Somali region have become all too common, as a land of plenty has been engulfed by famine due to conflict and unaccountable governance.

If there is no political shift, a full-blown collapse is likely, with micro conflicts along the borders involving a range of ethnic groups, threatening to shatter whatever peace and security remains in Ethiopia and across the Horn of Africa.

The Ethiopian government must genuinely pursue the path to peace and reconciliation: a political solution and consensus must be reached. If the government wishes to follow the anti-democratic and repressive practices of other countries, it will lead us to a truly grim destination.

Ethiopia has always been an anchor of security in the volatile region and could once again fulfil that role. The al-Shabaab terror group has moved to take advantage of the country's turmoil within the Somali region's borders; it has carried out multiple attacks and the risks of it gaining a foothold in the region are acute.

The war cannot be allowed to escalate further. Peace must be forged whether on favourable or unfavourable terms. All sides must compromise more than they would like for the sake of our future. No one is an island.

I call for accountability, transparency in action and good governance at home and internationally. This is the only path to lasting peace. Let us all step forward to make this a reality.

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Commentary and Perspectives

India's Abuses at Home Raise Concerns About Its Global Counterterrorism Role (Human Rights Watch) By

Letta Tayler

October 28, 2022

India's role on the international counterterrorism stage is expanding, even as its broad-brush responses to armed extremist threats at home become more troubling. On Oct. 28-29, India will host a special meeting of the United Nations (U.N.) Security Council's Counter-Terrorism Committee, which it chairs, on "Countering the Use of New and Emerging Technologies for Terrorist Purposes." Next year, India will also

chair the Shanghai Cooperation Organisation (SCO), an alliance with a reputation for heavy-handed counterterrorism and that is dominated by serial rights offenders China and Russia (Iran is to join next year, and Turkey waits in the wings).

India's efforts to increase its influence in this domain are concerning, given its domestic record of undermining human rights under the guise of countering terrorism. Its intensifying internal repression does not bode well for its approach on the Security Council.

To a large extent, India's counterterrorism commitment at the United Nations is driven by a long history of attacks on India by armed groups based in or backed by Pakistan. However, India's domestic counterterrorism measures have violated the due process and other rights of both actual terrorism suspects and Muslim men simply rounded up and charged on flimsy evidence. Many spend years in prison before the courts eventually dismiss their cases.

Under the administration of Hindu nationalist Prime Minister Narendra Modi, abuses of India's draconian counterterrorism law, the Unlawful Activities Prevention Act, have markedly increased. The authorities have jailed numerous activists, minorities, and critics of the government under the law, along with student protesters, ordinary citizens from rural and tribal communities, and political opponents. Leaders and affiliates of Modi's Bharatiya Janata Party often stigmatize Indian Muslims, baselessly accusing them of terrorism.

Muslim Kashmiris, including protesters and independent journalists, have been accused of terrorism or arbitrarily detained under another abusive law, the Public Safety Act. Rohingya Muslim refugees from Myanmar have been at risk of detention and deportation.

One focus of the upcoming Counter-Terrorism Committee meeting in Mumbai and Delhi will be the use of the internet and social media for terrorism purposes. Indian authorities have been targeting online expression, including through the use of counterterrorism, sedition, and hate speech laws, against people who have simply criticized or disagreed with the government. India has adopted new internet and social media rules and policies that expand censorship, weaken encryption, and threaten privacy, all in the name of security.

The meeting will also focus on ways to counter terrorists' use of new payment technologies, such as cryptocurrencies, to bankroll their operations. Here again, the Indian government's domestic record hardly serves as a model. The government has used laws intended to prevent money laundering to conduct raids on political opponents and critics, under the guise of preventing terrorist funding. It has also used its law regulating foreign funding for non-governmental organizations to arbitrarily arrest hundreds of civil society members and freeze their assets.

Rights-respecting U.N. Security Council members should ensure that the Indian government does not try to use its abusive domestic counterterrorism policies as a template for Counter-Terrorism Committee guidelines or council resolutions. And they should hold other council members to the same standard. In the past, an array of council members including France, Egypt, and Indonesia have proposed counterterrorism measures that seemed likely to weaken rights protections.

While not all of these problematic efforts have succeeded, the Security Council's top-down approach to counterterrorism since 9/11, marked by opacity and scant opportunity for input from the broader U.N. membership, much less from civil society, requires urgent reform. Binding Security Council resolutions have required member states to criminalize terrorism and terrorist financing without defining what constitutes a terrorist act. The resolutions' vague and overbroad language and absence of rights protections have enabled governments to unjustly target an array of groups, individuals, and activities as "terrorist," regardless of whether they pose genuine security threats.

Governments have an obligation to protect the public from harm, including by countering violent extremist groups' use of the internet and emerging technologies. But initiatives to do so should result from an engaged process involving multiple stakeholders, including all U.N. member states and civil society, to ensure they include rights protections. As the U.N. notes in its Global Counter-Terrorism Strategy, repeatedly reaffirmed by the General Assembly since 2006, rights and security must go hand in hand. Rights abuses can backfire, the strategy warns, fueling rather than curbing armed extremism. Islamist armed extremists often use abuses against Muslims – from the torture and indefinite detention of foreign Muslims during the U.S.-led "Global War on Terror" to the 2002 Hindu pogrom of Muslims in Gujarat – to justify their atrocities.

India and the rest of the Security Council should be encouraging a rights-based approach to countering terrorism at home and abroad, not eroding it.

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Aiding and Abetting

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WORTH READING

International Law in the Countries of the Former Yugoslavia

Marko Milanovic and Tatjana Papic

November 3, 2022

This draft chapter, written for the forthcoming Oxford Handbook of International Law in Europe, takes up one of the themes of the Handbook – diversity within Europe – to describe and discuss the international legal tradition in (some of) the countries of the former Yugoslavia. There are many possible approaches to studying any legal tradition. Bearing in mind the theme of the diversity within Europe and purposes of this Handbook, the one we have decided to take here is to first give a brief socio-legal overview of the development of the international legal profession in the former Yugoslavia. Then we engage in a comparative study of the textbooks used at prominent universities in the post-Yugoslav states, following Anthea Roberts’ lead, in a kind of sociology of international law of the region of the former Yugoslavia. Our main goal is to expose the underlying values and ideologies promoted by the authors of these textbooks, which may be indicative of the understanding and the effect of international law in this part of the world. Textbooks set both the borders and the substance of what and how to think (or not to think about), influencing not only the articulation of international law issues, but also a process of discursive socialization. We also focus on textbooks because they are still considered the apex form of scholarship in the former Yugoslavia, and also because in this part of the world international law is taught and studied entirely through textbooks.

Our hope is that the historical and sociological analysis of international law and lawyers in the former Yugoslavia will be instructive to readers outside its borders. Yugoslavia was always a relatively peripheral country in the international (legal) system, yet many modern developments of that system, e.g. with regard to statehood, international humanitarian law and international criminal law, grew out of the system’s engagement with Yugoslavia. Yugoslav and post-Yugoslav academics made substantial contributions to international legal scholarship, although not really as part of a cohesive school of thought. Their conceptual or theoretical approaches are not particularly distinctive, and in line with most of Eastern Europe can mainly be described as positivist and doctrinal. But Yugoslavia’s painful break-up meant that international law and institutions became more directly relevant to its peoples (and lawyers) than in most other societies. As with war-torn Ukraine today, questions of international law ranging from statehood and self-determination to individual and state responsibility for genocide and war crimes assumed near-existential importance for professional lawyers, for elites, and for the general publics in Yugoslav states. The Yugoslav experience is, in short, one that others can very much learn from, especially with regard to how international lawyers perceive their role in society.

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