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Contents

AFRICA

NORTH AFRICA

Libya

- **A new Libyan force emerges, accused of abusing migrants (Associated Press)**
- **Libya: Human rights abuses, political stalemates, electoral delays mar progress (United Nations News)**

CENTRAL AFRICA

Central African Republic

- **Pro-government militia in C.Africa behind possible war crimes: UN (Yahoo News)**
- **Central African Republic: UN reports detail serious violations, some possibly amounting to war crimes and crimes against humanity (United Nations Human Rights Office of the High Commissioner)**

Sudan & South Sudan

- **US Withdraws From Peace Monitoring Groups in South Sudan (Voice of America)**
- **Death toll in Sudan rises to 79 due to inter-community violence (Prensa Latina)**
- **Blood-letting in the Blue Nile: 'Tribal wars' triggered for the survival of Sudan's military junta?**

(Peoples Dispatch)

Democratic Republic of the Congo

- **DR Congo: Resurgent M23 Rebels Target Civilians (Human Rights Watch)**
- **M23 rebels summarily executed at least 29 civilians since mid-June in northeastern DRC – HRW (AfricaNews)**

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

- **Identities Of Terrorists' Leaders, Who Attacked Nigerian Army Personnel In Bwari, Plan Attacks On Worship Centres In Abuja, Revealed (Sahara Reporters)**
- **Nigeria's Chibok girls: Two victims found eight years on (BBC)**

Mali

Liberia

EAST AFRICA

Uganda

Kenya

Rwanda

- **U.S. freezes security aid to Rwanda as civilian deaths mount in Congo (The Globe and Mail)**

Somalia

Ethiopia

- **International human rights commission probes war crimes in Ethiopia (news 24)**
- **UN rights investigators begin first visit to Ethiopia (Macau Business)**

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- **Bosnian Serb Paramilitary Leader Dies While Serving Jail Term (Balkan Transnational Justice)**

International Criminal Tribunal for the Former Yugoslavia

Domestic Prosecutions In The Former Yugoslavia

Turkey

- **Turkey accused of war crimes after latest drone strike in northern Iraq (Morning Star)**

Kosovo Specialist Chambers

Azerbaijan

- **US House of Representatives adopts amendment requesting report on Azerbaijan war crimes (News.Am)**

Russia

- **Ukraine war crimes investigation receives support of 45 nations (Al Jazeera)**
- **Ukraine's Zelenskyy fires top security chief and prosecutor (Associated Press)**
- **Ukraine: Torture, Disappearances in Occupied South (Human Rights Watch)**
- **Ukraine app captures thousands of videos that could help prosecute Putin (The Guardian)**
- **Russia: Charging 92 members of Ukraine's military with 'crimes against humanity' brazenly undermines fair trial rights (Amnesty International)**
- **Ukraine wants big banks to be prosecuted for 'war crimes,' Zelenskyy's top economic aide says (CNBC)**
- **Destroying the Environment Is a War Crime, Too (Foreign Policy)**

MIDDLE-EAST

Iraq

- **Turkey accused of war crimes after latest drone strike in northern Iraq (Morning Star)**

Syria

- **Russia and Syria conducted dozens of illegal 'double tap' strikes, report says (Washington Post)**
- **Syria: After the killing of seven civilians—including four siblings—urgent measures required to protect civilians (Relief Web)**

Yemen

Special Tribunal for Lebanon

Israel & Palestine

- **UN experts urge Israel to release Palestine child prisoner Ahmed Manasra (Middle East Monitor)**
- **As Part of Collective Punishment Policy: IOF Demolish 2 Family Houses of 2 Palestinian Prisoners (Palestinian Centre for Human Rights)**
- **Israel's medical permit denial for Gaza's children doubles in past year, warns report (Middle East Eye)**
- **The scars that don't heal in Masafer Yatta (+972)**

Gulf Region

ASIA

Afghanistan

- **Alleged UK War Crimes in Afghanistan (Lieber Institute)**
- **Taliban Implicated in Mass Killing of Tajik Men (Washington Examiner)**

Extraordinary Chambers in the Courts of Cambodia

- **The Khmer Rouge Tribunal: Justice through accountability (The Phnom Penh Post)**

Bangladesh International Crimes Tribunal

- **Crimes against humanity: Verdict against 5 on Thursday (Dhaka Tribune)**

War Crimes Investigations in Myanmar

- **Genocide Case Against Myanmar Over Rohingya Atrocities to Proceed (Daily Trust)**
- **Myanmar Executes Four Anti-Coup Activists, Drawing Outrage (Al Jazeera)**

AMERICAS

North & Central America

South America

Venezuela

TOPICS

Truth and Reconciliation Commission

Terrorism

Piracy

Gender-Based Violence

Commentary and Perspectives

- **Sri Lanka's former president must be investigated for war crimes (Human Rights Watch)**

Aiding and Abetting

- **Biden Should Not Renew Arms Sales to Saudi Arabia (Human Rights Watch)**

WORTH READING

- **Hilmi Zawati: Reining in Impunity: A People's Tribunal for the Arab-Spring Gender-Based Crimes**

AFRICA

Libya

A new Libyan force emerges, accused of abusing migrants (Associated Press)

By Sam Magdy

July 22, 2022

The Moroccan man had been stopped before at sea in his multiple attempts to cross the Mediterranean from Libya to Europe. But his most recent time was different. The Libyan force that intercepted the boat full of some 50 migrants was more brutal.

The armed men beat and humiliated the migrants, he recalled. They were then taken to a detention facility where for months and weeks they were severely beaten, abused and tortured. He said he was repeatedly beaten with rifle butts and whipped with rubber hoses.

Badges on their uniform showed the affiliation of the gunmen, he said: the Stabilization Support Authority.

The SSA, an umbrella group of militias, has risen to become one of the main forces carrying out Libya's European Union-aided effort to stop migrants from crossing to European shores. Though migrants have long been brutalized in Libya, rights groups and former detainees say the abuse is taking on a more organized and dangerous nature under this feared new body. And officials say it also is benefiting from EU support.

The SSA has come to rival in strength the official anti-migrant agencies like the coast guard and navy. But unlike them, it reports directly to Libya's Tripoli-based presidential council and is not subject to EU and U.N. scrutiny intended to prevent rights abuses.

More than a dozen migrants interviewed by the Associated Press told of how they were brutalized by the SSA while being held in its detention facility in the town of Maya on Tripoli's western outskirts. The migrants, fearing retaliation, spoke on condition of anonymity or that they be identified only by their first names. They were all trying to get out of Libya.

"All I want is to leave this hell," said Rabei, a 32-year-old Egyptian from a Nile Delta province, describing his feelings before his release earlier this year. He described repeatedly seeing guards beat migrants into unconsciousness, then drag them away. He doesn't know whether any of them are still alive.

The Stabilization Support Authority did not respond calls and messages from the AP seeking comment. Previously, the group and the Tripoli-based government dismissed allegations of abuses against migrants in statements following a report by the rights group Amnesty International.

Hundreds of thousands of migrants from North Africa, sub-Saharan Africa and the Middle East move through Libya trying to reach Europe. For years, Libyan militias have been notorious for involvement in human trafficking and for detaining migrants, abusing them and extorting money from them.

Most notorious is the SSA's detention center, set up in a complex that was once a state-run factory in the town of Maya. U.N. agencies and other groups working on migrants have no access to the site, according to spokeswoman for the International Organization for Migration, Safa Msehli.

Up to 1,800 migrants have been held there since its creation, Libya Crimes Watch estimates. Women and children among the detainees are held in a separate part of the prison, the group said.

Libya Crimes Watch and Amnesty International separately documented rampant abuses at Maya prison, including torture, rape, forced labor and forced prostitution, as well as severe overcrowding and lack of food and water.

Ramadan, an Egyptian recently released from Maya, recalled how one young Moroccan was severely beaten after being caught trying to escape. For a week, he was left in the cell, bleeding and his wounds festering as other migrants pleaded with guards to take him to a hospital.

Finally, the guards dragged him away. “He was still alive. We don’t know what happened to him,” Ramadan said.

Torn by civil war since 2011, Libya is divided between rival governments in the east and west, each backed by international patrons and innumerable armed militias on the ground.

In a bid to stem the flow of migrants, the European Union has given the government in Tripoli more than \$500 million since 2015. The funds are intended to beef up Libya’s coast guard, reinforce Libya’s southern border and improve conditions for migrants in detention centers run by the Interior Ministry.

The EU and the U.N. are supposed to monitor the detention facilities to ensure migrants are properly treated. In reality, abuses have been rampant.

The SSA is not subject even to that nominal level of monitoring. It was created in January 2021 and recognized by the Tripoli-based government of the time, which mandated it to carry out a number of security tasks — including preventing illegal migration.

It is led by Abdel-Ghani al-Kikli, an infamous warlord known as “Gheniwa” who is accused by Amnesty International of war crimes and other serious rights violations over the past decade.

It is still funded by the Tripoli government, now headed by Prime Minister Abdelhamid Dbeibah, one of Libya’s two rival administrations claiming to govern. In 2021, the government allocated the equivalent of around \$9 million for the alliance. It has also given the SSA ad hoc payments, most recently one in February amounting to the equivalent of \$28 million, according to government officials and Amnesty International.

A former head of the coast guard said the SSA indirectly draws money from the funds given by the European Union. He and other officials spoke on condition of anonymity for fear of reprisal. EU officials did not respond the AP requests for comment on the SSA.

The group’s operations are intermingled with the coast guard, officials from the navy and coast guard said. In the western town of Zawiya, for example, the coast guard unit “virtually belongs to them. It’s a separate unit in name only,” one navy official said.

SSA vessels are maintained by the navy, which benefits from the EU funds, another naval official said. He said that the SSA has also become involved in the continual coordination between Libyan naval authorities and the European border agency, Frontex.

In several cases, its fighters have shot and killed migrants at sea during interceptions of boats.

Two Egyptian migrants died earlier this year in Maya prison, according to migrants and activists. A report by U.N. experts documented torture and abuse at the Maya prison and said at least three people were abused to death as of December 2021. The report said the prison’s chief, Mohamed al-Kabouti, was personally involved in beating detainees.

“They keep beating you for hours, with anything they have -- clubs, rifle butts, iron bars. Or a few of them just keep hammering at you with kicks and punches and rifle butts,” recalled Rabei, the Egyptian migrant, who was held for three months until he could pay around \$650 in ransom. “Eventually you just wish you were dead from all the beating.”

El-Sayed, a Moroccan once held at Maya, described how he was repeatedly tortured and beaten with plastic hoses and electricity wires. The guards forced him to call his family to send money to secure his release. His relatives eventually scraped together 1,100 euros to buy his freedom.

“If you have money, you can secure your life, if you don’t you will stay forever,” he said.

Libya: Human rights abuses, political stalemates, electoral delays mar progress (United Nations News)

July 25, 2022

The overall situation in Libya remains “highly volatile”, Martha Pobe, UN Assistant Secretary-General for political affairs and peace operations, told the Security Council on Monday.

Despite some progress, a constitutional and political stalemate continues, prolonging tensions and fueling insecurity, while clashes in and around Tripoli surge, she added.

“The economic situation remains dire,” she continued. “We have witnessed demonstrations by frustrated Libyans over the lack

of progress on elections and poor State services. In addition, the human rights situation in the country remains of “serious concern”.

Leaders must ‘heed the call’

While promising progress has been achieved on the constitutional track, consensus on the eligibility requirements for a presidential candidate remains elusive.

Earlier this month, demonstrators across Libya expressed their frustration over political divisions and deteriorating living conditions.

They demanded that elections be held soon, and solutions to the country’s electricity crisis and fuel shortage. Some stormed and damaged the Parliament building in Tobruk, the centre of power for the eastern faction vying to control the country.

“We urge Libya’s political actors to heed the call of their people, and to demonstrate responsible leadership by addressing their grievances,” said the senior UN official.

Divisions provoke violence

As armed groups rally behind their leaders, military activity has increased in the western region – power base of the internationally-recognized Government based in the capital - including on the eastern flank of Tripoli, Misrata and in the outskirts of Sirte.

“We are deeply concerned about the armed clashes in Tripoli that took place on the night of 21 July and the skirmishes in Misrata on 23 July, between armed groups resulting in an unconfirmed number of civilian casualties,” she stated, calling for the ceasefire to be maintained.

Oil production

At the same time, Ms. Pobee expressed concern over the ongoing disagreement regarding the leadership of the National Oil Corporation (NOC).

Since 16 April, a shutdown had reduced Libyan oil exports by two thirds and cost the country \$4 billion in lost revenue.

On 12 July, the UN and internationally backed interim premier, Abdulhamid al-Dbeibah, appointed the former Libyan Central Bank governor as new NOC chairperson, with oil exports resuming on 19 July.

Although it is too soon to confirm whether oil production will return to full capacity and how it will impact oil production and exports going forward, Ms. Pobee underlined the need for the Corporation to “remain neutral and free from the pressure of political interests”. Threat to basic human rights

Meanwhile, the economic situation has impacted people’s fundamental rights to basic services and access to food, water and sanitation, healthcare, and education.

Moreover, the UN Support Mission in Libya (UNSMIL) has received reports that medical facilities lacked surgical supplies and faced severe challenges from extended power cuts and lack of generator fuel; protestors have been arbitrarily arrested by armed groups; and serious allegations of torture have been made against Libyans, migrants, and asylum-seekers in detention facilities and prisons.

“Of most concern, a radio station in Zawiya broadcasted hate speech against migrants, asserting they were responsible for spreading diseases,” warned the Assistant Secretary-General.

“Libyan authorities must investigate all allegations of torture and other human rights violations...[and] those responsible must be held accountable”.

Voices of youth

While the UN prioritizes a return to the electoral process, Ms. Pobee underscored the need to keep supporting, and encouraging Libyan counterparts to focus on effectively addressing the key drivers of the political and economic stalemate.

Young Libyans want their leadership to improve living conditions and for elections to be held as soon as possible so they may choose their legitimate representative, according to the UN political affairs official.

“We count on the members of this Council and the wider international community to continue supporting the United Nations

in its efforts to facilitate a mutually agreeable solution which will put an end to the continuing crisis," she concluded.

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

CENTRAL AFRICA

Central African Republic

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

Pro-government militia in C.Africa behind possible war crimes: UN (Yahoo News)

July 25, 2022

The UN on Monday accused government forces in the Central African Republic of training militias and working with private military companies behind possible war crimes and crimes against humanity.

A fresh report published by the United Nations human rights office and its so-called Multidimensional Integrated Stabilization Mission in CAR (MINUSCA) detailed a massacre in Boyo village in the south of the impoverished and war-torn country late last year.

Machete-wielding militia members killed at least 20 civilians in the week-long attack, while five women and girls were raped and 547 houses were burned and looted.

More than 1,000 villagers were forced to flee, while hundreds of others were held for days in the village mosque as the militia members threatened to kill them, the report said.

The report said most of the attackers were former members of the mainly Christian and animist militia known as Anti-Balaka, but that dozens of local young recruits, members of private security companies and government forces also took part.

The attack appeared to have been aimed at punishing the Muslim community in the village, which was perceived as supportive of an armed group engaged in fighting the government, it said.

The attack was one of the first instances when the government with private military companies "reportedly trained and armed locally recruited youth and created militias to enter villages under the control of armed groups", the UN rights office said in a statement.

- 'Horrible acts' -

Local recruits, trained and guided by the army and foreign private military contractors, used their knowledge of the area to reach the village and identify their victims, it added.

The attack, it said, confirms documented trends "where foreign private military contractors, operating under the direction or with the consent and acquiescence of the government, use proxies to perpetrate attacks on the civilian population".

The report concluded that the acts perpetrated in Boyo may constitute war crimes and crimes against humanity.

"I strongly condemn these horrible acts," UN rights chief Michelle Bachelet said in a statement.

"The government must put an end to all violations, whether by its forces, affiliated pro-Government militias, or foreign private military contractors, and hold all those directly and indirectly involved to account."

In their official response to the report, CAR authorities insisted the UN allegations were "not corroborated by the evidence".

In a separate report, the UN rights office and MINUSCA also detailed systematic and widespread sexual violence by several

armed groups affiliated with the Coalition of Patriots for Change (CPC), which has been seeking to overturn the government by force.

In regions that had come under CPC control, including Mbomou and Haute-Kotto prefectures, 245 women and girls had been victims of sexual violence between December 2020 and last March, the report said.

"Most of the victims, aged between eight and 55, were gang-raped," the rights office said, adding that some were "kept as sexual slaves and repeatedly raped for days on end".

"This unprecedented level of sexual violence in CAR is shocking and heart-breaking," Bachelet said.

"These atrocities are utterly unacceptable and must be brought to an end immediately."

Central African Republic: UN reports detail serious violations, some possibly amounting to war crimes and crimes against humanity (United Nations Human Rights Office of the High Commissioner)

July 25, 2022

The UN Human Rights Office today issued two reports on extremely disturbing events recently occurring in the Central African Republic (CAR). One details a brutal, organised attack on a village by a pro-Government militia, while the second describes how specific armed groups have perpetrated recurring acts of sexual violence in a systematic and widespread manner.

Both reports are based on investigations by the Human Rights Division of the United Nations Multidimensional Integrated Stabilisation Mission in CAR (MINUSCA).

The first report describes how a militia composed of fighters that were formerly part of a militia known as the "Anti-Balaka" carried out an attack on the village of Boyo in Ouaka Prefecture from 6 to 13 December 2021. It concludes that at least 20 civilians were killed, five women and girls raped, some 547 houses burned and looted, and more than 1,000 villagers forced to flee.

The militia used machetes in their attack on the unarmed civilians. They also held several hundred civilians for three days in the village mosque and threatened to kill them. The attack was seemingly conducted to target and punish the Muslim community of Boyo, which was perceived as being supportive of the Unité pour la paix en Centrafrique (UPC), an armed group engaged in fighting the Government.

The Boyo attack is one of the first instances in the long-running armed conflict when the Government, jointly with members of private military companies, reportedly trained and armed locally recruited youth and created militias to enter villages under the control of armed groups. With their knowledge of the area, local recruits, trained and guided by members of the armed forces of the Central African Republic and foreign private military contractors were able to reach the remote village of Boyo on foot and identify their victims, the report says.

"I strongly condemn these horrific acts. The Government must put an end to all violations, whether by its forces, affiliated pro-Government militias, or foreign private military contractors, and hold all those directly and indirectly involved to account," said UN High Commissioner for Human Rights Michelle Bachelet.

Based on multiple witness accounts, the report identifies former Anti-Balaka "zone chiefs" from the region as being responsible for most of the documented incidents.

The report concludes that the acts perpetrated in Boyo may constitute war crimes and crimes against humanity.

"As these proxies are ex-fighters from various armed groups or anti-Balaka, the possible consequences for the peaceful cohabitation of communities in CAR are deeply worrying," said Hanan Talbi, director of MINUSCA's Human Rights Division.

The second report is based on four investigative missions in Mbomou and Haute-Kotto prefectures, as well as the Human Rights Divisions' regular monitoring and reporting work. It details conflict-related sexual violence committed from December 2020 to early March 2022 by members of the Front Populaire pour la Renaissance de la Centrafrique (FPRC) and the UPC, both affiliated with the Coalition des Patriotes pour le Changement (CPC).

The CPC is composed of six armed groups that signed the 6 February 2019 peace accord (Accord politique pour la paix et la réconciliation en Centrafrique), but subsequently disowned it, deciding to violently boycott the 27 December 2020 elections and try to take power by force.

The CPC managed to gain control of several regions, including Mbomou and Haute-Kotto prefectures - a region rich in natural resources such as uranium, gold and diamonds – where they committed gross human rights abuses and serious violations of international humanitarian law, in particular sexual violence.

“The cases of sexual violence documented by MINUSCA in Mbomou and Haute-Kotto prefectures confirm that the FPRC and USP perpetrated conflict-related sexual violence in a systematic and widespread manner,” the report says. MINUSCA is still documenting cases in regions under the control of these armed groups, indicating that this pattern of violence is ongoing.

According to the information gathered during the reporting period, 245 women and girls were victims of sexual violence. Most of the victims, aged between eight and 55, were gang-raped. Some of the worst violence was committed in the town of Bakouma, in Mbomou prefecture, which was under the control of the armed groups until May 2021.

Victims were raped as they went into the bush or to the market to find food, the report says. Armed groups from the FPRC would also go looking for young women and girls in their homes and take them back to their base, where they would be raped or gang-raped. Some victims were released but others were kept as sexual slaves and repeatedly raped for days on end.

“This unprecedented level of sexual violence in CAR is shocking and heart-breaking,” said the High Commissioner.

“The brutal stories we heard from victims of sexual slavery and sexual violence depict crimes that should never have happened. Alarmingly though, they not only took place but are still being committed. These atrocities are utterly unacceptable and must be brought to an end immediately,” Bachelet said, urging the CAR Government to do take urgent steps, in full compliance with international law, to regain control over the entire territory and re-establish State authority under the rule of law. The UN Human Rights Chief acknowledged and welcomed the steps taken by the judicial authorities and other State institutions to investigate these allegations, while stressing the importance of ensuring all perpetrators are held accountable to break the cycle of impunity.

Both reports contain a set of recommendations, including urging armed groups to cease all attacks on and reprisals against the civilian population, including through acts of sexual violence, and to lay down their arms and re-engage in the peace process as the only viable path for sustainable peace and reconciliation in CAR. They also call on the Government to put in place concrete, effective measures to protect civilians and prevent future human rights violations and abuses in areas affected by violence and armed conflict.

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

Sudan & South Sudan

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

US Withdraws From Peace Monitoring Groups in South Sudan (Voice of America)
July 15, 2022

The United States has pulled out of the systems that monitor the peace process in South Sudan because of the country's failure to meet reform milestones, the State Department said Friday. South Sudan continues to face chronic instability even after rival leaders President Salva Kiir and Vice President Riek Machar agreed to form a unity government more than two years ago, following a conflict that left nearly 400,000 people dead from 2013 to 2018.

A transition period is set to end in February 2023, but many key provisions of the deal have not been met, including drafting a permanent constitution.

The United States cited that "lack of sustained progress" Friday as the reason for withdrawing from two peacekeeping organizations monitoring the impoverished country's path to implement the transition: the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM).

"South Sudan's leaders have not fully availed themselves of the support these monitoring mechanisms provide and have demonstrated a lack of political will necessary to implement critical reforms," State Department spokesman Ned Price said in a statement.

The statement called out South Sudanese leaders' failure to establish a "unified, professional military"; to protect civil society members and journalists; and to enact necessary financial reforms.

The United States will continue to provide about \$1 billion in humanitarian and development aid and in support to the United Nations Mission in South Sudan (UNMISS), among other financial backing, the statement said.

The U.N. peacekeeping mission, one of the world's most expensive, was renewed for another year in March.

The U.N. has repeatedly criticized South Sudan's leadership for its role in stoking violence, cracking down on political freedoms and plundering public coffers, and has accused the government of rights violations amounting to war crimes over deadly attacks in the southwest last year.

South Sudan, one of the poorest countries on the planet despite large oil reserves, has faced a decade of instability from war, natural disaster, hunger, interethnic fighting and political bickering since it gained independence in 2011.

Death toll in Sudan rises to 79 due to inter-community violence (Prensa Latina)

By Aleynes Palacios Hurtado

July 19, 2022

According to a new assessment by this ministry released on Tuesday, the armed clashes were carried out by the Birta or Funj and the Hausa groups, whose ethnic roots are in Nigeria, but have settlements in this territory.

Media outlets pointed out that the latter social group is attacking the Birta in order to establish a chieftaincy and claim territories in areas devastated by the war.

They also indicated that members of the Hausa, once also suffered attacks and lynchings by their rivals, who consider them as supporters of the former regime of ousted President Omar Hassan al-Bashir, who was removed from power in April 2019.

In the face of this conflicting situation, Blue Nile State Governor, Ahmed al-Omda Badi, called on both rival groups to stop the violence and said that the crimes committed will not go unpunished as those responsible for violent actions will be brought to justice.

Clashes between the ethnic groups continued in Blue Nile territory despite the authorities imposing restrictive measures to curb the wave of violence, including a night curfew and a ban on public gatherings.

Analysts believe that the inter-communal clashes, which started for the control of fertile land for agriculture or cattle grazing, worsened in Sudan after a military coup d'état, which took place on October 25, 2021.

Blood-letting in the Blue Nile: 'Tribal wars' triggered for the survival of Sudan's military junta? (Peoples Dispatch)

By Pavan Kulkarni

July 25, 2022

Demonstrations were held in different cities of Sudan all of last week calling for peace in the country's restive border States. The protesters also condemned the military junta and its ally, a former armed rebel group, for provoking violence between two ethnic communities – Funj and Hausa– in the southeastern Blue Nile State.

A young protester, Abu Bakr Ismail, died during the country-wide actions on July 21. He was hit in the chest when security forces fired live bullets to disperse a demonstration in Omdurman city in Khartoum State.

He was the 115th protester to be killed since the military coup in Sudan on October 25, 2021. His lawyer, Saleh Bushra, who sought an autopsy into his murder, was harassed and interrogated by the security forces who ostensibly suspected him of being Ismail's killer. Another protester, 21-year-old Hussam Al-Sayadh, who was "kidnapped" by the security forces, is feared to have been forcibly disappeared.

The security forces also injured several protesters by firing rubber bullets, shooting tear gas canisters directly at the protesters' heads, and attacking them with stones and batons, the Central Committee of Sudanese Doctors (CCSD) reported on July 23. Live bullets and tear gas were also used on Sunday, July 24, against the demonstration in Omdurman.

At least 105 killed in Blue Nile, almost 20,000 displaced

In a stark contrast to this crackdown on anti-coup peace demonstrations, the army is accused of standing back and allowing armed violence to unfold for three days, from July 14-17, in the Blue Nile State bordering Ethiopia and South Sudan. Roseires, Blue Nile's largest city along the Ethiopian border, was the epicenter of the violence. Clashes were also reported from the town of Quainsan and the State capital Damazine.

The official death toll acknowledged by the Federal Health Ministry rose to 105 on July 20. According to the Coalition of Medical and Health Organizations in Blue Nile, 242 people have been declared dead in the Teaching hospital in Damazine, and 41 others in Roseires.

By July 16, the CCSD had reported that these hospitals were running short of even basic prescription medicines and emergency drugs. Several of the injured are in a critical condition and require surgeries. "Doctors and health personnel are working under complex conditions in the complete absence of the state's health ministry," added the CCSD statement.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated on July 22 that at least 19,500 were displaced in this violence. 1,500 of them are in Roseires and Geisan, 14,000 in Damazine, and another 4,000 have fled north to the neighboring Sennar State.

The local Resistance Committees (RCs) in these areas have been on the frontlines of organizing aid and relief for the displaced, while those in other regions have been raising funds from their respective areas. A network of over 5,000 such committees, organized in neighborhoods across the country, have been the backbone of Sudan's pro-democracy movement with protests organized nearly every day for the past eight months since the coup.

The pro-democracy movement has observed that confronted by these protests that threaten its grip over power in the center, the junta has been pushing all the peripheral regions of Sudan, rich in mineral wealth and fertile lands, into the throes of manufactured tribal conflicts as another resort to divide-and-rule.

The RCs have also acknowledged that promoting peace and harmony between tribes and diffusing tensions provoked between them is imperative to defeat the junta by disarming it of the key weapon in its arsenal. Hence, they have been directing all their anti-coup activities towards this end.

The security forces injured at least 94 protesters, including by running several of them over with armored vehicles, during the peace demonstrations on July 17. The 'March of Millions' – which has been taking place country-wide several times every month since the coup – on that day focussed their central message on calling for brotherhood between tribes. Placards hailed unity against the junta which benefits from "tribalism".

Slogans were also raised against the 2020 Juba Peace agreement. Without addressing the disputes over land and resources or the rehabilitation of millions who have been displaced in the war, the agreement, critics say, was merely a power-sharing deal between the leaders of armed rebel groups and the army. These leaders went on to support the military coup.

Instigation by former rebel leader Malik Agar, now an ally of the junta

Among the leaders who supported the coup is Malik Agar, who heads a faction of the Sudan People's Liberation Movement-North (SPLM-N). Given control over Blue Nile after signing the Juba agreement, Agar has since been sharing power with the coup leaders in the Sovereignty Council, the highest body under the junta's regime.

The Sudanese Communist Party (SCP), which is a key component of the grassroots resistance to the junta, has accused Agar of being the main instigator in this spate of violence between the Hausa and Funj tribes.

"The Funj tribes are regarded as natives of the Blue Nile region, while the Hausa migrated here in different periods over the centuries from West Africa, predominantly from Nigeria," said Osama Saeed of the SCP.

"However," he added, "there is no history of such clashes between the two. The Hausa largely kept to themselves and their agriculture. Fissures between the two began to appear only under (the rule of former dictator) Omar al Bashir, when the sections of Hausa were recruited into security forces to put down the rebellion by the Funj tribes."

Fathi Elfadl, national spokesperson of the SCP, said, "While Bashir's regime played on the contradictions due to competition over land and resources between the migratory and native tribes, the tensions between the Hausa and Funj had never before escalated to the point of such bloody clashes. This violence was instigated by the Agar faction of the SPLM-N who tried to set his former rivals against his own people who were withdrawing their support from him."

The Funj people had supported the united SPLM-N since its formation in 2011. It was among the many armed rebel groups in

the war against Bashir's Islamist regime under which tribes in border regions of Sudan felt marginalized.

In 2017, SPLM-N split into two factions – one led by Agar and the other by Abdelaziz al-Hilu. The December Revolution, which started in 2018, forced Bashir out of power in 2019. Following these events, Agar's faction signed the Juba peace agreement, while Al-Hilu's faction refused.

“Ever since, Agar has been losing support of the Funj. They are increasingly opposing his administration over Blue Nile, especially after the coup,” Elfadl explained. He told Peoples Dispatch that in a desperate attempt to now woo the Hausa into supporting him, Agar instigated the Hausa leaders to claim chieftdom in a territory that had hitherto been under the administration of the Funj.

Earlier this year, Agar arbitrarily appointed his relative as the supreme chief of all the Blue Nile tribes. The latter, in turn, appointed a Hausa chief and drew up the geographical boundary of the land that was placed under his administration, reported a Darfur-based news page.

In May, the chief was reportedly imprisoned by the King of Blue Nile tribes after he banned Hausa girls from working in the market and his enforcers beat up several of them at checkpoints. Following his imprisonment, sections of the Hausa tribe supporting the new chief were extremely agitated. Fear that violence could breakout anytime was palpable in the State, according to several reports.

Instead of taking measures to diffuse these tensions, the junta allegedly pumped weapons to the Hausa tribe. When a Hausa youth was killed in Roseires on July 14, armed attacks followed. The Al-Hilu faction of the SPLM-N retaliated on the side of the Funj, and an armed conflict erupted.

Rapid Support Forces (RSF) collaborating with Malik Agar?

On July 18 and 19, in the aftermath of the three-day long blood-letting, several members of the Hausa tribe went to the army base with weapons that they sought to hand over. They explained that they did not want war and were given these arms by Agar.

“It is well-known that the source of these weapons was the Rapid Support Forces (RSF),” said Saeed. The RSF is a notorious militia that was cultivated in Darfur under Bashir to suppress the armed rebel groups of marginalized tribes in this region in Sudan's northwest. The RSF operates outside the official Sudanese Armed Forces (SAF) and its commander, General Mohamad Hamdan Dagalo, aka Hemeti, is the military junta's deputy chairman.

By committing an alleged genocide and war crimes in Darfur, the RSF forced the displacement of millions from their lands and took control over the bulk of the gold in the region. “The Blue Nile is (also) very rich in gold, chrome and other minerals, and Hemeti, wherever he finds gold, he must have a foothold,” observed Darfur News.

“Hemeti and his group are buying lands up and down the whole country,” said Elfadl. He added that different tribal leaders are being used at different times in different places by Hemeti in pursuit of his “interest in controlling land – especially farming lands and the farmers he is trying to turn into supporters of RSF.”

The people of Darfur – who have suffered the most under the RSF, whose uniformed and armed men are accused of continuing to loot, kill and rape in the region – have held demonstrations calling for peace in Blue Nile and cautioning fighting groups against falling prey to Hemeti's machinations.

Peace demonstrations started in El Obeid, capital of North Darfur State, on June 19. On July 21, demonstrations were reported from El Geneina, capital of West Darfur State which in April had witnessed the massacre of over 200 people along with the displacement of about 100,000. Involvement of the RSF in this massacre, which was also declared as a “tribal conflict”, is well-documented.

Sudan at risk of territorial disintegration

While the SAF remains preoccupied in its crackdown on unarmed pro-democracy protests against the coup leaders attempt to retain power by pitting tribes against each other, the RSF has been deployed in the Blue Nile, ostensibly to prevent “tribal clashes.”

While an uneasy and fearful calm now hangs over Blue Nile, RCs in Roseires said in a statement on July 23 that the city is suffering from “lack of emergency medications, medical personnel, and food supply, as well as a total absence of hospital security, which has caused many medical personnel to withdraw.. out of fear for their lives.”

Further, with an electrical transformer burnt down, Blue Nile faced massive power outages since July 21, impacting other

utilities, “such as drinking water supply, mills and other services, which has made life in the state.. unbearable for its residents,” the statement noted. While the fighting has stopped, many pro-democracy activists, in no way connected to the violence triggered by the ruling powers, have been arrested by the security forces deployed to stop the violence.

What is happening in Blue Nile is the same as what is unfolding in all the peripheries of the country – “in the East, in the North, in Darfur and elsewhere. I have never seen security deteriorate across the country to the extent it has in the eight months since the coup last October,” said the 80 year-old communist veteran.

“Sudan is witnessing a very destructive wave of killings that is gradually dragging the country into a civil-war. This will make way either for a more brutal Islamist dictatorship, or for the disintegration of the country. Division of the country into three main planks – the East, the Center and West – is already being advocated by the imperialist forces,” he warned, in a reference to the US-Saudi-sponsored negotiations. The interests of the regional forces – the armed former rebel groups now in alliance with the army and the state-sponsored tribal chiefdoms – are also in confluence with such a division, he added.

Under these circumstances, Elfadl argues, “it is the primary task of all forces which agree at least on the defense of the country’s territorial integrity to firstly organize to stop this bloodshed, and secondly to direct all its strength to overthrow the military junta and make way for a civilian transitional government.”

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

Democratic Republic of the Congo

Official Website of the International Criminal Court

ICC Public Documents - Situation in the Democratic Republic of the Congo

DR Congo: Resurgent M23 Rebels Target Civilians (Human Rights Watch)

July 25, 2022

The M23 armed group in eastern Democratic Republic of Congo summarily killed at least 29 civilians since mid-June 2022 in areas under their control, Human Rights Watch said today. There are heightened concerns that the abusive rebel force, largely inactive for a decade, is receiving Rwandan support for its operations in North Kivu province.

Witnesses told Human Rights Watch that on June 21, following fighting around the village of Ruvumu, M23 rebels summarily killed at least 17 civilians, including 2 teenagers, whom they accused of informing the Congolese army about their positions and hideouts. Some were shot dead as they attempted to flee, while others were executed at close range. Deliberate killings of civilians are serious violations of international humanitarian law, including Common Article 3 to the 1949 Geneva Conventions, and are war crimes.

“Since the M23 took control of several towns and villages in North Kivu in June, they’ve committed the same kind of horrific abuses against civilians that we’ve documented in the past,” said Thomas Fessy, senior Congo researcher at Human Rights Watch. “The government’s failure to hold M23 commanders accountable for war crimes committed years ago is enabling them and their new recruits to commit abuses today.”

The fighting between Congolese troops and M23 rebels has forced nearly 200,000 people to flee their homes. Nearly 20,000 children may be unable to complete their end-of-year exams in July due to the fighting, according to the United Nations (UN). The resurgence of the M23 comes as the security situation in eastern Congo has deteriorated over the past year, with other armed groups, and at times government soldiers, committing widespread violence, unlawful killings, and other grave abuses.

Since June, Human Rights Watch conducted 49 interviews with survivors and witnesses of abuses, as well as with victims’ family members, local authorities, activists, UN staff, security personnel, and diplomats.

A 35-year-old mother of five in Ruvumu said she heard gunfire as she hid with her youngest child and other villagers in the early morning in a house near her parents’ home. A few hours later, as she and others peered through the door, she saw four rebels in military fatigues taking her father out of his house with his hands tied behind his back.

She said she heard one of them screaming at her father in Kinyarwanda: "It's you who told the military where we were hiding!" She said she heard gunshots. "When it got quieter, we went outside to find shelter somewhere else and I saw my father lying dead on the ground," she said. "He was shot in the chest and his hands were still tied."

In a July 17 statement, M23 rejected the Human Rights Watch findings. Earlier, on June 24, the rebel group denied that they carried out any killings in Ruvumu. Instead, they blamed the deaths on the Forces Démocratiques de libération du Rwanda (Democratic Forces for the Liberation of Rwanda, or FDLR), a largely Rwandan Hutu armed group operating in Congo, and the Nyatura, a Congolese armed group vowing to protect Hutu communities.

Since May, the M23 has demonstrated increased firepower and defensive capabilities that have enabled the group to overrun UN-backed Congolese troops and hold territory. UN sources and a senior Congolese security official suggested that foreign support may be responsible for M23 fighters having a steady supply of ammunition and the capacity to fire mortar barrages for several consecutive hours. Rwanda and Uganda have backed the M23 in the past, Human Rights Watch said.

On June 14, the United States embassy in Congo said it was, "extremely concerned about the recent fighting in eastern [Congo] and the reported presence of Rwandan forces on [Congo]'s territory." The UN Group of Experts on Congo, mandated by the UN Security Council to monitor the implementation of its sanctions regime, stated in its June report that the "presence of individuals wearing uniforms of the Rwanda Defence Force (RDF) in M23 camps located in [Congo], [had been] confirmed by aerial footage and photographic evidence." The government of Rwanda has repeatedly denied supporting the M23 directly or indirectly.

On June 29, the Head of the UN Stabilization Mission in Congo (MONUSCO) Bintou Keita, informed the Security Council that the M23 has "conducted itself increasingly as a conventional army rather than an armed group," and that the UN mission "may find itself confronted to a threat that goes beyond its current capabilities."

All parties to the conflict in North Kivu have increasingly used explosive weapons -- mortar fire and artillery shelling -- in combat, putting civilians and civilian structures at greater risk.

On May 23, a shell allegedly fired from the Rwandan side of the border destroyed a primary school in Katala. An M23 mortar round hit a playground in Biruma on June 10, killing two young boys. M23 mortar fire in Kisiza and Katwa killed a woman and a child and injured at least 10 civilians on both July 1 and 2. Attacks that do not discriminate between military objectives and civilians or civilian objects are unlawful. All parties to the conflict should commit to restricting the use of explosive weapons with wide area effects, such as mortars, in populated areas, Human Rights Watch said.

The UN, the African Union (AU) and concerned governments should publicly denounce M23 abuses and any found to have been committed by other parties. Sanctions against senior M23 commanders should be maintained and expanded to include those newly found responsible for serious abuses, as well as senior officials from across the region complicit in the armed group's abuses. Any political settlement should reject an amnesty for those responsible for grave international crimes and not permit abusive M23 commanders to integrate into Congo's armed forces.

Donor countries should suspend military assistance to governments found to be supporting the M23 and other abusive armed groups.

The UN, AU, and Congo's partners should support a clear strategy to address impunity for serious abuses with a vetting mechanism for the security and intelligence services, an internationalized justice mechanism, and a comprehensive reparations program, as well as an effective demobilization program. These should be central in ongoing regional discussions regarding the threat posed by the M23 and other armed groups.

"Civilians in eastern Congo should not have to endure new atrocities by the M23," Fessy said. "The UN should urgently step up its efforts with national and regional authorities to prevent history from repeating itself at the expense of North Kivu's people."

For additional details about the M23 and the recent violence, please see below.

Killings and Other Abuses by M23 Forces

M23 fighters have deliberately killed civilians whom they accused of informing government troops about their positions, as well as civilians who were returning to their villages and fields from government-controlled areas in search of food and supplies.

A 50-year-old teacher in Ruvumu said the rebels killed his father in front of him on June 21. He said they were home with other people who had taken refuge with them when the fighters ordered them to open the door: "Open or we will burn the house," they threatened. My father opened, they beat him and shot him in the chest; they didn't ask him anything, they just shot him. ... They told me to sit by my father's body with my mother. ... Then they took me with them saying that I looked like

a soldier and telling me to show them positions of the [Congolese army]. ... I was scared and I pointed military [positions] we could see from afar. They let me go but they threatened to kill me. The teacher said that the rebels were “very angry” because they had just been engaged in fighting with government troops but lost some fighters and had to retreat.

One of the people who buried some of those killed in Ruvumu told Human Rights Watch that his older brother was among the dead. “They had him stand right in front of them, and they shot him in the mouth,” he said. He helped bury four other civilians, including two teenagers. “The 16-year-old was shot in the abdomen, and the 14-year-old in the back.”

Some people were killed as they were fleeing toward government-controlled areas. One man said that he and his family were in Ruvumu after being displaced from neighboring Bikenke. On June 21, early in the morning, a bullet struck his 7-year-old daughter. “The bullet came from behind, from the M23 [position], and came out of her forehead. ... I took her in my arms and I ran. ... I buried her at my son-in-law’s.” He said other people were killed while fleeing but could not confirm how many. “It’s difficult to know [the number] because we cannot return to the M23-controlled area.”

Four witnesses to killings in Ruseke village on July 1 said each had separately encountered M23 fighters near the village while on their way to their fields or to gather food and supplies. The fighters lured them into a house where other people had also been detained. One witness said the M23 fighters said they were doing this “to protect [them] from the gunfire.” Soon after, they called a civilian outside and threatened him. “[One of the fighters] then came back into the house and opened fire on us,” one of the survivors said. “I was lying under the bed but others next to me were killed.”

Survivors said a fighter who appeared to be of a more senior rank stopped the killings and ordered the survivors to take four wounded persons to the nearest health center in Ntamugenga. Two, including a teenage girl, were seriously injured and succumbed to their wounds. Human Rights Watch has confirmed that the M23 killed at least nine civilians in that house.

Between June 23 and early July, M23 forces killed at least three civilians in the village of Kabindi. A local authority said that fighters brutally killed a 27-year-old father of three: “They crushed his skull with a hoe and gouged his eyes out, and left him dead in front of his door. ... They had accused him of being a scout for the [Congolese army].”

Two people said that M23 fighters prevented them and others from fleeing to a government-controlled area. Some were forced to do chores for the rebels. “When it was a little quieter [after the fighting], we left our houses to flee but M23 fighters ordered us not to leave,” a man from Ruvumu said. “There were about 30 of us. They kept me in their camp and I would have to fetch water [for them] the whole time.” The fighters refused to let him take his pregnant wife to the nearest health center, so she went alone.

A volunteer for the Congolese Red Cross who works in the area said the number of civilians killed could be higher than current estimates. “We don’t have an exact figure for now because the bodies aren’t all being recovered at once – some are still being found. [A villager]’s wife was found dead a week later.”

Indiscriminate Shelling

The use of explosive weapons such as mortar rounds has been increasingly predominant in the current conflict and there have been cases of cross-border shelling.

On May 23, about a dozen shells struck Congolese territory in and around Katala and Rumangabo, about 45 kilometers north of Goma, the regional capital. They were apparently fired from across the nearby border with Rwanda. A shell destroyed a primary school in Katala just hours after children left the premises – the Congolese military accused the Rwandan Defence Forces (RDF) of firing the shell, but they denied the allegation.

Human Rights Watch examined an unpublished report, dated June 10, by the Expanded Joint Verification Mechanism (EJVM), which consists of military experts from member countries of the International Conference on the Great Lakes Region. The report said that ballistic investigations were needed to determine the origin of the shelling. Under international humanitarian law, schools are protected civilian objects and attacks against them are prohibited unless they are being used for military purposes.

The regional unit also reported that hours earlier, shells apparently fired from the Congolese side of the border had struck Rwandan territory, seriously injuring a woman and her 10-month-old baby and destroying crops and civilian structures in the Musanze district. It noted that Congo and Rwanda both denied such cross-border shelling was committed by their own troops.

On June 10, mortar fire coming from an M23 position killed 2 boys, ages 6 and 7, in Biruma. “His intestines were coming out, his body was shredded, and his hands chopped,” said the mother of the 7-year-old. “He had gone to feed the goats with his friend.” A 5-year-old boy was also injured. Houses near the strike were partially destroyed, the mother said.

On July 1, an M23 shell killed a 13-year-old boy and wounded 2 other civilians in Kisiza. The day after, more rebel mortar

rounds killed at least one woman and wounded eight others at a makeshift market in a school courtyard in Katwa. Witnesses said shells exploded in the surrounding forest on both days.

Alleged Rwandan Support for the M23

Congolese authorities have repeatedly accused Rwanda of backing the M23. On May 26, M23 rebels advanced on the major Congolese military base of Rumangabo and attacked the nearby town of Kibumba, 30 kilometers north of Goma. Two days later, two Rwandan soldiers were captured on the Congolese side of the border and turned over to military authorities. The RDF stated that the two soldiers were kidnapped while on patrol along the border by FDLR fighters, whom it accused of collaborating with Congo's army.

The EJVM deployed a team to investigate the claim and interviewed both soldiers while they were in detention in Kinshasa. In an unpublished report dated June 14, which Human Rights Watch has reviewed, the investigating team concluded that the two RDF soldiers "entered illegally on [Congo]'s territory" as part of an eight-strong reconnaissance patrol "in search of the enemy that bombarded the territory of Rwanda on May 23." Both soldiers were handed back to Rwanda in June.

Following the M23 attacks on Rumangabo and Kibumba, nine local residents, who were interviewed separately, told Human Rights Watch that they saw RDF troops among the attackers. All described fighters wearing RDF uniforms, some of them showing a Rwandan flag patch, wearing military helmets, and carrying sophisticated radios.

The EJVM's June 10 report noted that Congo's army officials presented weapons and ammunition, an RDF-tagged uniform, a helmet, and other military supplies that they asserted Congolese troops did not use but that had been retrieved from the battlefield following the fighting in Rumangabo and Kibumba. The report stated that, unlike the Congolese army, "the RDF did not show their positions and types of weapons they use." It said further investigation was needed on the origin of the military equipment collected by the Congolese army.

Rwanda's president, Paul Kagame, has acknowledged tensions between his country and Congo. However, he has denied allegations of Rwandan support to the M23 armed group. In turn, Kagame has accused both Congo's army and MONUSCO of collaborating with the FDLR, some of whose leaders took part in the 1994 genocide in Rwanda. The Rwandan government and the M23 have accused the Congolese army of collaborating with the FDLR and fomenting hatred against Rwandophones and ethnic Tutsi communities.

The M23 and its Resurgence

The M23 was originally made up of soldiers who participated in a mutiny from the Congolese national army in April and May 2012. These soldiers were previously members of the National Congress for the Defense of the People, a former Rwanda-backed rebel group. They claimed their mutiny was to protest the Congolese government's failure to fully implement the March 23, 2009 peace agreement (hence the name M23), which had integrated them into the Congolese army.

In June 2012, the then-UN High Commissioner for Human Rights, Navi Pillay, described the M23's leaders as, "among the worst perpetrators of human rights abuses in [Congo], or in the world." They included Gen. Bosco Ntaganda, who has since been convicted by the International Criminal Court for war crimes and crimes against humanity when he led another armed group in Ituri province, and Col. Sultani Makenga, who is now referred to as "general" and has been leading the current offensive.

Human Rights Watch documented war crimes by M23 forces that, with support from Rwanda, took over large parts of North Kivu province in 2012. At the time, Rwandan officials may have been complicit in war crimes through their continued military assistance to M23 forces, Human Rights Watch said. The Rwandan army deployed its troops to eastern Congo to directly support the M23 rebels in military operations.

UN investigators also said that Ugandan army commanders had sent troops and weapons to reinforce some M23 operations and assisted the group with recruiting. After the M23 briefly captured Goma, UN-backed government troops forced them back into Rwanda and Uganda in 2013. M23 fighters summarily executed dozens of civilians, raped scores of women and girls, and forcibly recruited hundreds of men and boys.

Congolese authorities issued arrest warrants for Makenga and other UN-sanctioned M23 senior commanders in 2013. Rwanda and Uganda never acted on extradition requests to their countries.

Regional attempts to demobilize M23 fighters have failed over the past 10 years. Makenga returned to Congo from Uganda with a group of fighters in early 2017 according to UN investigators, setting up a base on Mount Sabinyo in the Virunga National Park. The group resurfaced in November 2021, attacking Congo's army, amid claims that Congolese President Félix Tshisekedi's administration was not committed to existing peace agreements, which included amnesty for the group's rank-and-file. The agreements did not include accountability for the worst human rights abusers, however.

In their June report, UN investigators noted that, “from November 2021, M23 started to recruit in Bihanga camp [Uganda], and from January 2022, in Masisi and Rutshuru territories and in Kitshanga, [Congo], as well as in Rwanda, to rapidly boost its troops.” They also reported recruitment in Kisoro, Uganda.

Under the UN sanctions regime, all UN member states, including Rwanda and Uganda, are obligated to “take the necessary measures to prevent the entry into or transit through their territories of all persons” on the sanctions list. Governments that assist abusive armed groups like the M23 risk becoming complicit in their crimes, Human Rights Watch said.

M23 rebels summarily executed at least 29 civilians since mid-June in northeastern DRC – HRW (AfricaNews)

July 25, 2022

The rebel group March 23 Movement (M23) has summarily executed at least 29 civilians since mid-June in northeastern Democratic Republic of Congo (DRC), human rights NGO Human Rights Watch (HRW) said Monday.

In a statement, HRW said it obtained the data through 49 interviews with survivors and witnesses of abuses, as well as victims' families, local authorities, activists, UN and security personnel, and diplomats.

On 21 June, for example, following fighting near the village of Ruvumu in North Kivu province, M23 rebels executed at least 17 civilians, including two teenagers, whom they accused of informing the Congolese army of their positions.

Some civilians were shot and killed as they tried to flee, while others were executed at close range.

Serious violation of humanitarian law

The deliberate killings of civilians are "serious violations" of international humanitarian law and constitute war crimes, the NGO stressed.

"Since the M23 took control of several towns and villages in North Kivu in June, it has committed the same kind of horrific abuses against civilians that we have documented in the past," said HRW's senior DRC researcher Thomas Fessy.

"The government's failure to hold M23 commanders accountable for war crimes committed years ago allows them and their new recruits to commit abuses today," Fessy said.

Clashes between the Congolese army and M23 rebels, which resurfaced last March, have forced nearly 200,000 people to flee their homes.

In addition, about 20,000 children may not be able to complete their end-of-year exams in July because of the fighting, according to the UN.

This fighting, HRW recalled, follows worsening security in the east of the country over the past year, "with other armed groups and, at times, government soldiers committing widespread violence, unlawful killings and other serious abuses".

Rebel group

The M23 was created in 2012, when 300 soldiers of the DRC Armed Forces revolted over the loss of power of their leader, Bosco Ntaganda, who is being prosecuted by the International Criminal Court (ICC) for war crimes; and over alleged breaches of the 23 March 2009 peace agreement, for which the movement is named.

The group demanded a renegotiation of the agreement signed by the Congolese guerrilla group Congrès National pour la Défense du Peuple (CNDP) for their integration into the army, in order to improve their conditions.

The CNDP, made up mainly of Tutsis (an ethnic group that suffered greatly from the Rwandan genocide at the hands of the Hutus in 1994), was formed in 2006 to - among other objectives - fight the Hutus of the Democratic Forces for the Liberation of Rwanda (FDLR), a group that took refuge in the Congolese jungles after the Rwandan genocide.

In November 2012, the M23 managed to occupy the city of Goma, capital of North Kivu, for two weeks.

At the time, the UN accused the M23 of being supported by Rwanda and even of receiving direct orders from high-ranking Rwandan army officials.

For more than two decades, eastern DRC has been mired in conflict fuelled by rebel militias and army attacks, despite the presence of the UN peacekeeping mission (MONUSCO), which has more than 14,000 troops.

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

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

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

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

Identities Of Terrorists' Leaders, Who Attacked Nigerian Army Personnel In Bwari, Plan Attacks On Worship Centres In Abuja, Revealed (Sahara Reporters)

July 26, 2022

Some terrorists who planned to attack the Nigerian Law School in Abuja and later ambushed some Nigerian Army personnel in Bwari, the Federal Capital Territory, Abuja, were led by two kingpins.

According to Daily Nigerian, the terrorists were led by two banditry kingpins, Kachalla Ali Kawaje and Kachalla Dansadi.

Kawaje, who controls hundreds of fighters in Kuyambana Forest, which stretches across Zamfara, Kebbi, Kaduna and Niger states, was responsible for shooting down a Nigerian Air Force jet on July 18, 2021.

Security reports say the terrorists planned to attack the Central Mosque and worship centres and security formations in the Federal Capital Territory (FCT).

This is coming few weeks after terrorists who later identified themselves as members of the Islamic State - West African Province (ISWAP) attacked the Kuje Correctional Centre in the Nigeria's capital, releasing over 800 inmates including 64 Boko Haram suspects and killed 10 inmates and one security officer.

Intelligence sources also confirmed that the terrorists were planning to plant improvised explosive devices in open manholes around security formations, mosques, churches and public places.

"Central Mosque, Abuja, was particularly targeted for attack," the source said. The source further revealed that credible intelligence had revealed that the kidnapers and bandits terrorising Bwari general area are camping on the mountains and caves behind Usman Dam, linking Ushafa to Mpape satellite communities.

"The terrorists have been mingling with the locals recently. They came on motorcycles from their camps to buy food and drugs in Ushafa and Mpape," the security source added. The source said unless serious security measures are taken to frustrate their plans, the terrorists may strike any moment.

Parts of the security measures advised during a recent security meeting are immediate replacement of the stolen manhole covers, ban on commercial motorcycles in the FCT and stepping up surveillance on the outskirts of the city.

Nigeria's Chibok girls: Two victims found eight years on (BBC)

By Ishaq Khalid in Abuja and James FitzGerald

July 27, 2022

There was global outrage when Islamists seized nearly 300 girls in Nigeria's north-eastern town of Chibok in 2014.

Most of the victims have either been freed or escaped since then, but dozens remain unaccounted for.

It appears the two hostages gave birth while in captivity, as the army said they were both found with children.

One of the abductees was seen with a child, the other with two children.

Other victims of the mass abduction have described being forced to convert to Islam and marry the group's fighters.

The authorities said the "intercepted Chibok girls and their children" were in a military medical facility.

Other abductees have been offered accommodation and rehabilitation by the Nigerian government following their freedom from Boko Haram.

The two women were found on Monday during military operations against extremists in north-eastern Nigeria.

In total, 276 girls seized were from their school dormitory in the middle of the night on 14 April 2014. Within hours of their kidnapping, 57 managed to escape mostly by jumping off the lorries and running off into the bushes.

It was not until May 2016 that the first girl was found. A few others have also managed to escape over the years. Between 2016 and 2018, 103 of the victims were freed following negotiations between the Nigerian government and the militants.

Campaign group Bring Back Our Girls says around 100 are still missing.

Why was this freed Chibok girl treated differently? The secret diaries of the Chibok girls Reports indicate that the militants have recently been abandoning their remaining captives, partly due to an intense multi-national military campaign against them.

A long-running jihadist insurgency in north-eastern Nigeria has left 40,000 dead and 2.2 million displaced, according to the AFP news agency.

Many other schools and universities in the region were attacked in the years following the 2014 Chibok kidnapping.

Some of the assaults have been by jihadists - but more frequently by criminal groups known locally as "bandits", who engage in mass abduction for ransom.

While the Nigerian government has reportedly paid Boko Haram some \$3.3m (£2.4m) as ransom for Chibok girls freed in negotiations, recent school kidnappings have seen little government involvement.

Instead, parents and relatives have been left to pay the amounts demanded by the bandits for their children's release.

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

Mali

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

Liberia

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

EAST AFRICA

Uganda

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

[[back to contents](#)]

Kenya

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

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

U.S. freezes security aid to Rwanda as civilian deaths mount in Congo (The Globe and Mail)

By Geoffrey York
July 25, 2022

A powerful U.S. Senator says he will block all U.S. security assistance to Rwanda because of its support for a militia group that has captured a series of Congolese towns and villages in recent weeks.

The militia known as M23 has killed dozens of civilians in shootings and indiscriminate artillery shelling in the Democratic Republic of the Congo since mid-June, human-rights groups say. More than 160,000 people have fled their homes because of the attacks.

The decision to suspend security assistance, disclosed by U.S. Senate Foreign Relations Committee chairman Robert Menendez in a letter leaked to the media this weekend, is a clear signal of growing concern from Rwanda's biggest bilateral donor, which provided US\$147-million to the country last year.

Rwandan President Paul Kagame, who has ruled the country since 1994, has traditionally enjoyed strong support from Western governments. Less than a month ago, Commonwealth leaders – including Prime Minister Justin Trudeau – gathered in the Rwandan capital, Kigali, for a summit that provided a valuable diplomatic boost for Mr. Kagame.

Mr. Trudeau and Mr. Kagame met on June 26 at the end of the summit, and the two leaders “emphasized their shared commitment” to “free and democratic societies and the promotion of peace and prosperity,” according to a statement from Mr. Trudeau's office.

But even as they issued this statement, Rwanda was allegedly providing military support to M23 in its rampage across the border in eastern Congo. While the Kagame government has denied it, many independent analysts have concluded that Rwanda does support M23.

A group of United Nations experts said in a report last month that it had “aerial footage and photographic evidence” of men in Rwandan military uniforms at M23 camps in eastern Congo.

Jason Stearns, a Congo expert at Simon Fraser University, said the Western leaders at the Commonwealth summit did not express any concern about M23’s activities across the border. Instead they were “looking away from suffering,” he wrote in a commentary this month.

“Rwanda has seen meddling in its neighbor as a core national interest, while foreign donors have looked the other way,” Mr. Stearns said.

Washington, however, is beginning to lose patience with the M23 issue. Senator Menendez, in his letter to U.S. Secretary of State Antony Blinken on July 20, accused Rwanda of fomenting “rebellion and violence” in eastern Congo by using a “proxy militia” to kill Congolese civilians and UN peacekeepers. This is the second time in a decade that Rwanda has used M23 to destabilize its neighbour, he said.

He also cited many other human rights violations by the Kagame government, including attacks on exiled Rwandan dissidents and the jailing or killing of dozens of journalists, activists and opposition politicians. He noted that the U.S. government has concluded that Rwanda has wrongfully detained Paul Rusesabagina, the former hotel manager who was lauded in the film Hotel Rwanda for rescuing hundreds of people from the Rwandan genocide in 1994.

Senator Menendez said he will carefully review all U.S. aid to Rwanda and will halt all security assistance, including several million dollars in funding for Rwandan troops in UN peacekeeping missions. Since his committee’s approval is required for all U.S. foreign aid, his decision will effectively freeze U.S. military and security aid to Rwanda.

It is unclear whether other Western governments might follow the United States in reconsidering their aid to Rwanda. The Globe and Mail asked Global Affairs Canada whether it was troubled by Rwandan support for M23, but the department did not answer directly. Marilyne Guèvremont, a spokesperson for Global Affairs, said the department was concerned about “hostilities between M23 and the armed forces of the DRC” and called for an immediate ceasefire by “all armed groups.”

The British government, meanwhile, says it is still committed to providing about \$200-million in aid to the Rwandan government in exchange for its agreement to accept thousands of asylum-seekers from Britain. But documents disclosed in court last week showed that a British diplomat had warned internally that migrants sent to Rwanda could be forced to join the military and fight in neighbouring countries.

While there are dozens of militias and rebel groups in eastern Congo, there is evidence that M23 is one of the best-financed and most heavily armed. Bintou Keita, head of the UN mission in Congo, told the Security Council last month that M23 is behaving increasingly like a conventional army, with sophisticated firepower and equipment.

Human Rights Watch, in a report on July 14, said M23 is today using the same “brutal tactics” that it used a decade ago when it captured the city of Goma in eastern Congo. The militia committed war crimes in 2012 but its leaders were shielded by the Rwandan and Ugandan governments and were never held accountable, it said.

“As in the past, competition over eastern Congo’s lucrative resources and land may have played a role in the group’s resurgence and the role of Rwanda is supporting the group,” the report said.

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

Somalia

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

Ethiopia

International human rights commission probes war crimes in Ethiopia (news 24)

By Lenin Ndebele

July 26, 2022

The International Commission of Human Rights Experts on Ethiopia (Ichree) started investigating war crimes in the country on Monday, and the transitional government of Tigray called on it to be impartial.

Set up by the United Nations Human Rights Council (UNHRC), Ichree is expected to conduct interviews with state role players, non-state actors, and victims of the almost two-year civil war. A communiqué and report on the findings will be issued.

It's the commission's first visit to Ethiopia since its establishment on the basis of the Geneva-based UN Human Rights Council on 17 December, last year.

It is investigating human rights law, international humanitarian law, and international refugee law violations in Ethiopia that were committed by all parties to the conflict from 3 November 2020.

The three-member commission is led by Kaari Betty Murungi from Kenya, who is joined by American Steven Ratner and Sri Lankan Radhika Coomaraswamy.

They are being supported by a secretariat based in Entebbe, Uganda.

In a statement via its external affairs office, the transitional government of Tigray said it was committed to credible and independent investigations of all atrocities during the war.

But it said that, since the area is the epicentre of the atrocities, if any credible investigation is carried out, locals are "indispensable interlocutors" and the Ethiopian government should not be allowed to "dictate the parameters and scope of the investigation".

It also said investigations into the atrocities should not be based on a recent report by the Office High Commissioner for Human Rights (OHCHR) - another UN body in partnership with the Ethiopian Human Rights Commission (EHRC), a state entity.

This is because the latter is a body created by those accused of human rights abuses.

There has been a mini truce in Tigray since April to allow for much-needed aid relief for an estimated 5.2 million people.

This period, up to now, has yielded positive indicators towards the restoration of peace with minimal clashes.

Researchers from Ghent University in Belgium estimated that up to half a million people died as a result of violence and starvation linked to the conflict.

The UN estimates about 14 400 people have been killed in the conflict between Russia and Ukraine.

Russia has received global condemnation for its war against Ukraine. Some aid agencies, such as Médecins du Monde, announced that some of their donor partners had started to divert aid to Ukraine.

But the Ethiopian government is yet to be held accountable through sanctions.

UN rights investigators begin first visit to Ethiopia (Macau Business)

July 26, 2022

The UN commission tasked with investigating human rights violations committed during the conflict in Ethiopia's Tigray region began its first visit to the country on Monday.

The UN Human Rights Council created the commission in December 2021 for a one-year renewable term to probe alleged violations of international human rights, humanitarian and refugee law.

But the Ethiopian government released a statement on Monday saying it could reconsider its decision to collaborate with the commission depending on how it acted and whether it respected the government's position.

Ethiopia had originally rejected the creation of the commission, calling it "counter-productive", before eventually approving its arrival in the country.

Fana BC, a media outlet close to the government, reported that the UN investigators met Ethiopian Foreign Minister Demeke Mekonnen in Addis Ababa on Monday.

The experts were in the capital to talk with government officials and other partners about the terms of their collaboration, it added.

Fighting between the Tigray People's Liberation Front (TPLF) and Prime Minister Abiy Ahmed's government broke out in November 2020 and spread to the neighbouring Afar and Amhara regions, with all sides accused of abuses.

Aided by forces from Eritrea and Amhara, Ahmed's federal army have unsuccessfully sought to oust the TPLF authorities in Tigray.

Fighting has virtually ceased since a March truce, but the humanitarian situation in the northern region is dire, with banking, telephone and internet networks cut off.

A joint investigation by the United Nations and Ethiopia's human rights commission concluded in 2021 that crimes against humanity were potentially committed by all actors, according to a UN statement.

The commission — made up of three experts from Kenya, Sri Lanka and the United States — will remain in Ethiopia until July 30, when it will release a statement.

The Tigrayan authorities have said they are willing to cooperate with the commission but have accused the federal government of wanting to "dictate" the terms of the investigation and compromising its credibility.

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

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb Paramilitary Leader Dies While Serving Jail Term (Balkan Transnational Justice)

By Emina Dizdarevic
July 20, 2022

Predrag Kujundzic's lawyer told BIRN on Tuesday that his client died in hospital in Doboj a month ago after his medical condition deteriorated.

"He was serving his prison term, but I think that it was interrupted due to his medical conditions," lawyer Goran Neskovic said.

Kujundzic was commander of a Bosnian Serb paramilitary unit known as Predini Vukovi (Predo's Wolves), which operated within the Bosnian Serb Army until July 1992, and then as part of the police force.

He was sentenced to 17 years in prison in a second-instance verdict in October 2010 for committing a crime against humanity in the Doboj area in 1992.

He was found guilty of forcible resettlement, persecution, rape and other inhumane acts committed against civilians.

The verdict said that as a leader of a military formation, he "represented a role model to his subordinates and acted as a motivating and encouraging factor by setting a bad example to them".

But it cleared him of participating in an attack on the village of Grapska in the Doboј municipality and of taking prisoners from the Percin Disco detention facility in Doboј and using them as human shields.

He had initially been sentenced to 22 years in prison in October 2009, but the sentence was reduced on appeal.

He was cleared under the initial verdict of participating in the torture of civilians at the Percin Disco detention facility.

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

International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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

Domestic Prosecutions In The Former Yugoslavia

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

Turkey

Turkey accused of war crimes after latest drone strike in northern Iraq (Morning Star)

By Steve Sweeney
July 19, 2022

TURKEY has been accused of war crimes after five people were killed in a drone strike in northern Iraq on Sunday evening as Ankara's 18-month long war continues.

Their vehicle was struck in what appears to be a targeted attack in the Tigris region, west of the city of Mosul.

Five men and a woman were killed and another two people were reported to have been injured.

The Kurdistan Regional Government's counterterrorism unit claimed that those killed were Kurdistan Workers Party (PKK) guerillas.

Nineveh province governor Najm al-Jubouri strongly condemned the drone strike, saying that it destabilised the region, which is rebuilding after shaking off the control of the Isis jihadist movement.

"This attack dangerously jeopardises Nineveh's citizens, and we ask the Iraqi government to protest against such acts by the Turkish government," he said.

Iraq's Foreign Ministry is already investigating a Turkish drone strike that killed several people last month and has warned that appropriate measures will be taken.

In a statement on Sunday, the ministry said that Turkey's continued use of unmanned aerial vehicles was "a threat to the security of ordinary people, several of whom lost their lives and sustained injuries as a result of the attack.

“This attack undermines the security of Iraq and stability of its people and requires a unified stance to be confronted,” the statement continued.

The ministry promised to take the “necessary steps after completion of a thorough investigation into the attack.”

Turkey launched Operation Claw Lock in April, widening its military operations in Iraqi Kurdistan, where there have been daily bombings since April last year.

Ankara’s forces stand accused of a series of war crimes, including the bombing of a United Nations-administered refugee camp, a Yazidi hospital in Shengal and a number of targeted executions using drone strikes.

Evidence of chemical weapons use continues to be ignored by world bodies, with the Organisation for the Prohibition of Chemical Weapons refusing to send a fact-finding mission to the region.

The Morning Star remains the only Western media outlet to have visited the region and spoken to victims, medics and national and regional politicians.

Sunday’s attack took place days after a drone strike on a base belonging to the Protection Force of Ezidخان in the Yazidi-populated Shengal district, in which six people were killed, and a 12-year child was killed by a Turkish drone that hit a marketplace in the Snune district of Shengal on Saturday, according to local reports.

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

Kosovo Specialist Chambers

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

Azerbaijan

US House of Representatives adopts amendment requesting report on Azerbaijan war crimes (News.Am)

July 14, 2022

U.S. House of Representatives on Wednesday adopted an amendment spearheaded by Representatives U.S. Rep. Tony Cardenas (D-CA) and Congressman Brad Sherman (D-CA), the Armenian National Committee of America reported on Facebook.

The amendment calls for a report by the State Department and Defense Department that would detail the use of U.S. parts in Turkish drones used by Azerbaijan against Armenia and Artsakh (Nagorno-Karabakh); Azerbaijan’s use of white phosphorous, cluster bombs and other prohibited munitions deployed against Artsakh; and Turkey’s and Azerbaijan’s recruitment of foreign terrorist fighters during the 2020 Artsakh war.

The amendment (#121) was adopted as part of "en bloc 1"—a larger grouping of amendments to the Fiscal Year 2023 National Defense Authorization Act (H.R.7900)

Joining Representatives Cardenas and Sherman as Congressional cosponsors of the bipartisan amendment include Representatives Gus Bilirakis (R-FL), Judy Chu (D-CA), David Cicilline (D-RI), Anna Eshoo (D-CA), Raja Krishnamoorthi (D-IL), James Langevin (D-RI), Brenda Lawrence (D-MI), Andy Levin (D-MI), Ted Lieu (D-CA), Zoe Lofgren (D-CA), Frank Pallone (D-NJ), Linda Sanchez (D-CA), Adam Schiff (D-CA), Elissa Slotkin (D-MI), Jackie Speier (D-CA), Dina Titus (D-NV), Rashida Tlaib (D-MI), and David Valadao (R-CA).

The other pro-Armenian amendments submitted to the National Defense Authorization Act will be considered Thursday.

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

Russia

Ukraine war crimes investigation receives support of 45 nations (Al Jazeera)

July 14, 2022

More than 40 countries have agreed to work together to investigate suspected war crimes by Russian forces in Ukraine as the latest shelling of a civilian area killed at least 20 people in the city of Vinnytsia in central Ukraine.

The pledge to coordinate international efforts to bring Russia's military forces to justice came on Thursday when 45 nations signed a political declaration during a conference at the headquarters of the International Criminal Court (ICC) in The Hague.

The signatories included European Union states as well as Britain, the United States, Canada, Mexico and Australia. The group promised to provide 20 million euros (\$20m) to assist the ICC and to support the prosecutor general's office in Ukraine and efforts by the United Nations to investigate war crimes.

Speaking to reporters after the conference, Ukraine's Prosecutor General, Iryna Venediktova, held up a photograph that appeared to show a child's body as she discussed Thursday's air attack on Vinnytsia.

"Today, 20 people killed by Russian missiles, including three children, 52 injured by Russian missiles, including children. And this information we have every day from morning to night, night to morning," she said.

With some 23,000 war crimes being investigated and different countries heading investigative teams in Ukraine, evidence needs to be credible and organised, officials said.

Dutch Foreign Minister Wopke Hoekstra said governments were galvanised by images of "innocent civilians being butchered with their hands tied behind their back, women and men being raped and sometimes family members being forced to look at that".

Separately, Hoekstra said the Netherlands would consider setting up an international Ukraine war crimes tribunal, in part because neither Ukraine nor Russia is members of the ICC.

Russia withdrew its backing from the ICC in 2016 after the court referred to Moscow's 2014 seizure and annexation of the Crimea peninsula from Ukraine as an armed conflict. Kyiv has, however, accepted the court's jurisdiction and that cleared the way for the ICC to open an investigation in Ukraine in early March.

"We have to fill a vacuum and the ICC here doesn't have the jurisdictions so I can imagine we do look into coming up with such a tribunal ... We will take a look into this," Hoekstra said.

'Russian terror'

Joining the conference via video link, Ukrainian President Volodymyr Zelenskyy urged the international audience in the Netherlands to set up a special tribunal to address alleged Russian war crimes.

"Existing judicial institutions cannot bring all the guilty parties to justice. Therefore, a special tribunal is needed to address the crime of Russian aggression against Ukraine," he said.

"A tribunal that will ensure the fair and lawful punishment of those who started this series of disasters," he added.

Zelenskyy also described Thursday's missile attack and killing of civilians in Vinnytsia as "the act of Russian terror".

Russia has repeatedly denied involvement in war crimes and deliberately attacking civilians since it invaded Ukraine.

Russian forces have bombed Ukrainian cities to ruins and left behind bodies in the streets of towns and villages they occupied since invading in February.

Ukraine says tens of thousands of civilians have died. Moscow denies responsibility.

There have also been some reports of Ukrainians mistreating Russian prisoners, though the vast majority of accusations documented by bodies such as the United Nations are of alleged atrocities committed by Russian invaders and their proxies.

"As this meeting takes place, Russian forces continue to commit atrocities in Ukraine with harrowing intensity," said the United States envoy Uzra Zeya, who attended the meeting.

"With each day the war crimes mount: rape, torture, extrajudicial executions, disappearances, forced deportations, attacks on schools, hospitals, playgrounds, apartment buildings, grain silos, water and gas facilities."

ICC Chief Prosecutor Karim Khan said there were reasons for hope because more than 40 states were now seeking action on Ukraine through the court.

“At a time like this, the law cannot be a spectator. The law cannot recline in comfort in The Hague,” he said.

Since the start of the invasion, Ukrainian authorities have convicted two Russian soldiers of war crimes.

Russia’s separatist proxies have held their own trials, including passing death sentences on two British fighters and a Moroccan in what Western countries consider sham proceedings.

Ukraine’s Zelenskyy fires top security chief and prosecutor (Associated Press)

By Hanna Arhirova and Cara Anna

July 17, 2022

[FIRST_PARAGRAPH_TEXT]As Russian troops pressed their offensive in Ukraine’s east, Ukrainian President Volodymyr Zelenskyy fired his state security chief and prosecutor general on Sunday, citing hundreds of criminal proceedings into treason and collaboration by people within their departments and other law enforcement agencies.

“In particular, more than 60 employees of the prosecutor’s office and the SBU (state security service) have remained in the occupied territory and work against our state,” Zelenskyy said.

“Such an array of crimes against the foundations of the state’s national security, and the links recorded between Ukrainian security forces and Russian special services raise very serious questions about their respective leaders,” he said in his nightly video address to the nation.

Zelenskyy dismissed Ivan Bakanov, a childhood friend and former business partner whom he had appointed to head the SBU. Bakanov had come under growing criticism over security breaches since the war began; Politico last month cited several unidentified Ukrainian and Western sources saying Zelenskyy was looking to replace him.

He also dismissed Prosecutor General Iryna Venediktova, and replaced her with her deputy Oleksiy Symonenko. Venediktova has helped lead war crime investigations.

Meanwhile, Russian missiles hit industrial facilities earlier Sunday at Mykolaiv, a key shipbuilding center in southern Ukraine. Mayor Oleksandr Senkevych said the missiles struck an industrial and infrastructure facility. Mykolaiv has faced regular Russian missile strikes in recent weeks as the Russians have sought to soften Ukrainian defenses.

The Russian military has declared a goal to cut off Ukraine’s entire Black Sea coast all the way to the Romanian border. If successful, such an effort would deal a crushing blow to the Ukrainian economy and trade, and allow Moscow to secure a land bridge to Moldova’s separatist region of Transnistria, which hosts a Russian military base.

Early in the campaign, Ukrainian forces fended off Russian attempts to capture Mykolaiv, which sits near the Black Sea coast between Russia-occupied Crimea and the main Ukrainian port of Odesa. Since then, Russian troops have halted their attempts to advance in the city but have continued to pummel both Mykolaiv and Odesa with regular missile strikes.

Russian Defense Ministry spokesman Lt. Gen. Igor Konashenkov said Sunday that Russian missiles destroyed a depot for anti-ship Harpoon missiles delivered to Ukraine by NATO allies, a claim that couldn’t be independently confirmed.

The Russians, fearing a Ukrainian counteroffensive, also sought to reinforce their positions in the Kherson region near Crimea and in part of the northern Zaporizhzhia region that they seized in the opening stage of the war.

“Given the pressures on Russian manpower, the reinforcement of the south whilst the fight for the Donbas continues indicates the seriousness with which Russian commanders view the threat,” the British Defense Ministry said Sunday.

For now, the Russian military has focused on trying to take control of Ukraine’s eastern industrial heartland of the Donbas, where the most capable and well-equipped Ukrainian forces are located.

Ukraine says its forces still retain control of two small villages in the Luhansk region, one of two provinces that make up the Donbas, and are fending off Russian attempts to advance deeper into the second one, the Donetsk region.

The Ukrainian military’s General Staff said Sunday that Ukrainian troops thwarted Russian attempts to advance toward Sloviansk, the key Ukrainian stronghold in Donetsk, and attacks elsewhere in the region.

Yet Russian officials are urging their troops to produce even more territorial gains. During a visit to the front lines Saturday, Russian Defense Minister Sergei Shoigu issued an order “to further intensify the actions of units in all operational areas.”

The Russian military said it has struck Ukrainian troops and artillery positions in Donbas in the latest series of strikes, including a U.S.-supplied HIMARS multiple rocket launcher. The Russian claims couldn't be independently verified.

Dmitry Medvedev, deputy head of Russia's Security Council chaired by President Vladimir Putin, responded to Ukrainian officials' statements that Kyiv may strike the bridge linking Crimea and Russia, warning that would trigger devastating consequences for the Ukrainian leadership.

“They will momentarily face Doomsday,” Medvedev said Sunday. “It would be very hard for them to hide.”

Medvedev, once touted by the West as more liberal compared to Putin, said Russia will press its offensive until fulfilling its stated goal of “denazifying” and “demilitarizing” Ukraine. He predicted the fighting will “undoubtedly lead to the collapse of the existing regime” in Kyiv.

Zelenskyy condemned Medvedev's Doomsday comment as “intimidation” and said it was Russia that would eventually face a “`Day of Judgment.”

“And not in a figurative sense, not as loud talk, but literally,” he said Sunday.

While focusing on the Donbas, the Russians have hit areas all across the country with missile strikes.

In central Ukraine, relatives and friends attended a funeral Sunday for Liza Dmytrieva, a 4-year-old girl killed Thursday in a Russian missile strike. The girl with Down syndrome was en route to see a speech therapist with her mother when the missiles struck the city of Vinnytsia. At least 24 people were killed, including Liza and two boys, ages 7 and 8. More than 200 others were wounded, including Liza's mother, who remains in an intensive care unit.

“I didn't know Liza, but no person can go through this with calm,” priest Vitalii Holoskevych said, bursting into tears as Liza's body lay in a coffin with flowers and teddy bears in the 18th-century Transfiguration Cathedral in Vinnytsia.

“We know that evil cannot win,” he added.

In the Kharkiv region, at least three civilians were killed and three more were injured Saturday in a pre-dawn Russian strike on the city of Chuhuiv, just 120 kilometers (75 miles) from the Russian border, police said.

One resident of the apartment building that was hit said she was lucky to have survived.

“I was going to run and hide in the bathroom. I didn't make it and that's what saved me,” said Valentina Bushuyeva. Pointing to her destroyed apartment, she said: “There's the bathroom — explosion. Kitchen — half a room. And I survived because I stayed put.”

Ukraine: Torture, Disappearances in Occupied South (Human Rights Watch)

July 22, 2022

Russian forces have tortured, unlawfully detained, and forcibly disappeared civilians in the occupied areas of Kherson and Zaporizhzhia regions, Human Rights Watch said today. Russian forces have also tortured prisoners of war (POWs) held there.

“Russian forces have turned occupied areas of southern Ukraine into an abyss of fear and wild lawlessness,” said Yulia Gorbunova, senior Ukraine researcher at Human Rights Watch. “Torture, inhumane treatment, as well as arbitrary detention and unlawful confinement of civilians, are among the apparent war crimes we have documented, and Russian authorities need to end such abuses immediately and understand that they can, and will, be held accountable.”

Human Rights Watch spoke with 71 people from Kherson, Melitopol, Berdyansk, Skadovsk and 10 other cities and towns in the Kherson and Zaporizhzhia regions. They described 42 cases in which Russian occupation forces either forcibly disappeared civilians or otherwise held them arbitrarily, in some cases incommunicado, and tortured many of them. Human Rights Watch also documented the torture of three members of the Territorial Defense Forces who were POWs. Two of them died.

The purpose of the abuse seems to be to obtain information and to instill fear so that people will accept the occupation, as Russia seeks to assert sovereignty over occupied territory in violation of international law, Human Rights Watch said.

People interviewed described being tortured, or witnessing torture, through prolonged beatings and in some cases electric shocks. They described injuries including broken ribs and other bones and teeth, severe burns, concussions, broken blood vessels in the eye, cuts, and bruises.

A formerly detained protest organizer, who requested anonymity, said Russian forces beat him with a baseball bat in detention. Another protestor was hospitalized for a month for injuries from beatings in detention. A third said that after seven days in detention he could “barely walk” and had broken ribs and a broken kneecap.

The wife of a man whom Russian forces detained for four days, following a house search in early July, said his captors beat her husband with a metal rod, used electroshock on him, injured his shoulder, and gave him a concussion.

Describing the pervasive fear, one journalist in Kherson said: “You don’t know when they’ll come for you and when they’ll let you go.”

Former detainees described being blindfolded and handcuffed for the entire duration of their detention and being held with very little food and water and no medical assistance. Russian personnel forcibly transferred at least one civilian detainee to Russian occupied Crimea, where he was forced to carry out “corrective labor.”

In several cases, Russian forces released detainees only after they signed a statement promising to “cooperate” with the authorities or recorded a video in which they exhorted others to cooperate.

In all but one of the detention cases, Russian forces did not tell families where their loved ones were being held, and the Russian military commander’s office provided no information to families seeking it.

The laws of war allow a warring party in an international armed conflict to detain combatants as POWs and to intern civilians in noncriminal detention if their activities pose a serious threat to the security of the detaining authority. Arbitrary detention, unlawful confinement, and enforced disappearances are all prohibited under international humanitarian law and may amount to or involve multiple war crimes. Torture and inhuman treatment of any detainee is prohibited under all circumstances under international law, and, when connected to an armed conflict, constitutes a war crime and may also constitute a crime against humanity.

For civilians, the risk of arbitrary detention and torture under occupation is high, but they do not have a clear option to leave to Ukrainian-controlled territory, Human Rights Watch said. For example, the journalist in Kherson told Human Rights Watch, “I have my own Telegram channel, I’m in their database, I had to go into hiding. I’ve been warned that they can come for me at any time. I don’t risk leaving because I’m on their [blacklist].” Thirteen people who did leave described harrowing trips through numerous Russian checkpoints and detention.

In an interview with Human Rights Watch, Tamila Tasheva, permanent representative of the Ukraine president in Crimea, who also monitors the situation in newly occupied areas in southern Ukraine, said that Ukraine’s authorities cannot verify the exact number of enforced disappearances in Kherson region. She said that human rights monitors estimated that at least 600 people had been forcibly disappeared there since February 2022.

“Ukrainians in occupied areas are living through a hellish ordeal,” Gorbunova said. “Russian authorities should immediately investigate war crimes and other abuses by their forces in these areas, as should international investigative bodies with a view to pursuing prosecutions.”

Russian forces invaded Kherson region, on the Black Sea and Dnipro River, on February 25, 2022, and on March 3 claimed to control its capital, Kherson. It was part of a broader invasion and occupation of Ukraine’s coastal south, which includes Melitopol and Berdyansk, cities in Zaporizhzhia region, and ultimately Mariupol, in Donetsk region.

Ukrainian forces have started preparing a counteroffensive to retake occupied coastal areas, Ukraine’s defense minister said in July. On June 21, an official in the Russian occupation administration stated that a “referendum” on Kherson region “joining Russia” was planned in the fall.

From the start of the occupation, Russian military targeted for detention or capture not only members of Territorial Defense Forces, who should be treated as POWs under international humanitarian law, but also local mayors and other civil servants, police officers, as well as participants in anti-occupation protests, journalists, or others presumed to have security-related information or to oppose the occupation.

Over time Russian forces also started to detain people, apparently at random, according to numerous sources. They also targeted community volunteers who distributed food, medicines, diapers and other necessities, all in very short supply in Kherson, to people in need.

For this report, Human Rights Watch interviewed people in person in Kyiv, Lviv, Dnipro, and Zaporizhzhia, and also conducted interviews by telephone.

On March 27, Russian forces captured, held, and repeatedly tortured three members of Kherson's Territorial Defense Forces, Vitali Lapchuk, a commander; Denis Mironov, his deputy; and a Territorial Defense Forces volunteer "Oleh" together with a civilian, "Serhii," whose real names are withheld for their protection. Mironov, 41, died from injuries inflicted during beatings in detention. Lapchuk's body was found on May 22 in the bay in Kherson, his arms bound, and a weight tied to his legs. Oleh, who was injured from torture, was part of a prisoner exchange with Russian POWs held by Ukraine on April 28.

Denis Mironov and Oleh

"Oleh," a Territorial Defense Forces volunteer, said that he was to meet Mironov and Lapchuk on the morning of March 27, but when he went to the appointed place, he did not see them. As he was about to leave, two men in civilian clothes approached him. They knocked him down and handcuffed him, then led him around the corner, where he saw three more men, whom he believed to be Russian Federal Security Service (FSB) agents, uniformed, heavily armed, and wearing balaclavas. Mironov and Lapchuk were standing against a wall, in handcuffs.

The FSB agents took the three men to the former National Police Directorate building in Kherson on 4 Liuteranska Street (formerly Kirova Street).

Oleh said that on the first day, he was blindfolded and interrogated for 12 hours, and that the agents beat him, gave him electric shocks, and tried to suffocate him with a plastic bag. "It's impossible to say how many times they tortured me, because you lose all track of time," he said. Eventually, he, Mironov, and Serhii, ended up in the same room. The agent knocked Oleh down. He said his blindfold shifted, and he could see the agents hit Mironov several times in the face and kick him in the groin. They took off Mironov's trousers and beat him with a rubber club. "His body just turned into a blackened mess," he said.

After more questioning, the agents took Oleh to a basement cell, where, approximately 30 minutes later, three men brought in a detached door and threw it on the floor. Two soldiers "practically carried in Denis [Mironov] ... he was very badly injured ... They lowered him down onto the door. He lay down and didn't move anymore."

The next day the men were taken to another building in the complex, which had been a temporary detention facility, and placed them in different cells. After about four days, Oleh was transferred to a larger cell. He had seen the date on an FSB agent's watch, which he recognized as his own. He kept track of time by sticking pieces of chewed chewing gum on the wall.

On April 6, Oleh was transferred to yet another cell, together with Mironov.

"Denis was in pitiable state ... He spoke in a whisper, one word at a time ... could not finish a sentence. He groaned, he could not cough, it was obvious that his chest was pierced, and his ribs were pressing on his lungs. He could not lie down properly ... he could only sit."

Russian personnel brought three cans, 250 grams each, of army rations every two days, for all five people in the cell. "They always took out chocolate and meat beforehand so only gave us these cans and some dry biscuits," Oleh said. "I have not seen a piece of bread once that whole time. We all lost a lot of weight. Denis could eat only apple sauce ... We spoon-fed him ... For 22 days without any medical attention, he was slowly dying."

At one point, Oleh's captors forced him and two others to state on camera, with the flags of Ukraine and the far-right wing militant group, Right Sector, in the background that "the Territorial Defense Force in Kherson no longer exists, but there are still patriots, and everyone should fight." "Later I realized they posted this video on social media, to see who would post likes and comments, [to entrap people]," he said.

On April 18, Oleh, Mironov, and the other cellmates were transferred to Sevastopol, in occupied Crimea. The next day, Mironov was taken to a hospital. "I was relieved ... but it was too late for him," Oleh said. Oleh was exchanged on April 28.

He said that seven of his ribs had been broken and were not yet healed when he spoke with Human Rights Watch on July 9. Most of his teeth were broken and at least six were missing: "I have a concussion. I continue to have severe headaches. All of our limbs were beaten ... All of our backs, hips, buttocks, shoulders ... were blue [from beatings]. Everyone's kidneys had been beaten, so we peed pink."

In a separate interview, Ksenia Mironova, Denis's wife, told Human Rights Watch that on April 8, after Mironova left Kherson, an acquaintance called her and said a man had brought her Denis' watch, and said that he was being held at the facility on Liuteranska Street (formerly Kirova Street), that he had chest injuries, could not walk, and had to be spoon-fed. Mironova wrote to the facility, which responded that no such person was there. After she learned he had been transferred to Sevastopol, she tried unsuccessfully to get information from Crimea about him.

On May 24, Mironova said, the Mykolaiv police phoned her to say Denis had died in the hospital. Oleh identified the body, upon Mironova's request. He said that "the date of death was written in green antiseptic on his leg: 23.04." The death certificate, issued by Ukrainian authorities who received the body and which Human Rights Watch reviewed, states the cause of death as "blunt trauma to the rib cage – hemothorax."

Oleh also said that Serhii, who had been detained with him, and the two other men, one of them also a civilian, were severely beaten in detention, and that he saw Serhii with bruises and cuts on his head. He was released on April 5.

Death of Vitali Lapchuk

Lapchuk, 48, was not taken to the basement with the others on the day they were detained. Lapchuk's wife, Alyona, a local businesswoman, said that at around 1 p.m. on March 27, she was at her mother's house with her mother and her eldest son, when three vehicles emblazoned with the letter Z drove up to the house.

"My husband called me, and said 'Open up, they're going to take the weapons.' I opened the door, and I almost passed out. His jaw was all black, broken, his eyes' blood vessels were broken. His face was striped with rifle blows. ... There were nine armed men with him. Vitali told one of them, 'You gave me your word as an officer that [if I gave up the weapons] you won't touch my family.'"

The armed men took Lapchuk to the basement, where the weapons were. Alyona could hear them beating her husband. Her mother, she said, got a Bible and started praying and weeping. When they brought Lapchuk back up from the basement, she said she could see blood coming out of his cheek and based on her previous experience as a medical worker, believed that he had a cheekbone fracture.

The armed men put bags over the heads of Lapchuk, Alyona and her son, and took them to the police station on Liuteranska Street (formerly Kirova Street), where they held them for several hours. "They asked me if I was a fascist ... I told them that my grandfather was Jewish and that I was Ukrainian. They said, 'there is no such country.'"

All the while Alyona and her son could hear them beating and interrogating her husband in the next room. "I told them if they thought he did something wrong, there are courts for that, but you can't just beat a man to death," she said. "I could not believe what was happening."

Russian soldiers put Alyona and her son in a car and said that Vitali "was a terrorist and would answer to Russian Federation law." The soldiers dumped Alyona and her son under a bridge, and they walked home, arriving at approximately 4 a.m.

Starting on March 28, Alyona searched for Lapchuk. After she learned of Oleh's release, from Crimea, she said she searched all over Crimea, and also Rostov and Taganrog, through her friends and connections in Russia.

On June 9, a pathologist sent her a text, asking her to call the next day. "I knew immediately. I sobbed all night, then I called the prosecutor [in charge of Lapchuk's case] and said, 'I won't survive this, call [the pathologist] yourself.'" The prosecutor later called Alyona, telling her that on May 22, a young man who had been catching crayfish found her husband's body floating, his arms tied, a weight tied to his legs.

"All that time I had been praying that he was alive," she said.

Protesters, Journalists, Activists

Media reported public protests against the occupation in Kherson, Berdyansk and Melitopol, in March, April and early May. Russian forces put some down violently, including in Kherson, using live bullets and wounding some protesters. Two witnesses said that Russian troops aimed for people's legs; one said that he saw a man who was hit in the legs. Russian forces also hunted down community volunteers who distributed aid to people in need.

Human Rights Watch spoke to nine people who organized, participated in, or witnessed the protests or were community volunteers, all of whom had been detained by Russian forces.

Protesters

Kherson

Arkadiy Dovzhenko, 29, a marine biologist from Kherson, said that people in Kherson started protesting in large numbers from the beginning of the occupation and that he joined:

I was just a regular Ukrainian guy. But one day at a protest I picked up the microphone to say: 'Russians, go home.' That's how they heard my voice ... and decided I was the organizer. Then Russian journalists started coming, and we made the decision:

that we will stop them from getting a pretty picture for their propaganda TV.

Dovzhenko described his detention on April 21:

That day they [began] throwing grenades with teargas. They shot people with real bullets. They aimed at people's legs. I saw several guys who had to be carried away, who were shot. There was blood on the pavement.

Russian forces detained Dovzhenko as he tried to run from the scene, and took him, blindfolded and hands bound, to the basement of a police building, and from there to another room:

They hit me with clubs, punched and kicked me. It lasted for several hours ... In about three hours they took me back to the basement. Then they brought me back up. They asked me the same questions. Who organized this protest rally? Who organized other protest rallies? They asked me if I knew anyone at ATO [Ukrainian military and security force operations in Donbas] [and] for addresses [of other] protesters. They also asked me questions about my religion ... told me that Ukrainian Orthodox Christians were terrorists and renegades.

Russian forces held Dovzhenko for seven days, handcuffed and blindfolded for the entire time, interrogating him repeatedly every day. "They gave me water, but it was very bad ... They fed us from their food rations. It was almost nothing."

When they released Dovzhenko, he said, he could barely walk: "I had a brain concussion. I had several broken ribs and a broken kneecap."

Dovzhenko left Kherson in May, but it took three days of harrowing travel through numerous Russian checkpoints to get 200 kilometers to safety in Kryvy Rih.

City in Kherson Region (name of the city withheld for security reasons)

A local municipal deputy from a city in Kherson region who participated in protests said that around June 7, Russian forces searched his home, beat him for two hours with a baseball bat, and held him, blindfolded, for 36 hours in a cell at a makeshift detention center at a children's summer camp. They filmed him against his will stating he had agreed to become an FSB informer. They released him 24 hours later, threatening to hold him indefinitely if he did not stop protesting and doing volunteer work. After they returned to his home several more times to harass him, he fled the country.

"Anton," Berdyansk

On March 18, Russian forces detained a protest organizer "Anton" in occupied Berdyansk at a traffic intersection, while he was delivering aid to people in the community. Anton told Human Rights Watch that they drove him, blindfolded and handcuffed, to what he believed was a local police station. The Russian forces asked him whether he was a protest organizer, and when he said no, they hit him with his shoe, knocking him over, and kicked and punched him for several minutes. "I told them I was not a protest organizer, just a patriot of my country, Ukraine. They said, there is no such country."

The Russian forces made him take off his jeans, taped his legs together and continued beating him. They administered electric shocks through clips they attached to his earlobes, at first for a few seconds, then for up to 20 seconds, while asking questions about protests and his volunteer work. "Everything went dark and I saw orange spots," he said. "They took an automatic [weapon] and pointed it at my groin and told me to prepare to die."

After 90 minutes, they led him to a cell, where, he said, he coughed up blood for three hours. On his third day in custody, Russian security personnel blindfolded him and took him to the facility's second floor, where they made him read on camera a statement they had written, that he had organized protests, urging people not to attend protests, and to trust the new authorities.

They warned that if he did not do the recording, they would detain his son and grandson. "One man held the [text], one filmed, and a third stood behind the camera with his automatic pointed at me. They made me read it twice, as they didn't like the first one." Russian forces released him after holding him three days in detention.

He sought medical help for numerous bruises, broken blood vessels in his eyes, and leg injuries. He left on April 5 for a city under Ukrainian control, where he was hospitalized and treated for the injuries, mainly to his ankles. "The soft tissue was crushed. I had about 20 centimeters of [swelling] under the skin and [was at risk of] gangrene. The [doctors] removed it and I had a skin graft. I lay in bed for 22 days without getting up [and] was discharged on May 18."

Journalists and Volunteers

Novaya Kakhovka

On March 12, Russian forces detained and held incommunicado Oleh Baturin, a journalist from Kherson region. Baturin told Human Rights Watch that on the morning of March 10, he received a message apparently from his friend, Serhyi Tsyhupa, a former Donbas veteran, asking to meet. When Baturin did not see Tsyhupa at the rendezvous point in Kakhovka, a nearby town, he started walking away. Several men in military garb ran toward him: “They screamed for me to get on the ground, handcuffed me and pulled the hood of my jacket over my head so I could not see anything. They didn’t say who they were, did not tell me what I was accused of or why I was being abducted in this manner.”

The military took Baturin to a local administrative building, where they questioned and beat him: “They told me I was done with [journalism] and threatened to kill me.” Then they took him to the Kherson city police station, where he was questioned again. “All the while I could hear people screaming somewhere nearby and I heard shooting from automatic weapons.” Baturin spent the night in an unheated room at the police station, handcuffed to a radiator. The next day he was taken to a pretrial detention facility in Kherson, where he was questioned every day until his release on March 20.

Tsyhupa is still missing. His wife, Olena, said that witnesses saw him being detained at a checkpoint. A passerby found Tsyhupa’s dog, who was with him the day he disappeared, tied up outside city hall.

Snihurivka

On April 6, Russian forces detained Yurii, a Baptist pastor, at a checkpoint in Snihurivka, in Mykolaiv region, near the administrative border with Kherson region, where he had purchased food, medicines, and other basic items for the community in Kherson. After finding several photos on his phone of Russian military equipment, taken in the first days of the invasion, they drove him to a police lock-up.

They held him for six days, in a small freezing cell with no electricity, little food, and barely any water. They questioned him about his involvement in protests and his role as a priest in encouraging people to protest. They confiscated his car, with US\$2,000 worth of medicines and humanitarian aid, and what he said was \$6,000 of his own money. Russian soldiers at the checkpoint told Yurii that his car was with the FSB in Kherson. He was released under condition that he continue delivering aid to Kherson and pass on information about Ukrainian checkpoints to Russian forces.

Yuri fled Kherson with his wife the next day.

Local Officials, Civil Servants

In newly occupied areas, Russian authorities arrested numerous elected officials, business owners, community activists and people with influence, including the mayor of Melitopol, the mayor of Kherson city, and heads of local administrations. Tasheva, the Ukraine president’s representative, said that as of June 28, among the 431 cases of unlawful detention that Ukrainian law enforcement agencies had opened were six involving mayors of cities in the Kherson region, the heads of three local territorial administration units, 17 regional and local council members, and 43 law enforcement officials. She said 162 were still in detention.

Human Rights Watch documented cases in which a former municipal volunteer, a former policeman, and a head of a regional administration were either detained, or whose family members were unlawfully detained, apparently to pressure them. One remains in custody.

Russian forces in Kherson detained a 36-year-old former policeman on May 27, after they searched his house and found his police uniform and his father’s hunting rifle, his wife said. The man had worked on the police hotline.

The man’s family went every day to the military commandant’s office but were given no information on his whereabouts. “They told us that ... that someone was ‘working on him,’” his wife said. Eventually she started going to the pretrial detention center, where on the 28th day of her husband’s detention, a guard accepted the food parcel she had brought for him. Her husband was released on July 12. His wife did not wish to discuss his physical condition, aside from noting that he bore “marks of physical violence.” “You know how they torture people there,” she said.

On April 8, Russian forces detained Vladyslav (Vlad) Buryak, 16, at a Russian checkpoint in Vasylivka, about 70 kilometers from Melitopol, as he was attempting to get to Zaporizhzhia, said his father, the head of Zaporizhzhia regional administration. The father had left Melitopol earlier fearing for his safety, but his son refused to leave because his grandfather was ill and could not travel.

As the soldiers checked passengers’ documents, one of them saw Vlad looking at his phone. They demanded to see it and found several pro-Ukraine Telegram channels on it. One of the soldiers told Vlad to get out of the car, pointed a gun at him and asked if he should shoot him on the spot. The military interrogated Vlad for three hours and, upon discovering who his father was, took him to a police holding facility in Vasylivka, where they kept him in a solitary cell. Buryak told HRW that while in detention, his son was forced to wash the bloodied floors in the facility, including in empty cells, “where Ukrainian

[military] were tortured.”

After Vlad spent 48 days in detention, the Russian military transported him to a hotel in Melitopol, where he was held for an additional 42 days, but had regular access to a phone and was able to contact his family. On July 7, Vlad was released.

On June 30, armed Russian forces detained 40-year-old “Alina” and her ex-mother-in-law at Alina’s former husband’s house near Kherson, where they all had been staying since the invasion, Alina’s sister said.

The sister said she believes they were detained because of Alina and her former husband’s participation in the Kherson municipal guard, a community police force set up for a short period of time following the Russian occupation to address looting and destruction. The sister said she believes that the Russian forces have a list of all the participants and have detained many of them.

The soldiers detained Alina and her ex-mother-in-law and forced Alina to leave her 6-year-old son with a neighbor. The authorities released Alina the following evening, but her ex-mother-in-law remained in detention at the time of the interview. Alina delivers clean clothes and medicine to the facility for her ex-mother-in-law’s diabetes and liver problems. She said her ex-mother-in-law’s soiled clothes have blood stains.

Alina told her sister that she believes they are holding her ex-mother-in-law until her son, Aiyana’s former husband who managed to leave Kherson, returns to Kherson and they can detain him.

Other Enforced Disappearances, Unlawful Detentions of Civilians

Human Rights Watch documented 13 additional cases in which Russian forces apparently forcibly disappeared civilians, 12 men and a woman, in Kherson region. Russian forces in most cases did not tell families where their loved ones were being held and provided no information when the relatives inquired. Several were beaten in detention and one was unlawfully transferred to Crimea for “corrective labor.” Family members said none of them participated in the military.

Failure to acknowledge a civilian’s detention or to disclose their whereabouts in custody with the intention of removing them from the protection of the law for a prolonged period, constitutes an enforced disappearance, a crime under international law, and when committed as part of an attack against the civilian population can constitute a crime against humanity.

Still Forcibly Disappeared

“Yurii,” 43, Kherson

On May 26, Russian forces detained a local businessman “Yurii,” 43, in the parking lot of Kherson’s central market. His stepdaughter said that on July 14 her mother filed an appeal with the Russian military administration, who told her that Yurii was alive and that his case was “under review” but did not say where he was held.

At the end of June, a man contacted her mother, the stepdaughter said, and said he had been Yurii’s cellmate in a makeshift pretrial detention facility in Kherson, and that Yurii had spent several weeks in solitary confinement before being placed in the shared cell. He said there were plans to transfer Yurii to Crimea and then to Rostov, in Russia, supposedly on weapons possession charges.

His wife has visited the facility every few days with packages of food and clothing, which guards at the facility accepted but without confirming he was there.

“Bohdan,” 39, Ivanivka

Russian forces detained “Bohdan,” 39, a warehouse manager on April 29 in the town of Ivanivka in Kherson region. He remains missing. His family contacted the Russian occupying authorities but were given no information.

His wife said she had fled the town with their children in mid-March after Russian soldiers searched their house, questioned Bohdan and detained him for several hours. The next-door neighbors called her in late April and said that Russian soldiers came to the house in two cars and took Bohdan with them. Bohdan had called his wife the day before and told her Russian soldiers had taken his car, promising to return it.

“Dmytro,” 54 Ivanivka

On May 5, Russian forces detained Dmytro, 54, in Ivanivka, Kherson region. His daughter said that Dmytro called on May 4 to say he would be staying with neighbors for a while. Other neighbors told her that they saw Dmytro visiting his house on May 5 to feed his cattle, when soldiers arrived, handcuffed Dmytro, and took him away. The neighbors said that Russian forces had taken over the house, who said they knew nothing about Dmytro’s whereabouts and that “as long as we are here, he cannot

come here.”

According to his daughter, Dmytro did not participate in the Territorial Defense Forces and was not a veteran of the war in Donbas..

"Stepan," 49, Oleshky

In the early morning of April 7, a group of approximately 10 armed Russian personnel came to the home of Stepan, 49, a driving instructor, in the town of Oleshky in Kherson region. His daughter, who spoke with her mother afterward, said that her father, mother, and younger sister were at home at the time. The men searched the house and yard, including with metal detectors, saying they were looking for weapons. They separated the family members and questioned them in different rooms. The soldiers referred to one of the men among them by nom-de-guerre “The Wind” (In Russian, Berep)..

They took Stepan away with them in handcuffs, telling him to bring his identity documents and medicines, saying, “You’ll need them, since things will be very bad for you.” Stepan has pancreatitis, an inflammation of his pancreas, and osteomyelitis, a bone marrow infection, and is officially registered as having a disability.

On April 8, Stepan called his wife and his daughter, separately, from detention, saying that he had had a pancreatic attack, but had received medication and food and was not being beaten. His daughter said it sounded as if her father was speaking on a speakerphone. No one in the family has heard from him since.

A friend, acting on behalf of the family, went to the local military administration to ask about her father, the daughter said, but received no information. The family also contacted Ukrainian government agencies and hotlines and a pretrial detention facility in Crimea, without success.

Released

A woman named Mariia said that on June 25, Russian forces detained her husband, 30, a taxi driver, and her brother, 19, a naval academy student, with two other men in a shop in central Kherson owned by Mariia’s mother-in-law. Mariia said that the shop’s security cameras showed 10 to 15 armed Russian soldiers entering the shop, forcing the men to the floor, taking away their phones, and putting bags over their heads before taking them away.

After the detention, Mariia’s mother-in-law went to the local military administration to ask about the men. Officials did not share any information about the men and told her to wait.

They released Mariia’s husband after 7 days, her brother after 13 days, and the other men after three days. She said they were apparently held in the basement of a Kherson pretrial detention facility. Officials beat them and did not provide sufficient food. Mariia said her brother lost 10 kilograms. She said her brother had sent geolocations of Russian positions to Ukrainian intelligence, although Russian forces did not question him about this. During interrogations, the Russian forces asked questions that showed that “they knew everything about the men,” Mariia said. After the men’s release, she, her husband, brother, and mother-in-law left Kherson out of fear for their safety.

"Vasylii," Kherson

Russian forces detained Vasylii at his home on July 4, and held him for four days. His wife said she had been at home with Vasylii, their toddler child, and Vasylii’s parents. Seven Russian soldiers entered the house and told the men to go outside, and the women to go down to the first floor. The soldiers took photos of the family members’ identity documents, searched the house, and detained Vasylii.

In the evening, his family went to the local military administration office to ask about him, but officials gave them no information. Vasylii was released on July 8. He told his wife he had been held in a former pretrial detention center in Kherson. Russian forces beat Vasylii, used electroshock on him, beat him on his legs with a metal rod, injured his shoulder, and gave him a concussion, his wife said. He still has headaches and nightmares. When they interrogated him, Russians knew everything about him and his family, his wife said.

After his release, Russian forces told Vasylii they would come back to check in on him in three weeks. The family fled Kherson, fleeing for their safety. They have no idea why he was detained, but Vasylii was not in the Territorial Defense Forces, did not participate in the war in Donbas, nor in the pro-Ukraine demonstrations, according to his wife. His wife also told Human Rights Watch that Russian soldiers came to Vasylii’s car repair shop sometime in early April and demanded a payment of 5,000 hryvnia (\$US169) to continue running the shop or to repair their cars for free. His wife said that Vasylii gave them the money and they left.

“Valentyn,” 48, Chaplynka

On June 8, 48-year-old Valentyn left his home in a village of Chaplynka, in Kherson region, about 50 kilometers from the administrative border with Russian-occupied Crimea, to go shopping and did not return. Valentyn's daughter said that his mother, who is in her 70s and whom he cared for, looked for him on June 9 at the local police station, where Russian occupation officials told her he was detained "for drugs," but did not say where they were holding him. They told her that she should move to a nursing home.

The mother went to the police station daily, and eventually was allowed to see her son. She told the daughter that Valentyn was "all beaten, very thin." On a subsequent visit, the staff told her that he had been taken to Crimea. Russian authorities released Valentyn about a month after his initial detention, on July 4 or 5.

His daughter said that Valentyn told his family that he had been beaten and had been sent to Crimea for two weeks for "corrective labor." Authorities did not return his identity documents and bank cards, and barred him from leaving the village. His daughter said Russian personnel allegedly detained several other villagers also on June 8, but she had no further information about them.

Legal Obligations

All parties to the armed conflict in Ukraine are obligated to abide by international humanitarian law, or the laws of war, including the Geneva Conventions of 1949, the First Additional Protocol to the Geneva Conventions, and customary international law. Belligerent armed forces that have effective control of an area are subject to the international law of occupation found in the Hague Regulations of 1907 and the Geneva Conventions. International human rights law, including notably both the International Covenant on Civil and Political Rights and the European Convention on Human Rights, is applicable at all times.

The laws of war prohibit attacks on civilians, forced transfers of civilians, summary executions, torture, enforced disappearances, unlawful confinement, and inhumane treatment of detainees. Pillage and looting of property are also prohibited. A party to the conflict occupying territory is generally responsible for ensuring that food, water, and medical care are available to the population under its control, and to facilitate assistance by relief agencies.

The Third Geneva Convention governs the treatment of prisoners of war, effective from the moment of capture. This includes obligations to treat them humanely at all times. It is a war crime to willfully kill, mistreat, or torture POWs, or to willfully cause great suffering, or serious injury to body or health. No torture or other form of coercion may be inflicted on POWs to obtain from them any type of information.

Anyone who orders or commits serious violations of the laws of war with criminal intent, or aids and abets violations, is responsible for war crimes. Commanders of forces who knew or had reason to know about such crimes, but did not attempt to stop them or punish those responsible, are criminally liable for war crimes as a matter of command responsibility.

Russia and Ukraine have obligations under the Geneva Conventions to investigate alleged war crimes committed by their forces, or on their territory, and appropriately prosecute those responsible. Victims of abuses and their families should receive prompt and adequate redress.

Ukraine app captures thousands of videos that could help prosecute Putin (The Guardian)

By Haroon Siddique
July 25, 2022

More than 13,000 pieces of footage from the Ukraine conflict have been captured by an app, which could help to prosecute Vladimir Putin and other Russian political or military leaders at the international criminal court.

The eyeWitness to Atrocities app enables people to take pictures or video with the time, date and location recorded to prove their authenticity. They are then stored encrypted so they cannot be edited, enhancing their evidential value.

The amount of content submitted to the app, which launched in 2015, has risen exponentially this year.

Wendy Betts, the director of the UK-based charity eyeWitness, said the footage from Ukraine was equivalent to about three years' worth of content globally that they have seen in the past.

With the international criminal court (ICC) investigating possible war crimes or crimes against humanity in Ukraine, the evidence could prove crucial.

"That's certainly the hope," said Betts. "Of the 13,000 pieces that we have, the indicia of them is that they're prime facie potentially criminal conduct. There are civilian objects and things that have had been destroyed and other types of potential

war crimes. And so the job now is to marry that up with the lines of inquiry that each of these investigative mechanisms are going to take and combine it with what other evidence that they have and then hope that that will corroborate and help strengthen those cases.”

Betts said eyeWitness has had contact with ICC investigators for years and this was continuing regarding the conflict in Ukraine.

The app was developed by the International Bar Association and the legal data firm LexisNexis in response to the proliferation of citizen journalists and footage recorded on smartphones and the challenge of verification.

It increases the likelihood of footage being admissible as evidence by ensuring it cannot be altered from the point it is taken – no uploads to the app are permitted – until it is used.

A roster of 40 lawyers from big London law firms working pro bono write a description of the footage to make it word-searchable.

Evidence gathered using eyeWitness was used for the first time to secure convictions at a military tribunal in the Democratic Republic of the Congo in 2018, relating to a 2012 massacre.

Photos of the aftermath captured at the time were difficult to verify and so their evidential weight was limited, but five years later eyeWitness technology captured verifiable photos and videos, including of mass graves and injuries of surviving victims, that helped corroborate the historical photos and witness testimony.

To date, eyeWitness has submitted 28 dossiers to investigative bodies around the world, including material relating to Ukraine, Palestine and Nigeria. International investigations can progress slowly but Betts hopes the app can help change that.

“One of the ideas behind this was always can we help accelerate the time to investigation and trial because you have a more immediately available body of evidence,” she said. “I do think that these technological advances that are being brought to bear in Ukraine really are helping that process.”

While historically eyeWitness has tended to work with civil society groups – as in Ukraine where it has been working with organisations in the Donbas since 2017 – when the conflict began it pushed out the app to the general public, which has helped boost submissions.

“I think what we’re seeing in Ukraine is the original ideas behind eyeWitness kind of coming to fruition,” said Betts.

Russia: Charging 92 members of Ukraine’s military with ‘crimes against humanity’ brazenly undermines fair trial rights (Amnesty International)

July 25, 2022

Responding to the news that 92 members of the Ukrainian armed forces have reportedly been charged with “crimes against humanity”, Denis Krivosheev, Amnesty International’s Deputy Director for Eastern Europe and Central Asia, said:

“In charging these 92 members of the Ukrainian armed forces in proceedings that lack transparency and rely on, and seek to feed, misinformation, the Russian authorities have once again revealed their brazen disregard for international fair trial rights and international humanitarian law.

“The Geneva Conventions clearly state that prisoners of war, including members of armed forces, are protected from prosecution for taking part in hostilities. If individuals are to be charged with alleged crimes against humanity, there must be sufficient evidence to support such a claim. The Russian authorities have shared no evidence to support these charges. Instead, they deployed disinformation blaming Ukrainian forces for acts such as the destruction of the Mariupol theatre, a civilian building shattered by a deliberate Russian attack.

“If the Russian authorities try prisoners of war on these charges, they will violate the Third Geneva Convention. Willfully depriving a prisoner of war of fair trial rights constitutes a war crime. The Russian authorities must only prosecute prisoners of war if there is genuine, admissible evidence of war crimes or crimes against humanity, in which case they must be afforded their right to a fair trial in accordance with international standards.”

Background

Alexander Bastrykin, the head of Russia’s Investigative Committee, told government newspaper Rossiiskaya Gazeta on Monday that Russian authorities had enacted more than 1,300 criminal investigations against more than 400 Ukrainian nationals. He added that at least 220 individuals are suspected of committing “crimes against the peace and security of humanity”, while 92 members of the Ukrainian forces have reportedly already been charged.

The news follows a case in early June when a separatist “court” in Russia-occupied Donetsk ordered the death of two captured British nationals and a captured Moroccan national.

Ukraine is also carrying out investigations into tens of thousands of war crimes, and war-related crimes, allegedly committed by Russian soldiers. The speed of at least one such trial, which resulted in May in the conviction of Vadim Shishimarin, a 21-year-old Russian soldier who killed a 62-year-old civilian in the first days of the war, has raised concerns over fair trial rights.

Ukraine wants big banks to be prosecuted for ‘war crimes,’ Zelenskyy’s top economic aide says (CNBC)

By Sumathi Bala

July 26, 2022

Major U.S. and European banks should be prosecuted for “committing war crimes” over their financing of trade with the Russian regime, according to a top aide to Ukraine president Volodymyr Zelenskyy.

Oleg Ustenko, economic advisor to Zelenskyy, said the Ukrainian government believes banks, such as JPMorgan, HSBC and Citi, are aiding the Kremlin’s war efforts in Ukraine through financing companies that trade oil with Russia.

“Everybody who is financing these war criminals, who are doing these terrible things in Ukraine, are also committing war crimes in our logic,” he told CNBC’s Hadley Gamble Tuesday on “Capital Connection.”

JPMorgan, HSBC and Citi did not immediately respond to CNBC’s request for comment on those allegations.

Asked directly if he wants to see these banks prosecuted for war crimes, Ustenko said: “Exactly.”

Ustenko said Zelenskyy believes these banks should be held accountable for prolonging the conflict and the war on Ukraine.

His comments came in response to a FT report last week, which said that Ukraine’s government wrote to the chiefs of U.S. and European banks — such as Jamie Dimon from JPMorgan and Noel Quinn from HSBC — urging them to cut ties with the groups that are trading Russian oil.

In letters seen by the FT, Ustenko wrote to the bankers asking them to cut off financing for businesses that trade Russian oil and sell shares to Gazprom and Rosneft, two of Russia’s state-backed oil and gas companies.

According to the FT, the letters accused Citigroup and Credit Agricole of “prolonging” the war by providing finances to companies that ship Russian oil. The letters also reportedly warned the banks will not be allowed to take part in the reconstruction of Ukraine when the war is over.

CNBC did not immediately hear back from Credit Agricole when asked about those allegations.

Ukraine’s government is gathering all the evidence to send it to the International Criminal Court, Ustenko told CNBC.

“We are collecting all these information” in terms of companies that are financing Russia, he said. “Our Ministry of Justice and our security service of Ukraine are collecting. And then later, this is going to be passed to the ICC,” he added.

This isn’t the first time that Ukraine has gone after Western companies for having business dealings with Russia.

In March, the government was highly critical of big oil companies for still doing business with Russia, and warned that some of those firms could find themselves on the wrong side of history.

Ustenko said the war has taken a significant toll on Ukraine’s economy since Russia’s invasion began on Feb. 24.

“Currently, we are expecting that the Ukrainian economy is going to show a decline on the level of around 35-40%, which is a huge decline,” he said.

He said the decline was because nearly 50% of the businesses “are not operational now or not able to operate at full capacity.”

“When the economy is declining, then the budget revenues are decreased. Again the reason for that is the Russian invasion,” he added.

Destroying the Environment Is a War Crime, Too (Foreign Policy)

By Eugene Z. Stakhiv

July 27, 2022

Each month, the scope and scale of Russia’s atrocities in Ukraine expand almost

exponentially. There are now millions of refugees, tens of thousands of deaths, and a devastated Ukrainian economy that the World Bank estimates will contract by 45 percent by the end of the year. Russia's Dresden-level infrastructure destruction has created a humanitarian crisis in Ukraine, with widespread poverty, misery—and grave long-term human health consequences.

Beneath the human and socioeconomic catastrophe is an evolving array of environmental disasters that will afflict Ukraine's ecosystems for generations to come.

Environmental damage falls under two broad categories, both of which are relevant in Ukraine: the direct adverse impacts on ecosystems and ecological bioreserves, and the associated human health effects on populations dependent on the services of the environment for the air we breathe, the water we drink, and the food we eat.

The wanton destruction by constant indiscriminate Russian artillery volleys and missiles includes energy infrastructure, oil storage tankers, oil refineries, drilling platforms, gas facilities, gas distribution pipelines, mines, industrial sites, agro-processing facilities, wastewater treatment plants, water supply treatment facilities, pumping stations, and other pipelines.

Most prominently, according to U.N. Environment Program reports, nuclear facilities have been damaged, as well as nuclear waste disposal sites and other sites storing hazardous and toxic chemicals. After each flood and heavy rainfall, these toxic chemicals infiltrate into groundwater and spill over into Ukraine's waterways. These destroyed sites will become Ukraine's equivalent to the nearly 1,900 toxic Superfund sites scattered around the United States.

Hundreds of industrial facilities, warehouses, and factories have also been damaged, some storing a range of hazardous substances ranging from toxic chemical solvents to ammonia and plastics. Hazardous substances have been released from explosions in agro-industrial storage facilities, including fertilizer and nitric acid plants. Billowing clouds of orange noxious fumes could be seen for miles after attacks on such chemical plants. These poisonous gases are extremely hazardous to humans and livestock.

War, an anarchic and lawless activity, is nonetheless superficially governed by international conventions, such as the Geneva Conventions, which prohibit drastic and permanent damage to the environment. Under certain circumstances, the International Criminal Court considers such actions as war crimes.

For example, during the first Gulf War in 1991, Iraq set fire to hundreds of oil wells in Kuwait and dumped millions of gallons of oil into the Persian Gulf. Kuwait sought reparations from Iraq. Because there were numerous U.N. Security Council censures on which to build a case, the U.N. Compensation Commission ordered Iraq to pay nearly \$53 billion for the damages it caused, a part of which went for environmental and human health related damages.

The problem is that international environmental laws are vague and largely unenforceable by the U.N. system. The International Criminal Court tries individuals for war crimes. Ukraine's case, which is unable to rely on censures from the Security Council due to Russia's veto power, would have to go through the U.N. International Court of Justice. And, in any case, it would be difficult to separate Ukraine's prior diffuse environmental degradation during the Soviet era from current wartime damages.

Work is underway at the U.N. to better define a set of legal principles that would guide future prosecution. A division of the U.N. called the International Law Commission has developed a set of 28 nonbinding principles that clarify how international war laws apply to the environment and the conduct of invading and occupying forces, as well as responsibility for post-conflict reparations and reconstruction.

The recent U.N. International Law Commission Report on protection of the environment in relation to armed conflicts covered many of the causes of environmental harm during a conflict. A great many directly address Russia's clear culpability in destroying Ukraine's infrastructure and its environment.

For example, Draft Principle 17 on protected zones states that "An area of major environmental and cultural importance designated by agreement as a protected zone shall be protected against any attack, as long as it does not contain a military objective." Russian forces stationed in the Black Sea Biosphere Reserve, along the southern coast near Kherson, caused fires that could be seen from space.

Documentation of such war crimes is essential. To that end, on April 21, Ukrainian President Volodymyr Zelensky established a National Council for the Recovery of Ukraine from the War. A working subgroup on environmental security has been formed within the council and is headed by Minister of the Environment Ruslan Strilets. As a first step, the environmental security group is recording all cases of environmental crimes by the occupying Russian forces, aiming to seek future compensation for damages in international courts.

When Russia invaded the Donbas region in 2014, it included the provinces of Donetsk and Luhansk, which are at the center of Ukraine's coal-mining and industrial region. At that time, the separatist administration shut down and abandoned many coal mines. As a consequence, many mines were flooded through normal rainfall, and rising groundwater levels resulted in overflows of acidic mine waters into the receiving rivers.

Acid mine drainage is one of mining's most serious threats to aquatic ecosystems. Without continuous pumping and treatment of mine drainage waters, the acidic waters can devastate rivers, streams, and aquatic life for more than a generation.

Destroyed wastewater treatment plants are spewing raw sewage into Ukraine's rivers, and the Russian devastation of Mariupol, centered on the Azovstal steel plant, poses a grave threat to the nearshore coastal ecosystems of the Sea of Azov. The siege of Mariupol began on March 2 and ended May 20, when the remaining Ukrainian forces at Azovstal surrendered. During that time, the Azovstal plant was bombarded mercilessly, destroying all the ground-level infrastructure, along with chemical storage facilities and waste disposal sites. Toxic chemicals have leaked from those sites into the groundwater and the Sea of Azov.

Wastes from iron ore processing and smelting generate a broad array of toxic chemicals and waste byproducts called slag. Under the best of circumstances, the treatment, disposal, and storage of such waste imposes a wide spectrum of environmental hazards and human health risks, if not managed properly. Neglected and unmanaged toxic waste disposal areas that have been collaterally or intentionally damaged by heavy shelling greatly amplify those ecological risks.

On May 18, the Mariupol City Council said that a leak from a waste storage facility at the Azovstal plant could result in thousands of tons of concentrated hydrogen sulfide solution ending up in the surrounding waters, potentially causing an ecological catastrophe in the Sea of Azov. The slag and waste storage site sits precariously at the very edge of the sea. The site is enclosed by retaining walls, called berms, that have been weakened by the constant proximate monthslong Russian bombardment and require repair.

When the invasion of Ukraine began on Feb. 24, Azovstal took measures to reduce the potential environmental damage in the event of being hit. Coke oven batteries and blast furnaces were shut down, no longer posing a danger to the residents—though most fled the ensuing bombardment.

But while Ukrainians are doing what they can to curb the damage to environmental infrastructure, Russians will use all means of propaganda and misinformation to deny and deflect attention for their own culpability in these environmental war crimes. Russian propaganda is high-volume, rapid, repetitive, and continuous.

A recent Rand National Defense Research Institute study calls it “the firehose of falsehood” because of two of its distinctive features: high numbers of channels and messages, and a shameless willingness to disseminate partial truths or outright fictions.

A little-known but catastrophic event occurred on Aug. 18, 1941, when the Dnipro hydroelectric power station, located near the Ukrainian city of Zaporizhzhia, was destroyed by the Red Army as it retreated eastward before the advancing German army.

It is estimated that the resulting flood surge from the dam killed as many as 100,000 unsuspecting civilians downstream, who were given no warning to evacuate. The destruction of that dam was one of the war crimes listed at the Nuremberg trial, implicating Germans, although the Soviets were actually to blame. The world cannot allow such blatant falsifications to smear Ukraine when it comes to accounting for Russia's war crimes.

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

MIDDLE-EAST

Grotian Moment: The International War Crimes Trial Blog

Turkey accused of war crimes after latest drone strike in northern Iraq (Morning Star)

By Steve Sweeney
July 19, 2022

Turkey has been accused of war crimes after five people were killed in a drone strike in northern Iraq on Sunday evening as Ankara's 18-month long war continues.

Their vehicle was struck in what appears to be a targeted attack in the Tigris region, west of the city of Mosul.

Five men and a woman were killed and another two people were reported to have been injured.

The Kurdistan Regional Government's counterterrorism unit claimed that those killed were Kurdistan Workers Party (PKK) guerillas.

Nineveh province governor Najm al-Jubouri strongly condemned the drone strike, saying that it destabilised the region, which is rebuilding after shaking off the control of the Isis jihadist movement.

"This attack dangerously jeopardises Nineveh's citizens, and we ask the Iraqi government to protest against such acts by the Turkish government," he said.

Iraq's Foreign Ministry is already investigating a Turkish drone strike that killed several people last month and has warned that appropriate measures will be taken.

In a statement on Sunday, the ministry said that Turkey's continued use of unmanned aerial vehicles was "a threat to the security of ordinary people, several of whom lost their lives and sustained injuries as a result of the attack.

"This attack undermines the security of Iraq and stability of its people and requires a unified stance to be confronted," the statement continued.

The ministry promised to take the "necessary steps after completion of a thorough investigation into the attack."

Turkey launched Operation Claw Lock in April, widening its military operations in Iraqi Kurdistan, where there have been daily bombings since April last year.

Ankara's forces stand accused of a series of war crimes, including the bombing of a United Nations-administered refugee camp, a Yazidi hospital in Shengal and a number of targeted executions using drone strikes.

Evidence of chemical weapons use continues to be ignored by world bodies, with the Organisation for the Prohibition of Chemical Weapons refusing to send a fact-finding mission to the region.

The Morning Star remains the only Western media outlet to have visited the region and spoken to victims, medics and national and regional politicians.

Sunday's attack took place days after a drone strike on a base belonging to the Protection Force of Ezidخان in the Yazidi-populated Shengal district, in which six people were killed, and a 12-year child was killed by a Turkish drone that hit a marketplace in the Snune district of Shengal on Saturday, according to local reports.

[back to contents]

Syria

Russia and Syria conducted dozens of illegal 'double tap' strikes, report says (Washington Post)

By Claire Parker

July 21, 2022

The Russia and Syrian governments have carried out dozens of "double tap" airstrikes on civilians and humanitarian workers in Syria since 2013, according to findings by a Syria-focused rights group, pointing to a pattern of illegal attacks that appears to have continued into Russia's invasion of Ukraine.

The report, published Thursday by the Syria Justice and Accountability Center (SJAC), a U.S.-based human rights group,

identifies 58 double-tap attacks targeting residential areas outside government-held territory between 2013 and 2021. In such attacks, Russia and Syria shell or launch an airstrike targeting a spot where paramedics and civilians are gathered to help the victims of an initial strike.

Syrian and Russian forces conducted the strikes “as part of a larger strategy to punish and regain control of opposition-held areas” during Syria’s more than decade-long civil war, the report alleges.

“Double-tap airstrikes represent the ‘shock and awe’ policy of the Syrian government meant to ruthlessly suppress opposition sentiment and terrorize civilians,” Mohammad Al Abdallah, the SJAC’s executive director, said in a news release. The attacks amount to war crimes, he said.

Researchers used open-source intelligence, including videos and satellite imagery, to verify each strike. Many of the documented double taps occurred in Idlib, a rebel-held province in northwestern Syria, and Rif Damashq, a region encompassing the capital, Damascus, that saw fierce fighting for years.

The attacks represent a “pattern of the Syrian government violating international humanitarian law,” said Nessma Bashi, the report’s lead author. In addition to deliberate attacks on civilians, international law prohibits attacks on medical personnel, hospitals and humanitarian workers — as well as violence that aims to “spread terror among the civilian population.”

The report reconstructs five incidents that highlight the civilian toll of double-tap strikes.

In 2013, civilians working to rescue survivors and unearth bodies from a destroyed housing complex in a suburb of Damascus were hit by another strike. “The civilians rescuing survivors had no time to run,” the report says. “A headless body was carried out from a bombed-out structure.”

Syrian and Russian aircraft repeatedly targeted Syria Civil Defense workers, also known as the White Helmets, in double-tap attacks in the Damascus suburb of Douma in March 2018, the report alleges. The volunteer group, which operates in opposition-held areas, became famous for providing emergency medical care after attacks, digging through rubble to rescue people.

In some cases cited in the report, Bashi said, double-tap attacks killed White Helmets responders as their cameras rolled, capturing evidence of the second strike.

Ismail Alabdullah, an Idlib-based media coordinator for the White Helmets, said he witnessed “tens of double strikes” in Aleppo. Two of his colleagues were killed by a double-tap strike as they responded to an attack in central Aleppo during the brutal siege of that city in 2016, he said.

“I was lucky — I’m still alive now,” he told The Washington Post.

Watchdog groups and journalists have documented double-tap strikes allegedly carried out by Syrian and Russian forces, including one that partly destroyed a hospital supported by Doctors Without Borders in Homs in 2015. U.N. investigators accused Russia in 2020 of carrying out a double-tap attack on a market in Syria in July 2019 that killed at least 43 civilians. But the SJAC says its report provides “the most comprehensive study of double tap incidents” in the conflict to date.

Syrian President Bashar al-Assad’s forces began carrying out double-tap strikes in the early years of the war, according to the report. The attacks intensified after Russia entered the conflict officially in 2015. Laser-guided weapons, such as the Russian-made Krasnopol, wreaked more-widespread destruction.

Russia has deployed this tactic, honed in Syria, in its war in Ukraine, according to reports from international investigators and journalists on the ground. In a March attack in Kharkiv, a Russian missile allegedly hit a regional administration building. A second strike occurred a few minutes later, after rescuers had arrived, according to an April report by the Organization for Security and Cooperation in Europe.

Five civilians were killed in another double-tap strike in Kharkiv the following month, as a Red Cross team tried to administer first aid, the Australian Broadcast Corporation reported.

“Syria was kind of the testing ground for this approach,” Bashi said. “What Ukraine has shown is that double taps are being conducted on a regular basis.”

It’s one of several examples of Moscow pulling from its Syria playbook in Ukraine. In April, Russia tapped Gen. Alexander Dvornikov, a veteran of Moscow’s military operations in Syria, to oversee its operations in Ukraine.

The report’s authors hope their findings will aid efforts to hold Syria and Russia accountable. The SJAC, which collects and analyzes documentation of violations committed by all parties in the Syria conflict, plans to release additional reports in

coming months on rights abuses allegedly carried out by other actors in the war, Bashi said.

Accountability has so far proved largely elusive. Syria is not party to the Rome Statute, the governing treaty of the International Criminal Court, which means the court has limited jurisdiction in Syria. Russia, which withdrew from the ICC treaty in 2016, has obstructed efforts by the U.N. Security Council to refer the Syria conflict to the court.

Still, human rights lawyers have launched a fresh effort to bring war crimes cases involving Syrian officials to the ICC. National courts in Europe, meanwhile, are being used to pursue such cases against Assad's government, through the principle of universal jurisdiction.

Syrians seeking justice see the war in Ukraine as a double-edged sword, Bashi said. "A lot of Syrians were concerned that the media attention and the money was going to be flooded to Ukraine and everyone else was going to be neglected because of this," she said.

But Russia's invasion of Ukraine has also breathed new life into the field of international law and efforts to investigate and prosecute war crimes.

"I would hope this would pull more attention to the importance of accountability efforts across the board," Bashi said. "Certainly we know there are specific members of the Russian military who were involved in Syria and are now key players in Ukraine. If it is the case that those people are held accountable for crimes they commit in Ukraine, we will consider that a win for Syrians."

Syria: After the killing of seven civilians—including four siblings—urgent measures required to protect civilians (Relief Web)

July 24, 2022

The International community, led by the United Nations and its relevant bodies, must take urgent measures to ensure the protection of civilians in northwest Syria from the indiscriminate airstrikes by Russian warplanes, Euro-Med Human Rights Monitor said in a statement.

Russian warplanes recently launched several missiles at residential communities in the villages of Al-Jadida and Al-Yacoubiyah in Idlib Governorate, northwest Syria, which led to the death of seven civilians, including four young siblings.

On Friday morning, 22 July, local sources documented a Russian warplane bombing Al-Jadida and Al-Yacoubiyah, in Idlib's western countryside. According to the Syrian Civil Defense (or the White Helmets), the airstrikes on Al-Jadida resulted in the killing of seven civilians, including five children—four of whom were siblings—and the injury of 13 others. The majority of victims are from one family.

Euro-Med Monitor reviewed photos and clips published by local activists in the aftermath of the incident. The bombing destroyed at least one residential house, from under the rubble of which the bodies of the children were pulled out, looking pale and showing signs of premortem death anxiety. Local sources confirmed that the child victims were siblings, and counted their parents among the injured.

The act may amount to a war crime, as the planes appeared to randomly target densely populated residential neighbourhoods inhabited by displaced people from the countryside of Hama Governorate. The incident is yet another piece of evidence of the abuse of civilians in the armed conflict; many lives could have been saved if the UN and international actors decided to activate the principle of accountability for crimes committed against Syrian civilians.

Since the beginning of this year, Syrian forces and their allies have carried out many aerial and ground attacks on northwestern Syria that have targeted densely populated areas, including residential buildings and service facilities, and have resulted in dozens of deaths and hundreds of injuries. Achieving justice for Syrian victims is still very possible, but requires international will and putting aside all differences that would likely prevent some parties from respecting human values and holding perpetrators accountable.

Euro-Med Monitor criticises the blatant hypocrisy of influential international parties towards the Russian military operations in Syria when compared to the operations in Ukraine. Those parties have condemned the Russian operations in Ukraine and imposed further severe sanctions on Russia, while the same parties continue to take indecisive positions on Russian military operations in Syria, which have caused the death and injury of more than 12000 Syrians since 2015.

The bombing of civilian areas constitutes a clear violation of the rights of protected groups in armed conflicts, as international humanitarian law absolutely prohibits targeting civilians. According to Article 38 of the International Convention on the Rights of the Child, "States Parties shall take all feasible measures to ensure protection and care of children who are affected

by an armed conflict”.

The international community and relevant UN institutions can bring about real change by modifying their handling of human rights violations in Syria—going beyond condemnation towards launching serious and organized efforts to hold accountable those responsible for possible war crimes, and imposing strict sanctions targeting the Syrian regime's ability to continue its inhumane practices.

Euro-Med Monitor calls for much stronger efforts to hold perpetrators of violations in Syria accountable, through adherence to the principle of universal jurisdiction adopted by national courts in Europe, and the filing of lawsuits before these courts against those suspected of participating in the assault on the lives of Syrian civilians or causing them suffering in any way.

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

Yemen

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

Special Tribunal for Lebanon

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

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

Israel and Palestine

UN experts urge Israel to release Palestine child prisoner Ahmed Manasra (Middle East Monitor)
July 16, 2022

United Nations (UN) human rights experts on Thursday urged Israel to immediately release Palestinian prisoner Ahmed Manasra, 20, who was detained at 14 years old and has been suffering serious mental health conditions.

"Ahmed's imprisonment for almost six years has deprived him of childhood, family environment, protection, and all the rights he should have been guaranteed as a child," the UN website reported the experts saying.

"This case is haunting in many respects and his continuous detention, despite his deteriorating mental conditions, is a stain on all of us as part of the international human rights community," the experts added.

The experts included Francesca Albanese, special rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, and Fionnuala Ní Aoláin, special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

In addition, they included E. Tendayi Achiume, special rapporteur on contemporary forms of racism, racial discrimination,

xenophobia and related intolerance and Tlaleng Mofokeng, special rapporteur on the right to health.

"The gut-wrenching scenes of a child with broken bones laying on the ground under a barrage of insults and threats shouted by armed adults in a foreign language; of that very same boy being spoon-fed by unfamiliar hands while chained to a hospital bed and then violently interrogated in breach of human rights norms and principles concerning arrest and detention of a child, continue to haunt our conscience," the experts said.

"To Ahmed we say, we regret we failed to protect you," the experts expressed.

In 2015, then 13-year-old Ahmed and his 15-year-old cousin were accused of stabbing two Israelis in the Pisgat Ze'ev settlement in the occupied West Bank, the UN website explained.

His cousin was shot dead at the scene, whereas Ahmed was hit by a car and sustained serious head injuries while an Israeli crowd jeered at him.

Following his arrest, video footage, widely circulated on media, showed a young, distressed Ahmed being harshly treated and severely interrogated without the presence of his parents or legal representative.

After he had turned 14 years old in 2016, the UN website continued, Ahmed was convicted of attempted murder and sentenced to 12 years in prison, although the law at the time when the crime was allegedly committed in 2015 did not permit the imprisonment of minors under the age of 14.

The sentence was later reduced to nine and a half years. His mental condition has, reportedly, steadily deteriorated, possibly due to the harsh conditions of his detention, the recurrent instances of solitary confinement and, more tragically, the solitude away from his family.

Despite Ahmed's aggravated mental health conditions, Israeli authorities have rejected requests by Ahmed's lawyers for his early release.

Medical reports found that Ahmed suffers from schizophrenia and confirmed the devastating impact of the harsh treatment he was subject to at a young age.

"Solitary confinement of a child for such a prolonged period may amount to torture, prohibited in all circumstances under international human rights law," described the experts.

"Ahmed must urgently receive the necessary mental health care and counselling, especially in light of reports that he has repeatedly put himself at risk of self-harm. Ahmed's case provides clear evidence of Israel's deliberate practices of subjecting Palestinians, including children, to arbitrary detention, torture and inhumane treatment, often disguised as a 'legitimate' counter-terrorism response."

According to the UN website, the experts have been in contact with the Israeli government to raise concerns about Ahmed's case.

As Part of Collective Punishment Policy: IOF Demolish 2 Family Houses of 2 Palestinian Prisoners (Palestinian Centre for Human Rights)

July 26, 2022

Under its collective punishment policy against families of Palestinians accused of conducting attacks against Israeli occupation forces (IOF) or settlers, IOF demolished two family houses of two Palestinian prisoners in Salfit in the West Bank. During the demolition, clashes broke out between Palestinians and IOF; as a result, 4 Palestinians were injured.

According to investigations conducted by Palestinian Centre for Human Rights (PCHR), at around 22:30 on Monday 25 July 2022, IOF accompanied with vehicles, trucks and demolition equipment, moved into Qarawet Bani Hassan village, western Salfit. IOF surrounded 2 family houses of prisoners Yousif Samih 'Asi and Yehia Mohammed Mer'ie, who are both accused of conducting a shooting attack near Ari'el settlement on 03 April 2022 that killed the settlement's security guard. IOF moved into the 2 houses at the same time and forced their residents to leave in order to put the demolition equipment and boxes. At around 00:10 on Tuesday, 26 July 2022, IOF's bulldozers demolished prisoner Samih 'Asi's 2-storey house, where his family of 8, including his wife and 5 children, lives. The demolition continued until 03:00. Meanwhile, IOF planted explosives inside prisoner Yehia Mer'ie's 4-storey house, where a family of 10, including a woman and 3 children, lives, and denoted it in two stages: the first at 07:30 and the second at 08:00. During the incursion and demolition, clashes broke out with Palestinians as IOF fired live and rubber bullets, wounding 4 Palestinians with rubber bullets.

Mohammed 'Awad Mer'ie, Yehia's father, said to PCHR's fieldworker

"IOF suddenly raided our house and informed us to evacuate as they would blow it up in 2 minutes. I told them to give us some time because it is not that easy to evacuate as we have children, an elderly, and medicines. We were not given enough time and could not take anything from the house except for my 86-year-old father's medicine. We could barely take my father out because he does not move while my grandchildren started crying and screaming after being surprised with IOF's raid of the house having demolition equipment and boxes and rendering them homeless at a time like this. Later, they denoted the house, turning it into a pile of rubble."

PCHR condemns the crime of house demolitions that falls within the collective punishment policy adopted by IOF and covered by the Israeli judiciary. PCHR reminds that this policy is internationally prohibited according to Article 33 of the Fourth Geneva Convention, which states that, "No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited." Therefore, PCHR reiterates its call upon the international community to take immediate action to put an end to the Israeli crimes; and reiterates its call upon the High Contracting Parties to the 1949 Fourth Geneva Convention to fulfill their obligations under Article 1; i.e., to respect and ensure respect for the Convention in all circumstances and their obligations under Article 146 to prosecute persons alleged to commit grave breaches of the Fourth Geneva Convention. These grave breaches constitute war crimes under Article 147 of the same Convention and Protocol (I) Additional to the Geneva Conventions regarding the guarantee of Palestinian civilians' right to protection in the occupied Palestinian territory.

Israel's medical permit denial for Gaza's children doubles in past year, warns report (Middle East Eye)

By Huthifa Fayyad

July 27, 2022

Israeli authorities have rejected a third of medical permit requests for Palestinian minors in the besieged Gaza Strip, almost double the previous year, according to new data.

A report by the Tel Aviv-based Physicians for Human Rights (PHR) found that 32 percent of requests to reach either occupied East Jerusalem, the West Bank or Jordan to receive urgent medical care for children were rejected in 2021, compared with 17 percent in 2020.

Out of 2,578 requests, 812 were either denied passage or have had their applications significantly delayed.

Ghada Majadle, director of the occupied territories department at PHR, said Israel was complicit in "a serious and ongoing crime that is harming patients, especially minors".

PHR, which relied on figures provided by the Israeli army through freedom of information requests, said there were several reasons for the spike in rejections, including restrictions put in place as a result of the Covid-19 pandemic and the Israeli bombardment of Gaza in May 2021.

In an 11-day bombing campaign, the Israeli army killed 256 Palestinians, including 66 children, and wounded nearly 2,000, including more than 600 children.

Palestinian rockets killed 13 in Israel, including two children.

The Israeli army turns down permit requests when a minor's guardian's application is rejected based on unspecified security reasons or due to purported errors in the submitted documents.

At times, this compels minors, as young as mere months old, to leave without a parent.

In one case, the permit of a seven-month-old's mother was rejected, forcing the baby's sick grandmother to substitute for her, Majadle told Middle East Eye.

While receiving treatment in Jerusalem, the grandmother's health worsened and she had to return to Gaza, leaving the baby alone in the hospital.

PHR then petitioned for the mother to come in her place, and she was granted entry after a two-day wait.

"Separating children from their parents during treatment has physical and psychological effects on the patients," Majadle said.

According to expert medical opinion, children deprived of their parents' company during treatment respond to medicine

slower and less effectively, she added.

'Arbitrary' permit system Under a 15-year-old Israeli-led blockade and repeated bombing campaigns, health infrastructure in the Gaza Strip has been debilitated.

According to the United Nations, chemotherapy, radiation therapy and PET/CT scans are unavailable.

This leaves patients of the two million-strong Palestinian population, who are in need of vital and life-saving medication, with no option but to seek treatment abroad.

However, Israeli authorities - which control Gaza's airspace, seafont, vehicle and pedestrian access - limit their travel through the Beit Hanoun crossing.

Exceptions are made for what they deem "exceptional humanitarian circumstances".

Between 2008 and 2022, around 30 percent of patient permits were denied or delayed, with applicants receiving no definitive response by the date of their hospital appointment, according to the World Health Organization (WHO).

Of those, 24 percent were cancer patients and 31 percent were children. Between 2018-2021, around 43 percent of children travelled without parents.

WHO also recorded 839 deaths of patients while they were waiting for a permit response from Israel between 2008 and 2021.

In a report published in May, the UN body called on Israel to "end the arbitrary delay and denial of permits for Palestinian patients in need of essential care and ensure unhindered access for patients and their companions throughout the occupied Palestinian territory".

Majadle said that as the occupying power over Gaza, Israel bears the full responsibility for ensuring the welfare of Palestinians in the Gaza Strip and the West Bank.

"It's easier to examine the impact on one segment of society, like children for example," she said. "But it's important to highlight that the entire permit regime by the Israeli authorities impacts the health of everyone in Gaza, and to the same extent in the occupied West Bank."

The scars that don't heal in Masafer Yatta (+972)

By Ali Awad and Emily Glick

July 27, 2022

Palestinians share the stories behind the physical scars inflicted by Israeli settlers and soldiers, of their struggles with survival and grief, and of relearning their bodies in the face of unending violence.

"I lost my life while I'm still alive. Locked in my bed, I am unable to look around my village or into the future."

Harun Abu Aram, 25, lives in an improvised hospital bed in the middle of a desert. He has lived here, in his paralyzed body, for 572 days, ever since an Israeli soldier fired a bullet into his spinal cord. The Abu Aram family, who built the tent in which Harun now lives, spend all of their waking hours working to keep him alive.

The ethnic cleansing of Masafer Yatta, located in the South Hebron Hills in the occupied West Bank, has accelerated in recent months. After a May 4 Supreme Court ruling — which allowed the state to start forcibly expelling Palestinians from eight villages in the area to make way for a military firing zone — bulldozers arrived to raze dozens of homes.

The military also conducted a month-long weapons training, and the state increased the tracking of residents and targeting of activists in the region. The eight villages located within 'Firing Zone 918' are home to over 1,000 Palestinians, all of whom are living through an ongoing violent nightmare.

However, the erosion of safety and stability, and the kind of state violence that paralyzed Abu Aram, has been a constant in Masafer Yatta long before the ruling. For generations, Palestinians have fought to survive against the violent acts of the military and settlers. Explicit state policies — some of which were instituted during the popular uprisings of the First Intifada — helped to systemize this violence.

In 1987, then-Defense Minister Yitzhak Rabin ordered the Israeli army to "break the arms and legs" of those who dared to resist the occupation. This order was intended to weaken the uprising and to undermine the bodies and resiliency of Palestinian resistance. Thirty-five years later, Rabin's orders have been normalized as a tactic of silencing Palestinian activists and forcibly displacing the entirety of Masafer Yatta.

These are precisely the mechanisms of violence that have devastated countless lives over the course of Israel's occupation. In contrast to death, the scarred body is both a living memory of the past and a daily reminder of the present struggles to survive. Here we share the stories of a number of residents of Masafer Yatta who have been left with physical scars following attacks by settlers and soldiers, in order to tell their stories of survival, grief, and the process of relearning their own bodies in the face of unending violence.

Khaled Al-Najjar

Twenty-one years ago, while I was grazing my sheep with my son, I watched an Israeli settler borrow a soldier's assault rifle in order to shoot me in the stomach. As he got on his knees and pointed the gun in my direction, I told my son to run, fearing the bullet would hit him. It didn't, thankfully. But it instead struck me in the abdomen, and my life has not been the same since.

My name is Khaled Al-Najjar and I am 69 years old. I have spent my life in the village of Qawawis in Masafer Yatta, where I work with my family to cultivate land and tend our livestock.

Our life in Masafer Yatta was routine and quiet, until Israeli settlements began to spread throughout the region. Each new settlement has been followed by waves of extremist violence, as the settlers try to prevent us from grazing and cultivating our lands that surround their settlements. In 1998, the outpost of Mitzpe Yair started being built a few hundred meters from Qawawis. Even in those early days, when there were only a few caravans settled, the Israeli army and the outpost's private security guard were working together to prevent us from grazing on our land.

By 2001, shepherding on our land had become routinely dangerous. On Jan. 9, while I was grazing in the valley about 500 meters from Mitzpe Yair, I became the victim of this danger. The bullet shot by the settler entered my lower stomach, tearing my intestines out. I stayed on the ground, still conscious, until nearby shepherds rushed to carry me on their donkey toward the nearest road that the ambulance could reach. It took two hours, while I was bleeding with my intestines falling out of my body, before I was in the ambulance heading to the hospital.

For nearly a year after the settler's bullet entered my body, I lived in the intensive care unit. I went from hospitals in Be'er Sheva, to Bethlehem, to Jordan, and finally to Iraq, before doctors were able to build plastic pipes inside me that could replace my destroyed intestines.

This bullet changed my life entirely. For the past 21 years I have been in constant pain, and need regular medical examination and monitoring of my intestines and kidneys. I am no longer able to work with the strength that I used to, but have no choice but to continue; my children and grandchildren rely on my labor to sustain our family.

My family continues to risk our lives everyday when grazing our sheep, knowing we could be subjected to violent settler attacks at any moment. To this day, Mitzpe Yair is expanding, taking more and more of our land every year.

Mahmoud Awad

I was young when the doctor told me that my organs were not working properly. "Your body is operating at 65 percent," they told me. By the time I was 32, I was suffering from three chronic illnesses and was bedridden from the pain of my kidney and gallbladder stones.

On March 21, 2011, the pain had gotten so unbearable that the doctors called me in to surgery to remove my gallbladder. I left my village of Tuba that morning on my donkey, and set out on the 23-kilometer journey to Yatta, the closest city where we can access medical services.

For the first half of my life, the commute to Yatta was along a three-kilometer road. But in the early 2000s, settlers from Ma'on began to build an extension to their settlement, an illegal outpost that they named "Havat Ma'on." The residents of Tuba were officially banned from using our road in 2002, when my brother Ali was brutally attacked on his tractor while on his way to Yatta to get water for our village. For the past 20 years, our commute to Yatta has been slow and dangerous, as we take the long hilly roads around Havat Ma'on.

I was about an hour into my climb over the mountains toward Yatta when I started to hear running footsteps behind me. I turned my donkey around just in time to see a masked settler coming toward me with a knife in his hand. He went straight for my chest; I assume he was aiming for my heart. He stabbed me twice before I was able to get away. I fell to the ground and yelled for help from the nearby village of A-Tuwani.

My body is not like any other normal human; I have been in pain since my mother gave birth to me. The settler's knife punctured my lung, and the internal bleeding from it left me in the intensive care unit for 10 days. I thought I was going to the hospital that day to ease some of the pain in my body, but instead, it was five months before my body was stable enough for the doctors to proceed with the operation on my gallbladder. It took two years until I was able to work again.

Harun Abu Aram

My name is Harun Abu Aram. I am 25 years old and I live in a paralyzed body in the village of Al-Rakeez in Masafer Yatta. On the first day of 2021, the Israeli occupation turned my life upside down.

I used to be an energetic young man. I loved working in construction and with our family's livestock. I was engaged and planning to get married by the age of 24. By the end of 2020, I had saved enough money to build a small house for me and my fiancée to live in. But only two weeks after it was completed, the Israeli army came to demolish it and everything I had worked so hard to earn.

At the beginning of 2021, less than a month after my home was demolished, the army returned to Al-Rakeez to confiscate a generator from my neighbor. As his only source of electricity, he was scared to lose it. I stood with him, defending the generator, and that's when it happened. One of the soldiers took out his weapon and shot me in the back of the neck.

The bullet passed through the top of my spinal cord, immediately paralyzing my entire body. For four months I stayed in Ahli Hospital in Hebron. Everything that my body needed to survive was provided by machines; I was hooked up to breathing and eating tubes. After those months, the doctors said to my mother, "We cannot do any more for Harun, prepare a room in your house like a hospital room, buy a respirator and take him home." Before I left the hospital, my fiancée came to sign our divorce papers and say goodbye to me.

Since November, I have been back in Al-Rakeez, living in a cave with five of my family members who take care of me. Being here, my body and mind continue to fall apart. The bed sores that are covering my back and legs are getting bigger every day.

I avoid sleeping at night because of the nightmares; I cannot stop seeing the soldier's face whenever I close my eyes. And so often, I wake my family up in the middle of the night from all my screaming. I am in so much pain, especially when I am cold, it feels like I have been struck by lightning. This pain has become a daily routine for me and my family.

I always dreamed of having a family of my own. To raise more goats, to be able to work and make life easier for my parents. But now, my 14-year-old brother is working in construction to support us with the costs of all my treatments. I lost all of those dreams with a single bullet, and now my family is working just to keep me alive.

Sami Hureini

It was a nightmare. And it all happened so fast. I looked down and my shoe had flown off and my foot was blue. My lower leg was bent, the part that is supposed to be straight. From the moment I saw it, I fell to the ground. The pain was gradual, but it got more and more intense as I waited over an hour for the ambulance to arrive. The Israeli police, who we called immediately after the settler hit me, were there the whole time, watching.

That day, the settler had been circling us on his ATV all afternoon as we were working in the cave. It was March 2018, I was 20 years old and was helping to repair the village of Sarura in Masafer Yatta. The families of Sarura had trouble living on their land due to an increase in settler violence. So my siblings and friends started the activist group, Youth of Sumud, with the goal of developing a place in the village for the families to live in. We had been working in Sarura for less than a year when the settler ran me over, breaking my leg in three places.

For months after the attack, I was in bed, lying on my back. The doctors told me not to move so the bone could heal. I'm one of those people who likes to move. I have always been this way. So when this happened, and I couldn't leave my bed, it really messed with me psychologically. I just kept thinking about the settlers, and how there was no punishment for them. That they would just keep going out, free, with no one to stop them.

Growing up under occupation, I have always known that there is no accountability for settlers. But even so, after I was the target of their attacks, I still had some small hope that they wouldn't get away with it — that something would happen to them for what they did to me. But now, four years later without justice, this hope doesn't exist anymore.

The scars on my leg don't just remind me of the day I was attacked. They now mark all of the violence that my community has lived through.

In January 2021, Harun Abu Aram was shot in the neck, and a few days later, the army arrested me for participating in protests to demand justice for him. We filed a complaint to the police against the settler, but the file was closed before reaching the court. When our lawyers tried to reopen it, it was closed again, claiming there was insufficient evidence — even though the whole incident is on video.

For me, these incidents felt connected to my scars — I knew all of it was part of the same violent system that destroyed my leg.

Sometimes, I can almost forget about all of the things that we live through every day. But this scar is a permanent reminder.

Mohammed Makhamreh

I used to be a very energetic and healthy young man. As the only son in my family, I held a lot of responsibility to work hard and help my family live on our land. Especially as a community of shepherds and farmers, our livelihood is centered almost entirely around hard physical activity. But now, all of this physical labor is only a source of stress for me and my family, ever since the day my hand was blown off by the Israeli army.

On January 8, 2021, I was feeding our sheep and getting ready to go to Yatta to meet my father. Just as I was bringing the flock into the barn, I tripped on something and fell down. The next thing I remember is waking up in the hospital covered in injuries. I had already undergone surgery on my chest and leg, and when I looked down at my body I realized my right hand was gone.

I found out later that I had fallen onto an unexploded grenade that day. The army, which uses my village for military training, sometimes leaves its weapons on our land. I was lucky that my neighbor was close enough to hear the grenade explode and was able to get help and rush me to the hospital. If he hadn't been there, I really think I might have died that day.

The Israeli army declared my family's land a firing zone long before I was born. My whole life, they have been training their soldiers inside our village. They shoot in our fields, just over 100 meters from our homes. They drive tanks over our caves and wheat fields, leaving our crops damaged. This time, they left an unexploded weapon that changed my life forever.

Now that I live my life with only one hand, all the work that I used to enjoy is only a source of stress and brings a feeling of powerlessness. We have to ask the neighbors to assist with all the work that requires two hands, like shearing our sheep's wool when the summer comes. But the worst is the psychological pressure I feel every day, as I try to live my life and support my family with a missing hand.

Mohammed Hamamda (as told by Sohaib Hamamda)

We were all huddled together, 24 people in one room, hiding from the swarm of settlers that were running into our village and smashing everything in sight. It was then that I noticed Mohammed wasn't with us. I rushed to the room that we put him to sleep in and there he was, lying on his mattress, unconscious in a pool of his own blood.

My name is Sohaib Hamamda and I am 24 years old. Last September, I carried Mohammed, my four-year-old nephew, to the ambulance at the end of our road during a settler attack on my village, Mufagara.

The settlers had fractured his skull while he was sleeping in his bed, with a large rock that they threw through his window. While I carried him, the settlers smashed the windshields of our tractors, punctured our water tanks with knives, flipped our cars over, and hurled rocks at our solar panels. All the while, the army stood by, tear gassing us Palestinians.

The young settlers of Havat Ma'on and Avigayil did this to Mohammed on Sept. 28, 2021, while they were celebrating the Jewish holiday of Simchat Torah. That day, they first came into our village dancing and singing, and then began to violently wreak havoc on our lives. This day was a nightmare for us all, but the scars that Mohammed has on his head will affect him for the rest of his life.

Today, Mohammed cannot play with his friends in the village like he used to. Running and jumping makes his head hurt and he quickly becomes dizzy. We regularly take him to the hospital for testing, as it is still unclear what the long-term effects are of the fractured skull and internal bleeding that Mohammed suffered that day.

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

Gulf Region

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

ASIA

Afghanistan

Alleged UK War Crimes in Afghanistan (Lieber Institute)

By Douglas Guilfoyle

July 21, 2022

An investigation by the BBC television news program Panorama has reported that U.K. "SAS operatives in Afghanistan repeatedly killed detainees and unarmed men." Intentionally killing detained persons or those hors de combat would obviously be a war crime. The U.K. Ministry of Defence has described this reporting as "irresponsible, incorrect" in part because such allegations have "been subject to two investigations by military police, which resulted in no prosecutions." Nonetheless, the BBC's own ballistics investigation of a number of the sites in which executions are alleged to have occurred revealed bullet holes consistent with shooting targets low to the ground from above, rather than a firefight.

There is an obvious parallel here with recent Australian history, in which a major inquiry into the conduct of Australian special operations personnel in Afghanistan – commonly referred to as the Brereton report – was triggered in part by the broadcast on national television of head camera footage showing the execution of an unarmed Afghan man in a field, Mr. Dad Mohammad. This shocked Australian military leadership and forced an independent investigation of long running rumors of criminal misconduct. The Brereton Report recommended that 23 incidents involving 39 killings by 25 Australian personnel of unarmed or detained persons be referred for prosecution. This has resulted in the establishment of the Office of the Special Investigator (OSI), a federal unit charged with prosecuting any Australian war crimes before ordinary courts. Its work has undoubtedly been assisted by the extraordinary and long-running legal spectacle of the Ben Roberts-Smith defamation trial, in which a former, highly decorated, Australian Special Air Services Regiment (SASR) corporal is suing a number of news outlets for reporting that he was potentially a war criminal. The evidence heard in the trial has possibly done more damage to Mr Roberts-Smith's reputation than the original reports. At least one of Roberts-Smith's witness has been detained by OSI investigators.

Indeed, the parallels with the Australian SASR experience are so obvious that the BBC Panorama program opens with the helmet camera footage of the notorious execution of Mr. Mohammed. One interviewee – Dr Samantha Cromptoets, who made a preliminary investigation into SASR culture in 2015 – attests to rumors at that time that "what the Australians are doing was nothing compared to what the UK and US are doing." The BBC reports that "[s]everal people who served with special forces said that [U.K.] SAS squadrons were competing with each other to get the most kills," and that during a six month tour of duty one squadron killed a number of people running to "triple figures" all with no SAS operatives being injured. If detained persons posing no threat were routinely being killed, allegedly as matter of implicit policy, how were special forces operators getting away with it? Perhaps unsurprisingly, it appears they were using the same playbook uncovered in the Australian investigation involving the use of "throwdowns" and false incident reporting.

"Throwdowns" are simply weapons or communications equipment planted on a body after the fact to suggest direct participation in hostilities (DPH) by the deceased and therefore a lawful killing. If evidence of DPH is enough to deter further inquiry, there is an incentive for bad actors to adopt (or independently invent) the technique. One would expect false reporting – usually a military offense in itself – to be harder to prove. However, what tends to happen once group members decide they are above the law is the use of minimally convincing "boilerplate" language more or less copy-pasted between reports.

BBC reporting speaks of officers reacting with "disbelief" at frequent reports of Afghan men being detained, but then being allowed to return inside buildings where they would suddenly grab a "concealed" AK47 or grenade. Internal emails reviewing these reports used language such as "this is the 8th time this has happened ... You couldn't MAKE IT UP!"

Command Responsibility

If such facts can be made out, the war crime of murder follows readily. The more complex legal questions are what was required of commanders and where does potential liability stop? I have explored how command responsibility may apply to Australian war crimes in Afghanistan with my co-authors Joanna Kyriakakis and Mel O'Brien here. The same principles apply in the U.K. case. Both States are parties to the Rome Statute of the International Criminal Court. Under Article 28 of the Statute commanders are responsible for the crimes of subordinates if they "either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes" and failed to prevent or punish those crimes. The wider form of responsibility is obviously the "should have known" standard and it operationalises the responsibility placed upon commanders by Article 86(2) of Additional Protocol I (API) to the Geneva Conventions 1949. While the Australian Commonwealth Criminal Code introduces some uncertainty by replacing the words "should have known" with "reckless as to," s 65 of the U.K. International Criminal Court Act directly incorporates the Rome Statute and API "should have known" test. In asking how s 65 might apply to the allegations in the U.K. we can therefore look to international case law for guidance.

Unfortunately, the international jurisprudence is not entirely settled. However, one can suggest the "should have known" threshold is met when a commander either: (1) fails to take necessary measures to secure knowledge of their subordinates' conduct; or (2) possessed sufficient facts to put them on notice that further inquiries should be made but did nothing. I will focus on the second approach, which I will refer to as a duty of due diligence or duty of further inquiry. It does seem in the U.K. case that concerns were raised and went up the chain of command and resulted in an internal investigation. But the investigator "appeared to take the SAS version of events at face value" and the final version of his report was "signed off by the commanding officer of the SAS unit responsible for the suspicious killings."

The damning part of the BBC report for the chain of command suggests, in a passage worth quoting at some length:

In 2012, General Carleton-Smith was appointed head of UK special forces. The BBC understands that he was briefed about the suspicious killings, but he allowed the squadron to return to Afghanistan for another six-month tour. When the Royal Military Police launched a murder investigation in 2013 into one of the raids conducted on that tour, General Carleton-Smith did not disclose to the RMP any of the earlier concerns over unlawful killings, or the existence of the tactical review.

It continues: "Internal emails show that officers at the highest levels of special forces were aware there was concern over possible unlawful killings, but failed to report the suspicions to military police despite a legal obligation to do so."

There thus seems to have been sufficient grounds to suspect possible wrongdoing, grounds which would seem to have necessitated further enquiry. Under these conditions, the failure to either cooperate with RMP investigations – or indeed to initiate them – could be enough to meet the "should have known" due diligence standard. A predicate of convicting someone based on command responsibility is proving that a war crime actually occurred. However, if even a handful of U.K. crimes in Afghanistan can be proved – perhaps as few as one – then the evidence apparently available should make those in the chain of command very nervous. Every commander who did not report serious concerns upward or, where obliged to do so, to the RMP could face charges based on command responsibility. That an internal inquiry occurred is certainly evidence supporting the idea that higher command did what was required, but whether that inquiry was sufficiently rigorous seems open to question. Further, even without a war crime being proved there may be a separate criminal case for commanders to answer based on failure to give evidence to the RMP.

A final question we might ask is the significance of the two military police investigations that resulted in no prosecutions. Are these conclusive proof that a case beyond reasonable doubt could not be made in U.K. courts? The RMP investigation into alleged British crimes in Afghanistan, Operation Northmoor, ran from 2014-2019. Did it have the time and resources to do its job? First, the BBC reporting suggests there was much more than passive non-cooperation between special forces command and the RMP. The allegation is that incriminatory reports were filed as "anecdotal accounts" of unlawful killing and were then classified and locked away from RMP investigator access. If true, such wilful ignoring of – indeed, active concealment of – evidence would speak directly to the "should have known" standard and failure in the duty of further inquiry. RMP insiders also reported to the BBC that they were pressured or ordered to drop certain cases and being blocked from reviewing drone footage. Second, all international criminal investigations are hampered by the passage of time and difficulties accessing physical evidence. That said, the BBC seemed able to uncover fresh potential ballistics evidence with a site visit, albeit a Taliban-sponsored one.

The picture painted is a very worrying one. One might hope the Australian example will be followed in one further respect: the establishment of a special investigatory and prosecutorial body outside the military with a remit to pursue criminal accountability from the patrol level right up the chain of command.

Taliban Implicated in Mass Killing of Tajik Men (Washington Examiner) Taliban Implicated in Mass Killing of Tajik Men (Washington Examiner)

By Beth Bailey
July 22, 2022

The Taliban continue to commit grievous human rights abuses.

The United Nations Assistance Mission in Afghanistan released a report on Wednesday outlining human rights violations carried out between the fall of the former government on Aug. 15, 2021, and June 15, 2022.

The report includes revelations of hundreds of instances of detention and torture. It also enumerates 160 extrajudicial killings of Afghan government and military personnel, 18 extrajudicial killings of members of the National Resistance Front, and 59 extrajudicial killings of persons "accused of affiliation" with ISIS-K. (The Taliban have previously killed members of the former Afghan government under the pretense of killing members of ISIS-K.) Compared with data from other organizations, UNAMA's figures seem incredibly low.

In January, the United Nations cited evidence of 100 extrajudicial killings of members of the Afghan military and government and 50 killings of alleged ISIS-K members. The New York Times found in April that nearly 500 members of the former Afghan government had been killed or disappeared by the Taliban during a six-month period. Human Rights Watch documented 100 reprisal killings in just four of Afghanistan's 34 provinces between August and October 2021. Human Rights Watch also indicated two weeks ago that the bodies of over 100 men had been discovered in canals in eastern Kunar and Nangarhar provinces. Some of their corpses "showed evidence of torture and brutal executions."

Gathering proof of Taliban attacks is difficult. According to volunteers in the evacuation community, the Taliban often quietly and effectively dispose of victims by stuffing them into car trunks and killing them in remote locations. Additionally, many Afghans fear going to the media after their loved ones are murdered because they face further retaliation from the Taliban.

Some, like the man who recently shared chilling allegations of Taliban mass killings with volunteer Leslie Merriman, are weary of kowtowing to Taliban threats. Ahmad, whose name has been changed for his protection, claimed that in September 2021 and February 2022, the Taliban took 600 hostages from the northern Afghan provinces of Panjshir, Kapisa, and Parwan. Ahmad said these hostages had fled to northern Afghanistan to find safety. Because they were Tajik men between the ages of 16 and 35, the Taliban believed they were preparing to join the National Resistance Front and fight Taliban forces.

After taking the men hostage, Ahmad said the Taliban claimed they would transport them to a prison in Kandahar. They prepared large vehicles to make appearances of an impending transfer. Meanwhile, they killed and buried the victims overnight, covering the graves with dirt and rocks. Onlookers said the Taliban blindfolded victims and tied their hands prior to killing them. The Taliban threatened those present with death if word of the mass graves leaked.

The Taliban has repeatedly demonstrated an unwillingness to take accountability for its members' crimes. Spokesman Zabiullah Mujahid, for instance, responded to UNAMA's report by claiming that "arbitrary arrests and extrajudicial killings are not allowed." Whether the Taliban are unable to control their subordinate personnel or unwilling to acknowledge a strategic pursuit of reprisals is unclear. In either instance, Western assets must be deployed to ascertain the veracity of Ahmad's claims and to determine where other mass killings may have occurred. Evidence of these crimes against humanity, and possible acts of genocide, should be brought before the International Criminal Court.

Regardless, it is clear that Afghans remain defenseless against a relentless wave of human rights violations.

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

Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

The Khmer Rouge Tribunal: Justice through accountability (The Phnom Penh Post)

By Soeung Bunly and Him Raksmeay

July 20, 2022

The Extraordinary Chambers in the Courts of Cambodia (ECCC), commonly known as

the Khmer Rouge Tribunal, helps bring justice to Cambodian victims through accountability by trying senior Khmer Rouge leaders, and helps Cambodia build important groundworks to prevent mass atrocities.

Allegation of crimes committed by the Khmer Rouge regime of Pol Pot finally received the attention of the UN and the Cambodian government, when in August 2001 the late King Father Norodom Sihanouk signed the law on the establishment of the ECCC for the persecution of crimes committed during the period of Democratic Kampuchea.

The joint exercise of justice began its first mandate between 2006-2008 to trial limited senior Khmer Rouge leaders who were most responsible for the crimes the Pol Pot's regime committed from 17 April 1975 to 6 January 1979. The ECCC is now winding down with the closure the last case by the end of this year. There are future works to remain on how to preserve the archives and make them accessible to the public as well as how ECCC prevents the recurrence of genocide in Cambodia and around the world, by the educational program designed for the younger generations of Cambodia to have a more holistic understanding of the darkest tragedy of Cambodia.

The ECCC court has trialed 5 senior Khmer Rouge leaders. They were Kaing Guek Eav alias Duch, former Chairman of Phnom Penh's Security Prison S-21; Nuon Chea, former Deputy Secretary of the Communist Party of Cambodia; Khieu Samphan, former Head of State of DK; Ieng Sary, former Deputy Prime Minister and Foreign Minister of DK, and Ieng Thirith, former Social Affairs Minister of DK. Only Khieu Samphan is still presently alive.

On 3 February 2012, ECCC sentenced life imprisonment for Duch of crime against humanity. He passed away in 2020. On 16 November 2018, ECCC released other verdicts to sentence for life imprisonment for Khieu Samphan and Noun Chea of genocide, crime against humanity, grave breaches of the Geneva Conventions of 1949. Noun Chea passed away in 2019. The court tried to complete legal due process for Ieng Sary and his wife Ieng Thirith but with no success due to the accused's health circumstances. Ieng Sary and Ieng Thirith passed away in 2013 and 2015, respectively.

After more than 15 years, it is important to reflect some positive roles of this hybrid court to help bring justice through accountability to the Cambodian victims who lost loved ones and suffered traumas from the Khmer Rouge perpetrators when Democratic Kampuchea ruled Cambodia and what this means for the future efforts to prevent mass atrocities in Cambodia.

There have been reported challenges concerning the ECCC ranging from funding to some difficult processes with the ways the mix-court works. But the scope of this article focuses the discussion on how the ECCC helps contribute to justice through accountability and how this hybrid court helps develop some essential bases for Cambodia's atrocity prevention which can in turn promote the norm of the Responsibility to Protect (R2P) which was adopted at the 2005 UN World Summit.

There are two key roles the ECCC brings to Cambodia. First, the court helps bring justice, however limited it may be, to millions of Cambodian victims by trialling and sentencing some senior Khmer Rouge leaders and those most responsible for crimes committed during Democratic Kampuchea. There are many types of justice that Cambodians want from this court. But justice through accountability is one of most visible outcomes that the hybrid court contributes.

Some may argue why bothering having a long process to trial and sentence some Khmer Rouge leaders who are now so old. Those figures will be unlikely to see through their sentences for so long. But the key of these trials and sentences is the symbolic message that high-level Khmer Rouge leaders do not get away with their crimes. They answer to their crimes by receiving the ECCC's verdicts. This helps bring some comfort to Cambodian survivors to see some leaders of the Khmer Rouge perpetrators trialed and convicted in accordance with due process of the national and international laws. This is a symbolic victory for the Cambodia's fight against the culture of impunity, especially committed by people at the top. In Cambodia's contemporary history, this might be among the first time that senior leaders who committed atrocious crimes against their own people, answered their crimes through the court of law.

Second, the ECCC helps build important groundworks to prevent mass atrocities in Cambodia. The process of the court helps add values to the Cambodian government's staunch commitments to prevent at all cost of atrocities like the one committed by the Democratic Kampuchea during their reign of terror on Cambodia from 1975-1979.

In our view, three important groundworks for mass atrocity preventions come from the ECCC. To begin with, it establishes a precedent that rarely happens in the Cambodia's contemporary history that justice through accountability is possible, and that top leaders answer to the consequences of their mass atrocious crimes against their people. This precedent sets a deterrence to prevent future political figures to contemplate and execute plans to use violence and mass murders against their own people. This precedent sends a strong symbolic message to weaken the culture of impunity that often leads to mass atrocities.

Secondly, all the investigations, interviews with victims, trails and sentences have helped shed light to invaluable information and data for future critical research about the Khmer Rouge. Drawing from comprehensive, historical and contemporary records obtained by the court process, these future studies are important to offer key lessons learnt and ways to prevent

murderous regimes like the Democratic Kampuchea from ever coming to rule Cambodia again.

Thirdly, the ECCC symbolises strong commitments from Cambodia and the international community in upholding the principle of the Responsibility to Protect (R2P) unanimously adopted by states at the UN World Summit in 2005 in order to protect populations from four mass crimes namely, genocide, crimes against humanity, war crimes, and ethnic cleansing.

R2P has three pillars. The first pillar represents states' commitment and responsibility to atrocity prevention. The second pillar is about the roles of the international community in helping states having capacity to prevent atrocities. The third pillar is about the roles of the international community, through all the process in the UN system, to halt mass atrocity crimes if states fail to uphold this responsibility.

The ECCC shows Cambodia's efforts to uphold pillar 1. By having ECCC, Cambodia sends a strong political message to the world that it renounces mass atrocities, and commits to preventing mass crimes like the one committed by the Khmer Rouge regime to ever returning back to Cambodia.

Likewise, by helping support this court, the international community upholds its responsibility in pillar 2 to help Cambodia to prevent mass atrocities. This sets an important precedent of what the international community concretely can do to support atrocity prevention efforts. For the Cambodia case, with sustained commitments by the government in place to prevent atrocities, there might be other opportunities that both Cambodia and the international community can do together beyond the ECCC to strengthen the country's capacity to strengthen peace and stability, and enhance its R2P commitment not only internally, but also regionally and beyond.

To conclude, the ECCC illustrates the long and difficult process to find justice and accountability for victim of mass atrocities. The UN itself failed to establish a tribunal much earlier due to the reluctant of some members of the Security Council. Nevertheless, the ECCC should be considered as a milestone for the holding of individual responsible for criminal act through the application of international standards that facilitate the rule of law by finding justice for the victims and deter future atrocity. Thanks to close collaboration between the Cambodia's government and the international community for the past 15 years, ECCC helps contribute to ending the culture of impunity and promote the culture of seeking justice through accountability for the millions of Cambodians. The ECCC has started to lay essential foundations to support Cambodia's atrocity prevention efforts which will help bring positive implications for peace and human security in Cambodia, and promote the norm of the Responsibility to Protect in Southeast Asia and other parts of the world.

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

Bangladesh International Crimes Tribunal

Crimes against humanity: Verdict against 5 on Thursday (Dhaka Tribune)

July 26, 2022

The International Crimes Tribunal has set Thursday to announce the verdict against five accused from Khulna for committing war crimes during the 1971 Liberation War.

The accused in the case are Amjad Hossain Howladar, Sahar Ali Sardar, Atiyar Rahman, Motachim Billah, Kamal Uddin Goldar, and Nazrul Islam.

Among them, Nazrul Islam is absconding, but it is believed that he is dead, reports Bangla Tribune.

A three-member International Crimes Tribunal headed by Chairman Justice Shahinur Islam made the decision on Tuesday.

Prosecutor Sabina Yasmin Khan Munni said that initially there were eight accused in this case but two of them died.

"Hence we submitted a report against six people," she added.

The investigation of the case started on November 15, 2015.

On August 8, 2017, a seven-volume 1,027-page report was submitted to the tribunal against the accused.

The report says on August 10, 1971, at least five Razakars including Amjad Hossain Howladar tortured, kidnapped, and murdered Shanti Lata Mandal of a village in Batiaghata upazila.

On August 15, the accused captured, tortured, and fatally shot unarmed Haridas Majumdar after attacking a house in Purbahalia village of the same upazila.

On October 21, they set fire to at least six houses in Sukhdara village in an attempt to wipe out the Hindu community.

Four unarmed Hindu men were killed and their houses were looted.

Later on November 29, the accused attacked Baroaria village of the upazila and killed freedom fighters Jyotish Mandal and Abdul Aziz.

Amjad Hossain Howladar is accused of all four offenses mentioned in the investigation report.

He was a supporter of the Convention Muslim League during the Liberation War.

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

War Crimes Investigation in Myanmar

Genocide Case Against Myanmar Over Rohingya Atrocities to Proceed (Daily Trust)

July 24, 2022

The United Nations' highest court has rejected Myanmar's attempts to halt a case accusing it of genocide against the country's Rohingya minority, paving the way for evidence of atrocities to be heard.

The international court of justice rejected all preliminary objections raised by Myanmar, which is now ruled by a military junta, at a hearing on Friday.

The case, which was filed by the Gambia, centres on brutal military crackdowns in 2016 and 2017 that forced more than 700,000 Rohingya to flee over the border to neighbouring Bangladesh.

It accuses Myanmar's military of carrying out widespread and systematic "clearance operations" against the Rohingya, committing mass murder, rape and torching villages, with the "intent to destroy the Rohingya as a group in whole or in part".

Myanmar had argued that the court did not have jurisdiction, claiming the Gambia could not bring the case because it was not directly affected by the events, and because a legal dispute did not exist between the two countries before the case was filed. It also claimed that the Gambia was acting as a "proxy" for the Organisation of Islamic Cooperation, and lacked standing because the ICJ only rules on disputes between states.

Such arguments were each rejected by the court. Reading the decision, the court's president, US Judge Joan E Donoghue, said: "The court notes that the Gambia instituted the present proceedings in its own name as a state party to the statute of the court and to the Genocide Convention."

Akila Radhakrishnan, president of the Global Justice Centre, said Friday's decision was "an enormous step forward for justice".

"It sends a signal to Myanmar's military that they cannot commit atrocities with impunity. The case proceeding is all the more important in light of the February 2021 coup, which was enabled and emboldened by the impunity the military has been afforded for far too long," she said. The military seized power in a coup last year, and has unleashed a relentless campaign of violence to crush dissent. The UN rights office warned in March that the junta was carrying out widespread and systematic abuses against civilians that may amount to war crimes and crimes against humanity.

Tun Khin, president of the Burmese Rohingya Organisation UK, said objections filed by Myanmar were an attempt to slow proceedings, and that oppression of Rohingya continues. "For a year and a half the case has been delayed and every day the

genocide continues. Laws and policies designed to make life unbearable and drive Rohingya out of Myanmar are part of the genocide and continue despite provisional measures ordered by the court,” he said, referring to a previous court order instructing Myanmar to do all it can to protect Rohingya from genocide as the case, which will take years, proceeds.

Tun Khin called on the UK to join the Gambia and back the case. “The UK claims international leadership on Myanmar but it’s Gambia, not the UK which has been leading,” he said. The Netherlands and Canada are supporting the Gambia.

Following last year’s coup, the junta is now representing Myanmar at the ICJ. The national unity government, formed by elected lawmakers, ethnic minority representatives and activists, had argued it should represent Myanmar in court, and that it would withdraw preliminary objections.

Myanmar Executes Four Anti-Coup Activists, Drawing Outrage (Al Jazeera)

July 26, 2022

Myanmar’s military regime has executed four anti-coup activists, including a close ally of Nobel Peace Prize laureate Aung San Suu Kyi, drawing widespread condemnation and outrage.

The four men were hanged over their involvement in organising “brutal and inhumane terror acts”, the state-run Global New Light of Myanmar newspaper reported on Monday.

The men were sentenced to death in a closed-door trial in January after being accused of helping armed groups fight the military, which seized power in a February 2021 coup led by Senior General Min Aung Hlaing.

Phyo Zeya Thaw, a former legislator from Aung San Suu Kyi’s National League for Democracy (NLD) party, and prominent democracy activist Kyaw Min Yu were found guilty of offences under anti-terrorism laws. Their appeals were rejected last month.

Thaw, a hip-hop artist who was previously detained over his lyrics, had been accused of leading attacks on security forces, including a shooting on a commuter train in Yangon in August that left five policemen dead.

The two other men, Hla Myo Aung and Aung Thura Zaw, were handed the death penalty for allegedly killing a woman they accused of being an informant for the military government in Yangon.

The executions mark the first use of capital punishment in the Southeast Asian country in decades.

The last judicial executions took place in the late 1980s, according to the Assistance Association of Political Prisoners (AAPP), a human rights group.

Executions in Myanmar have previously been carried out by hanging.

Dr Sasa, spokesperson for Myanmar’s National Unity Government, established by members of the elected government the military threw out of office. said the killings were a “dark day” for democracy and human rights.

“We all are devastated by this acts of terror,” Dr Sasa, who goes by the single name, told Al Jazeera. “Indeed they can take away their bodies, but the military generals in Myanmar will not take away the vision of these matters of democracy.”

Yadanar Maung, a spokesperson for Justice For Myanmar, said the executions amounted to crimes against humanity and called for further sanctions against the military’s State Administration Council. “All perpetrators from Min Aung Hlaing down must be held accountable for this brazen act of cruelty,” Maung told Al Jazeera.

“The international community must act now to end the terrorist junta’s total impunity. The international response to these executions and the junta’s other international crimes must involve coordinated targeted sanctions against the junta and its business interests, a ban on jet fuel and a global arms embargo. Sanctions must be imposed on Myanma Oil and Gas Enterprise, to stop oil and gas funds bankrolling the junta’s atrocities.”

Thomas Andrews, the UN special rapporteur for human rights in Myanmar, said he was “outraged and devastated” over the executions.

“My heart goes out to their families, friends and loved ones and indeed all the people in Myanmar who are victims of the junta’s escalating atrocities ... These depraved acts must be a turning point for the international community.”

Japanese Foreign Minister Yoshimasa Hayashi said the executions would further isolate Myanmar in the international community.

In a statement, Hayashi called the move a matter of deep concern and said it will sharpen national sentiment and deepen conflict.

A military spokesperson did not answer calls seeking comment.

The men's death sentences had been condemned by human rights groups, the United States, France and the United Nations, with UN Secretary-General Antonio Guterres describing the planned executions as "a blatant violation to the right to life."

The government, which has sentenced dozens of activists to death since the coup, defended the planned executions as lawful and necessary.

"At least 50 innocent civilians, excluding security forces, died because of them," military spokesperson Zaw Min Tun told a televised news conference last month. "How can you say this is not justice?"

Myanmar was plunged into crisis by the coup, which removed Aung San Suu Kyi from power, with violence spreading across the country after the army crushed mostly peaceful protests in cities.

More than 2,100 people have been killed by the security forces since the coup, according to the AAPP. The government has said that figure is exaggerated.

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

AMERICAS

North & Central America

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

South America

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

TOPICS

Truth and Reconciliation Commission

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

Terrorism

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

Piracy

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

Gender-Based Violence

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

Commentary and Perspectives

Sri Lanka's former president must be investigated for war crimes (Human Rights Watch)

By Meenakshi Ganguly

July 22, 2022

There was satisfaction, and even glee, among many Sri Lankans when Gotabaya Rajapaksa, the widely unpopular president, fled the country by military jet in the dead of the night on July 13, following months of protests. Apparently fearing arrest while he searched for a safe haven, he didn't resign until late the following day.

Now, however, Rajapaksa no longer has sovereign immunity from prosecution for grave international crimes in which he is implicated, including war crimes and the alleged murder, torture and enforced disappearance of his critics and opponents, or for the grand corruption that flourished under his family's rule.

Years of abusive misrule by the Rajapaksa family have devastated Sri Lanka. Today, fuel, for cooking or transportation, is practically unobtainable. There are warnings over hunger and food scarcity with soaring inflation. The country has defaulted on its foreign debts for the first time and is attempting to negotiate a bailout with the International Monetary Fund.

From 2005 to 2015, Rajapaksa's brother Mahinda was president and Rajapaksa was defense secretary, known to family and foes alike as "the Terminator." They came to power during a four-year cease-fire in the long civil war between the government and the separatist Liberation Tigers of Tamil Eelam (LTTE) that began in 1983.

Full-fledged fighting resumed in mid-2006. Major military operations that began in 2008 led eventually to the LTTE's defeat in May 2009. In the last months of the fighting, Sri Lankan armed forces pounded their self-declared "no-fire zones" with artillery and air power, killing thousands of ethnic Tamil civilians whom the LTTE was using as human shields, according to a study by a United Nations panel of experts.

The government claimed it pursued a policy of "zero civilian casualties" and characterized its operations as a humanitarian

“hostage rescue” mission. But the U.N. experts found that “throughout the final stages of the war, virtually every hospital in the Vanni [conflict area], whether permanent or makeshift, was hit by artillery.”

At the war’s end, almost the entire LTTE leadership was killed, either in the fighting or by summary execution. Photographs and mobile phone videos, seemingly made as trophies by victorious soldiers, show executions of captured LTTE fighters and suggest large-scale sexual violence against Tamil women who surrendered to the army. Thousands of civilians who emerged from the conflict zone were detained in camps where the security forces committed torture, rape and enforced disappearances.

As defense secretary, Rajapaksa was in command of Sri Lankan security forces throughout this period. Even after the fighting, thousands of young Tamil men who were suspected LTTE fighters or supporters, as well as journalists, activists and others deemed political opponents, were abducted. Many have never been heard from again.

In March 2014, the United Nations Human Rights Council called for an investigation. The resulting report found that both sides committed wartime atrocities and concluded that “for accountability to be achieved in Sri Lanka, it will require more than a domestic mechanism.”

In 2015, Rajapaksa’s brother lost a presidential election, and the family was politically sidelined for four years. Rajapaksa was elected president in November 2019, riding a wave of nationalist anxiety following a series of bombings that killed about 260 people in churches and hotels on Easter Sunday earlier that year. The attack was carried out by Islamist suicide bombers, but Sri Lanka’s top police investigator later gave evidence to the Supreme Court that implicated elements within Sri Lankan military intelligence in the attacks.

After rising to the presidency, Rajapaksa pursued policies hostile to ethnic and religious minorities, and repressed those seeking justice for abuses committed during the civil war. He used “counterterrorism” as a pretext for abusive and draconian security policies, and blocked investigations into emblematic cases of serious human rights violations.

A woman whose son was “disappeared” in 2009 told Human Rights Watch in 2020 that since Rajapaksa’s election, the police had repeatedly visited her. “These are children who were taken by white vans from our houses or who surrendered [to the army]. ... I want to know what happened to my son — whether he is dead or alive, and if he is not alive, what happened to him and who did it,” she said.

Now Rajapaksa has fled to Singapore via the Maldives. He is believed to be seeking a final destination where he will be safe from arrest and prosecution.

He should not succeed. Judicial authorities where laws permit should investigate him under the principle of universal jurisdiction, which allows for the prosecution of serious international crimes even if they were not committed on the country’s territory. Universal jurisdiction cases are an increasingly important part of international efforts to provide justice to victims and their families who have nowhere else to turn.

Over several decades, successive Sri Lankan governments have not provided victims of grave abuses with genuine avenues for justice. There is little reason to believe the next administration — led by President Ranil Wickremesinghe, who was backed by the now-deposed Rajapaksa family — will be better in this regard, considering Wickremesinghe’s prompt crackdown on the protesters. It’s therefore critical for foreign governments to pick up the slack where possible. Rajapaksa’s departure from Sri Lanka might have opened new possibilities for justice.

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

Aiding and Abetting

Biden Should Not Renew Arms Sales to Saudi Arabia (Human Rights Watch)

By Michael Page

July 14, 2022

President Biden is set to land in Saudi Arabia later this week to meet Saudi Crown Prince Mohammed bin Salman amid disturbing media reports that, if true, signal a policy reversal that could lead to fresh rights violations in Yemen.

On July 11, Reuters reported that the Biden administration is discussing lifting the ban on US sales of offensive weapons to Saudi

Arabia. While US National Security Advisor Jake Sullivan told reporters, “right now, there is nothing on the table to lift that ban,” such a decision could increase the risk of US complicity in serious rights violations in Yemen, especially since the Saudi Arabia- and United Arab Emirates-led coalition has failed to meaningfully investigate apparent war crimes or to hold those responsible to account.

Since the beginning of the war in 2015, Human Rights Watch and other groups have documented how the Saudi- and UAE-led coalition has used US weapons in apparent unlawful airstrikes, including apparent war crimes. The US government’s own report has detailed US government oversight failures on these sales. Human Rights Watch has called for the suspension of all sales, both offensive and defensive, to Saudi Arabia and the UAE.

Renewing US offensive weapons sales to Saudi Arabia would further undermine Biden’s promise to prioritize human rights in US relations with the country. While the Biden administration’s February 2021 announcement of finally ending offensive arms sales to Saudi Arabia was welcome, the US State Department still approved a US\$650 million sale of air-to-air missiles in November that year. Opposition to the sale in Congress was dropped at the urging of the Biden administration.

On July 12, the Guardian reported that the Biden administration is also exploring the formation of a new international commission to document human rights abuses in Yemen that would include representatives from the country’s newly established leadership council. The council is supported by the Saudis and its inclusion could seriously undermine the credibility and impartiality of the mechanism.

Rather than helping to establish an investigation that would lack independence or considering resuming offensive arms sales, the US administration should push for a genuine United Nations accountability mechanism that would investigate violations and support possible future prosecutions. That’s the message on Yemen that President Biden should bring to Riyadh.

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

WORTH READING

Reining in Impunity: A People’s Tribunal for the Arab-Spring Gender-Based Crimes

Hilmi Zawati

July 27, 2022

This Article examines the necessity for establishing a women’s tribunal to investigate allegedly committed gender-based crimes during the Arab Spring, assist victims, and indict perpetrators as a step to bring them to justice. It argues that the lack of the international community’s political will, manifested in its failure to respond adequately to Arab-Spring gender-based crimes and bring perpetrators to justice, impedes access to justice for victims, encourages the culture of impunity, and leaves the war-torn Arab countries peace-building process open to the danger of collapse. Accordingly, it examines whether the peoples’ tribunals could be seen as a community justice system (collective justice or soft justice) and an alternative avenue for institutional classical justice and accountability.

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

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Lucas Katz, Associate Editor
Estefania Sixto Seijas, Senior Editor

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Sam Rodis, Associate Editor
Lucas Katz, Senior Editor

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Sam Rodis, Associate Editor
Lucas Katz, Senior Editor

Topics

Truth and Reconciliation Commissions

Francesca Bergeret, Senior Editor

Terrorism

Kayla Briskey, Associate Editor

Francesca Bergeret, Senior Editor

Piracy

Francesca Bergeret, Senior Editor

Gender-Based Violence

Francesca Bergeret, Senior Editor

Commentary and Perspectives

Matthew Koutsky, Associate Editor

Francesca Bergeret, Senior Editor

Aiding and Abetting

Matthew Koutsky, Associate Editor

Francesca Bergeret, Senior Editor

Worth Reading

Lucas Katz, Associate Editor

Matthew Koutsky, Senior Editor

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