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War Crimes Prosecution  
Watch

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

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## **AFRICA**

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## **Libya**

### **Libya to close 'inhuman' migrant detention centres after outcry (BBC News)**

August 2, 2019

**Libya plans to shut down three of its biggest migration detention centres, the country's Interior Minister Fathi Bashagha has announced.**

The centres in question are in Misrata, Tajoura and Khoms.

Organisations that monitor the situation in Libya fear these closures may lead to even more overcrowding in the remaining centres.

They also fear the possibility of many more migrants being left in the hands of traffickers.

The UN last month called for the dismantling of all detention centres for refugees in Libya, saying the facilities were not fit to house migrants.

Detainees in various centres have described routine torture, rape, malnutrition and the spread of diseases like tuberculosis due to the conditions they are forced to endure.

Campaign group Amnesty International has called conditions "horrific" and "inhuman".

"These detention centres, at least some of them, they work on a business model that involves smugglers, traffickers, sometimes forced labour," the UN refugee agency's top official in Libya, Jean-Paul Cavalieri, told the BBC.

Many African migrants hoping to reach Europe have been sold at slave markets in Libya, often as sex slaves or construction workers.

It is believed there are 12 detention centres in western Libya nominally run by the UN-recognised government in Tripoli.

Libya's plans to close three of the centres follows criticism that migrants were being returned to Tajoura after it was hit by a deadly missile attack in July.

That "outrageous" attack could amount to a war crime, said the UN's Libya envoy Ghassan Salamé and top human rights official Michelle Bachelet.

But the UN Security Council failed to condemn it after the US declined to endorse a joint statement, according to diplomats.

Tajoura Detention Centre is close to the capital, Tripoli, where there is ongoing fighting between the UN-recognised government and the Benghazi-based Libyan National Army which has vowed to take over the city.

Only last week, 150 migrants drowned after they left Libya for Italy.

This was the largest loss of life in the Mediterranean Sea this year.

On Thursday, 52 migrants including 16 women and two babies were rescued from a ship that was in danger of sinking halfway between Libya and Italy.

Spanish authorities have previously warned the charity which conducted the rescue, called Proactiva Open Arms, to stop its search and rescue missions of face fines of up to 900,000 euro (\$999,000; £825,000).

### **Libya conflict: Drone strike kills dozens (BBC News)**

August 5, 2019

#### **At least 42 people have died in a drone strike in south-western Libya carried out by the forces of rebel Gen Khalifa Haftar, local officials say.**

The strike hit a town hall meeting in the town of Murzuq, reports say.

Gen Haftar's forces - which are based in eastern Libya - say they targeted the town late on Sunday, but deny targeting civilians.

The country has been torn by conflict since the fall of long-time leader Muammar Gaddafi in 2011.

The air strike left "42 dead and more than 60 injured, 30 of them critically" at the town hall in Qalaa neighbourhood, where more than 200 people were at a meeting "to settle social differences", council official Ibrahim Omar told AFP news agency.

Local media earlier reported that the strike had hit a wedding party.

The UN-backed Government of National Accord (GNA) condemned the attack on social media and accused Gen Haftar's forces of carrying it out.

It also urged the UN to "carry out an investigation into the crimes committed by Haftar's militias in Murzuq".

Pro-Haftar media outlets said the attack had targeted Chadian mercenaries, which is how they refer to the Tebu ethnic group which opposes Gen Haftar.

Months of fighting between the GNA and Mr Haftar's forces has claimed more than 1,000 lives since April, according to the World Health Organization (WHO).

This is the second time in two months that an air strike thought to be by Gen Haftar's forces has resulted in mass civilian casualties.

In June, some 44 people were killed in a migrant detention centre on the outskirts of Tripoli.

His forces seized Murzuq earlier this year as part of an offensive to take control of the oil-producing south - but they later withdrew.

Who controls Libya?

Only Libya's myriad armed militias really hold sway - nominally backing two centres of political power in the east and west

with parallel institutions.

♣ Tripoli administration, the internationally recognised GNA

This is under the leadership of Prime Minister Fayeze Sarraj. He arrived in Tripoli in March 2016, four months after a UN-brokered deal to form a unity government, to set up his administration.

Over the last three years he has worked to gain the support of the various militias and politicians, but he has little real power over the whole country or the forces ostensibly under his control.

♣ Tobruk administration, includes the parliament elected in 2014 after disputed elections

When those who held power in Tripoli refused to give it up in 2014, the newly elected MPs moved to the port of Tobruk, 1,000km (600 miles) away, along with the old government.

In 2015 some of these MPs backed the UN deal for a unity government, but the parliament has since refused to recognise it and has been blocking efforts to organise fresh elections because it wants Gen Haftar, who leads a powerful force called the Libyan National Army (LNA), to be guaranteed a senior role in any new set-up.

Who is Gen Khalifa Haftar?

Gen Haftar, who has been on the Libyan political scene for more than 40 years, was part of the group of officers who, led by Col Gaddafi, seized power from King Idris in 1969.

In the 1980s, Col Gaddafi put Mr Haftar in charge of the Libyan forces involved in the conflict in Chad.

But Libya was defeated by the French-backed Chadian forces, and Gen Haftar and 300 of his men were captured in 1987. Gaddafi also disowned him - prompting Gen Haftar to devote the next two decades to toppling the Libyan leader, from exile in the US state of Virginia.

After the start of the uprising against Gaddafi in 2011, Gen Haftar returned to Libya, where he became a key commander of the makeshift rebel force in the east.

With Gaddafi's downfall, Gen Haftar faded into obscurity until February 2014, when he outlined on TV his plan to save the nation and called on Libyans to rise up against the elected parliament, the General National Congress (GNC).

In May 2014, Gen Haftar launched Operation Dignity against Islamist militants in Benghazi and the east, and in March 2015, Libya's elected parliament, the House of Representatives - which had replaced the GNC - appointed him commander of the LNA.

**Libya's Foreign Ministry: Evidence of Haftar's crimes is under investigation by ICC (The Libya Observer)** By Abdulkader Assad

August 10, 2019

**The International Criminal Court's Prosecutor Fatou Bensouda has started investigating crimes committed by forces under Khalifa Haftar's command in Libya, the spokesman for Libyan Foreign Ministry Mohammed Al-Giblawi said Saturday.**

Al-Giblawi told Anadolu Agency that the Libyan Foreign Ministry had delivered evidence to the ICC proving Haftar's forces strikes on illegal immigrants' detention center in Tajoura and strikes in Murzuq in southern Libya.

He also said that the international community is split regarding Libya, which has given a chance to some parties to support Haftar and hinder abiding resolutions at the Security Council, adding that there is no clear condemnation of Haftar's actions at the Security Council due to some countries' intervention, especially France.

"France knows that the Government of National Accord is a major member of the international coalition to combat terrorism led by the US and that it is in direct coordination with Washington to eliminate terrorists in Libya. We are ready to cooperate with the French investigation committee of France's Parliament to prove their country's involvement in supporting Haftar." Al-Giblawi remarked.

He called on the eastern Libyan politicians and academics to present figures who can negotiate for the rights of east Libya after the Head of the Presidential Council Fayeze Al-Sirraj had put out his vision for the political process after the war.

**Car bomb explodes in Libya's Benghazi, killing two U.N. staff - medics (Reuters)** By Ayman al-Warfalli

August 10, 2019

**BENGHAZI, Libya (Reuters) - A car bomb explosion in the eastern Libyan city of Benghazi killed two U.N. staff members on Saturday, several medical sources and the eastern military said. The United Nations is trying to broker a truce in the capital Tripoli, where the eastern-based Libyan National Army (LNA) launched a surprise attack in April. A Reuters reporter at a Benghazi hospital where casualties of the blast were taken saw a list of names of those killed identifying them as part of the United Nations Libya mission (UNSMIL).**

U.N. Secretary-General Antonio Guterres on Saturday condemned the attack, a spokesman said in a statement.

“The secretary-general calls on all parties to respect the humanitarian truce during Eid al Adha and return to the negotiating table to pursue the peaceful future the people of Libya deserve,” U.N. spokesman Stephane Dujarric said.

The United Nations Security Council was due to meet later on Saturday, at the request of France, to discuss the latest developments in Libya.

LNA spokesman Ahmed Mismari told reporters the two people killed were UNSMIL guards. He added that 10 people had been wounded, including children.

UNSMIL spokesman Jean El Alam said via email that the organisation was “in the process of gathering information”.

The explosion happened in front of a shopping mall and bank. At least one burned-out U.N. car could be seen at the scene.

The LNA has yet to advance beyond the southern suburbs of Tripoli, which is home to the internationally recognised government.

Around the time of the blast, LNA commander Khalifa Haftar announced a halt to military operations during the Muslim Eid al-Adha holiday, which lasts from Saturday until Tuesday, according to a statement from his forces in Benghazi.

On Friday, the government in Tripoli said it had accepted a U.N. proposal for a ceasefire during the holiday.

However, it was not clear whether fighting in the capital would actually cease. More than 105,000 people have been displaced during the clashes, according to the United Nations.

UNSMIL will be responsible for monitoring any violations, the Tripoli government said.

### **Eid el-Adha truce in Libya: P3+2 statement (GOV.UK)**

August 12, 2019

**The governments of France, Italy, the UAE, the UK and the US call on all parties to start working on a ceasefire agreement and resume efforts to build a lasting political solution.**

Statement from the governments of France, Italy, the United Arab Emirates, the United Kingdom and the United States:

“The governments of France, Italy, the United Arab Emirates, the United Kingdom and the United States of America welcome the announcement of a truce in Libya on the occasion of Eid el-Adha in response to the Special Representative of the UN Secretary General with the support of the Security Council, and invite all parties to effectively cease hostilities across Libya. We stand ready to assist the UN Mission in monitoring the observance of the truce and address any attempt to break it.”

“As proposed by the SRSG and reaffirmed yesterday by the Security Council, this truce should be accompanied by confidence-building measures between the parties that can pave the way for a sustainable ceasefire and a return to a constructive, inclusive dialogue.”

“We recall the obligation under international law for all UN Member States to abide by the arms embargo, in line with all relevant UN Security Council Resolutions.”

“We call on all parties to start working without delay on a ceasefire agreement and resume efforts, under the auspices of the Special Representative of the United Nations, to build a lasting political solution, based the principles agreed upon in Paris, Palermo and Abu Dhabi.”

“We reaffirm their strong commitment to a quick and peaceful resolution of the Libyan crisis. We reiterate that there can be no



military option in Libya and we urge all parties to protect civilians, safeguard Libya's oil resources and protect its infrastructure.”

“We condemn in the strongest terms the attack that targeted a UN convoy in Benghazi on Saturday. The circumstances of this vicious act must be established without delay and those who were behind it must be identified and held accountable. We reiterate our full support to the essential work of the UN Mission in Libya.”

### **'Palpable reduction' in violence following Eid truce says Libya Mission, as UN investigates deadly bombing which left 3 staff dead (UN News)**

August 14, 2019

#### **A UN call for a humanitarian truce over this week's Eid al-Adha religious holiday led to a "palpable reduction" of violence around the embattled capital of Tripoli, the UN Support Mission in Libya (UNSMIL) said in a statement released on Wednesday.**

Following the UN's plea last Thursday, both the forces loyal to the UN-recognized Government and the self-styled Libyan National Army (LNA) of commander Khalifa Haftar, announced that they would respect a truce.

But the commitment was overshadowed on Saturday morning by a deadly car bomb attack outside a shopping mall in the LNA-controlled eastern city of Benghazi, which left three UN staff dead, and three others injured, including dozens of civilians.

In a Note to Correspondents released on Tuesday, the UN said that “we are not aware of any claims of responsibility for the car bomb. We will try to ascertain the facts behind the incident, including by conducting an internal inquiry.”

“The United Nations emphasizes that lasting peace and stability in Libya, including an end to the worsening humanitarian crisis, will come only through a political solution and the parties should engage in dialogue without delay. The UN continues to stand ready to facilitate that dialogue”, the statement concluded.

An offensive by the LNA on the southern outskirts of Tripoli which began in April, has killed hundreds of fighters and civilians, and more than 100,000 have been forced to flee their homes, with the rebel fighters unable to progress beyond the suburbs due to Government resistance.

UNSMIL said its statement that it welcomed the “positive response” by the warring parties during the two-day festival celebrated on Sunday and Monday by Muslims worldwide, noting that the Government had announced a unilateral cessation of hostilities on Friday, under the condition that the LNA ceased all ground and air operations, as well any troop movements.

The LNA made its declaration after the UN deadline had expired, and announced the halt of military operations for a 48 hour period of its own choosing, said the mission.

#### **Violations reported**

“Despite the notable reduction in violence during the period of the truce, violations were reported to the mission”, added UNSMIL. The truce was not respected in the town of Murzuq, in southwestern Libya, where communal violence continued, killing seven and wounding more than 50 others.

Mission chief, Ghassan Salamé, who is also UN Special Representative in Libya (SRSG), said UNSMIL was ready “to immediately use its good offices, to transform what was accomplished in the period of truce, into a permanent ceasefire.”

The mission “welcomes the international community's declarations of support for the truce and renews the SRSG's proposal to convene a meeting of concerned countries”, the statement continued, noting that nations “should work towards providing guarantees for a permanent ceasefire, a call for upholding the arms embargo, and a commitment to return in good faith to a UN-sponsored comprehensive political process to end the Libyan conflict.”

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# Central African Republic

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

**C.Africa Peace Deal Fragile, 6 Months On: UN Report (Urdu Point)** By Muhammead Irfan  
August 3, 2019

**The peace deal between the Central African Republic government and rebel groups remains fragile, nearly six months after it was signed, UN experts said in a new report released Saturday.**

Members of the armed groups who signed the deal have violated international humanitarian law nearly every day since it was signed, said the experts.

There was little or no sign the rebel fighters had changed their ways -- or that their leaders had punished anyone violating the peace deal, the report said.

MINUSCA, the UN peacekeeping mission in the country, had recorded between 10 and 70 violations of the peace deal, every week, they added.

The deal, between the government and 14 armed groups, was signed on February 6 in the Sudanese capital Khartoum.

The armed groups, in particular the mainly Muslim rebel alliance called the Seleka, had maintained their positions and surrendered none of their territory since, the report added.

They had even tightened their grip on their zones of control and had bought arms.

The report was sceptical, too, of the mixed units of government forces and rebel fighters due to be deployed under the terms of the deal.

The leaders of the former Seleka group saw this deployment as a way of making official the positioning of their fighters along the key transport routes and other key areas, as they insisted on leading the units, the report noted.

Nevertheless, none of the previous five deals signed since the country's crisis started at the end of 2012 had generated as much commitment from national and international participants, they said.

One of the world's poorest and most unstable nations, car has suffered several violent crises since 2003 when former president Francois Bozize seized power in a coup.

The country spiralled into bloodshed after Bozize was overthrown in 2013 by the Seleka alliance. Much of its territory fell to armed groups trying to control gold, diamond and oil deposits, hampering attempts to build peace and national reconciliation.

**Central African Republic sees sharp decline in violence (Reuters)** By Nellie Peyton  
August 8, 2019

**Central African Republic may be getting safer, according to new figures from the United Nations that show a sharp drop in the number of attacks and human rights abuses since last year.**

The head of human rights for the U.N. mission in the country said a peace deal between the government and 14 armed groups in February appeared to have allowed for a relative respite, but was hesitant to declare it a success. The U.N. peacekeeping mission, called MINUSCA, recorded 565 incidents of abuse or human rights violations from January through June, compared to 1,674 in the same period of 2018 and 1,097 the year before.

These include rapes, attacks and the recruitment of children to armed groups. Of 1,082 victims, 403 were women and children.

Central African Republic has been in conflict since 2013, when mainly Muslim rebels ousted the former president, prompting reprisals from mostly Christian militias.

Thousands of people have died because of the unrest in the diamond and gold-producing country, and one in five of its 4.5 million population have fled their homes.

There has been only one major attack on civilians this year, in May, and no clashes between rival armed groups, said MINUSCA.

"I see a trend and I hope it will continue, but I don't want to say that this is going to be the long-term trend," said Musa Gassama, director of the human rights division of MINUSCA.

"Armed groups still control the areas, armed groups are still armed, and of course despite the peace process I cannot just say it is over," he told the Thomson Reuters Foundation. The African Union oversaw talks between the government and rebels that led to the signing of the peace deal in Sudan's capital Khartoum, but it was not the first of its kind. Similar agreements broke down in 2014, 2015 and 2017.

### **Sudan paramilitary funnelling weapons into Central African Republic, UN report reveals (Middle East Eye)** By Kaamil Ahmed

August 9, 2019

#### **Sudan's notorious Rapid Support Forces (RSF) paramilitary has been selling weapons and military equipment to rebels from the Central African Republic, fuelling a military buildup that could threaten the country's peace process, according to a UN report.**

The RSF's commander, Mohamed Hamdan Dagolo, commonly known as Hemeti, also met with Khartoum-based CAR militia leader Nouredine Adam several times in 2019.

Since the turn of the year, when a huge protest movement began in Sudan, Hemeti has been positioning himself as one of the country's most powerful leaders and had a key role in the removal of longtime autocrat Omar al-Bashir.

Groups previously part of the Seleka coalition of rebels, who forcibly took power in CAR in 2013, have been buying weapons and pickup trucks from the RSF, despite signing peace agreements with the government, according to the report published at the end of July.

"FPRC [The Popular Front for the Rebirth of CAR] and UPC [Union for Peace in CAR] have continued to acquire weapons, ammunition and pickup vehicles from and/or through Sudanese territory, with the complicity of elements from the Rapid Support Force," said the report authored by a panel of UN experts.

According to the report, former Seleka groups purchased pickup trucks in Sudan's western Darfur region between January and May 2019. Darfur borders CAR and is the birthplace of the Janjaweed militia, from which the RSF was formed.

The report details how several CAR rebel groups travelled between the Darfuri towns of Nyala and Birao, across the border in to the Central African Republic, to buy vehicles, assault rifles, grenade launchers, ammunition and uniforms.

Dozens of machine gun-mounted pickup trucks were spotted in Birao in January 2019, as rival groups displayed their replenished arms stocks. The RSF deployed 60 vehicles of fighters to the border at the time.

According to the report, the rebels claimed they were acquiring weaponry to prepare for potential government offensives against them.

Exiled Sudanese broadcaster Radio Dabanga has previously reported that Russian forces have trained former Seleka rebels from a base near the border in south Darfur.

The UN report also notes that Russian military instructors had been involved in the transfer of "material" from Sudan into CAR.

The largely Muslim Seleka fighters were accused of abuses against CAR Christians during their military offensive on the capital Bangui in 2013, which prompted a backlash by rival "anti-Balaka" militias that targeted Muslims.

The Associated Press news agency estimated that more than 5,000 people had been killed in the conflict by September 2014.

In February, the CAR government signed a peace agreement with 14 militias in Khartoum, but there have been concerns about how to disband the militias or absorb them into regular forces.

Violence has continued, however, and the UN report raises concerns about the potential for further violence, as groups

continue to acquire weapons fr

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## **Sudan & South Sudan**

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ICC Public Documents - Situation in Darfur, Sudan**

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## **Democratic Republic of the Congo**

**Official Website of the International Criminal Court  
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**Atrocity Alert No. 166: Myanmar (Burma), Children and Armed Conflict and Democratic Republic of the Congo (Relief Web)**

August 8, 2019

### **New UN report exposes financial ties of Myanmar's military**

On Monday, 5 August, the UN Human Rights Council-mandated Independent International Fact-Finding Mission on Myanmar (FFM) released a report on the vast business empire controlled by Myanmar's military (Tatmadaw).

The FFM has previously concluded that the military committed crimes against humanity and war crimes in Rakhine, Shan and Kachin states, as well as acts of genocide against the Rohingya minority in Rakhine State. The new report found that the revenues generated by the military provide financial support for its operations "with their wide array of international human rights and humanitarian law violations." Sexual violence and forced labor have also been perpetrated by the military in connection with its business activities in the mining sector, particularly in Kachin and Shan states.

Senior military figures reportedly solicited more than USD \$10 million in donations from at least 45 companies and organizations in support of its genocidal campaign against the Rohingya in Rakhine State during 2017. Some private companies with links to the military are now financing development projects in northern Rakhine State "in furtherance of the Tatmadaw's objective of re-engineering the region in a way that erases evidence of Rohingya belonging in Myanmar, and preventing their return to access their homeland." The report also found that 14 foreign companies from seven countries (China, Democratic People's Republic of Korea, India, Israel, Philippines, Russia and Ukraine) have provided arms to Myanmar's military since 2016, despite the Tatmadaw's appalling human rights record.

The FFM called upon the UN Security Council, regional organizations and all UN member states to impose a comprehensive arms embargo on Myanmar and targeted sanctions against companies owned by the Tatmadaw. The FFM also advised businesses and investors to "not enter into or remain in a business relationship of any kind with the security forces of Myanmar." All investment in conflict-affected areas should be conducted in strict adherence with the UN's Guiding Principles for Business and Human Rights.

Nearly two years have passed since Myanmar's security forces initiated so-called "clearance operations" in Rakhine State, resulting in tens of thousands of deaths and the exodus of more than 700,000 Rohingya refugees to Bangladesh. Armed conflict and potential mass atrocity crimes continue in Rakhine, Kachin and Shan states. The UN Security Council should immediately refer the situation in Myanmar to the International Criminal Court and Myanmar should also be taken to the International Court of Justice for breaching its obligations under the Genocide Convention.

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## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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

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

#### **Suicide bomber 'kills 6' in Chad; including soldier (Al Jazeera)**

August 14, 2019

**At least six people have been killed after a female suicide bomber blew herself up in western Chad, according to security sources, in an attack blamed on Boko Haram, a Nigeria-based armed group.**

Sources told news agencies on Wednesday that the attack happened shortly after midnight in the compound of a traditional chieftain in Kaiga-Kindjiria district in Lac province

"Six people died, including a soldier," a senior army officer, speaking on condition of anonymity, was quoted as saying by AFP news agency.

Four guards were among the dead, and five people were wounded, the official said.

The death toll of six was confirmed by Chadian army spokesman Colonel Azem Bermandoa, and by a local NGO.

Sources told Reuters news agency that the attacker walked into the compound and detonated her bomb just as people were preparing to go to bed.

A provincial security official said a woman wearing an explosives-laden belt "blew herself up near the home of a traditional chief".

There was no immediate claim of responsibility. Boko Haram rarely claims responsibility for attacks.

Decades-long armed campaign

Kaiga-Kindjiria lies in Lac province, which abuts the vast Lake Chad - a region shared by Chad, Cameroon, Niger and Nigeria.

The area is a stronghold for Boko Haram itself and the Islamic State in West Africa Province (ISWAP) splinter group.

Violence in the region has killed more than 30,000 people and displaced about two million since 2009 when Boko Haram first launched an armed campaign with the intention of carving out an Islamic caliphate in northeast Nigeria.

Fighters in the Lake Chad region have routinely ambushed soldiers, opened fire on markets and kidnapped women and children, including nearly 270 schoolgirls in the village of Chibok in 2014, a hundred of whom are still missing.

Boko Haram has carried out at least 10 cross-border attacks in Chad since 2018, mainly targeting army positions.

In 2015, the four Lake Chad countries, together with Benin, set up a combined force to fight Boko Haram with the help of local

groups of armed citizens.

**Nigeria's girl suicide bombers: Woman abducted by Boko Haram Islamic militants at 13 only escaped by cutting off her device - while another felt UNLUCKY when her mission failed (The Daily Mail)** By Stephanie Linning

August 14, 2019

**Two would-be suicide bombers who were sent to their deaths by Boko Haram militants shared their harrowing stories of survival in a BBC documentary.**

Presenter Stacey Dooley travelled to the city of Maiduguri, the birthplace of Boko Haram, to meet Faltama, who spent almost two years with the Islamic extremist group after being abducted from her village at the age of 13.

Faltama, now 20, was forced to marry three different men - all of whom died - before being sent on a suicide mission. She managed to escape by taking off the bomb and fleeing when she was dropped off at her target, despite the risk of being blown up.

Stacey met a second woman Ammabua, now in her 20s, who chose to join Boko Haram at 15 and spent five years with the terrorist organisation before being picked up by the military after a failed suicide bomb mission.

'I was unlucky, it was only sickness that stopped me,' Ammabua told Stacey in a startling interview. 'The people I went with made it all the way. They entered the crowd and exploded. God did not grant me that fortune.'

Boko Haram has wreaked havoc in Nigeria for more than a decade, carrying out a wave of bombings, assassinations and abductions that have struck fear in the heart of the population. Its aim is to overthrow the government and establish an Islamic State.

Among its most notorious strikes was the kidnapping of some 276 teenage girls from a boarding school in Chibok in Borno in April 2014.

In Stacey Dooley Investigates: Nigeria's Female Suicide Bombers, the presenter told how the group is also turning young girls into suicide bombers in what she described as a 'lethal hidden threat' that the Nigerian Army is battling to contain.

Like hundreds of other women across the country, Faltama was abducted from her home by Boko Haram militants who believe Nigerian women are being corrupted by Western culture.

'Before they came, very early that morning, we heard the sound of gunshots,' the survivor told Stacey. 'When we saw them we started running. They chased us and caught us.'

'When they arrived in the village they killed a lot of people. They abducted lots of the girls like me.'

'We were terrified. We knew that once you are abducted by Boko Haram, you will never see your family again.'

Faltama revealed she was first married off to an extremist when she was 13. After her first husband died she was married to two more men, both of whom also died.

'When your husband is killed they will marry you to another man,' she explained. 'After this happens about three times, they strap a suicide bomb to you and send you off for Jihad.'

'You are no longer any use to them. They fix the bomb on you, they tell you to detonate when you see a crowd of people or soldiers.'

'Then they sent us off and we obeyed, and that is how we escaped. We went a different direction from where they instructed us to go.'

'We took off the bombs as we had seen how they fixed them on us. Then we ran away.'

Asked how she found the courage to try and remove the live device from her body, Faltama explained: 'Whether I escaped or not was in the hands of God. The suffering was so bad it was better to die than stay in that place. Either I died, or I escaped.'

After being robbed of her childhood, Faltama now dreams of returning to school.

Stacey also told how some women choose to join Boko Haram after being enticed by the extremists' anti-Western propaganda.

Ammabua was 15 when she joined the organisation with her husband and child. She was trained how to become a bomber and trained how to fight.

When Ammabua's husband was killed fighting, she put herself forward for a suicide mission along with two other girls.

'It was my decision to do it [the mission] rather than staying there,' she told a shocked Stacey. 'Our husbands looked after us well but when our husbands died, the other men would no longer bring us food when they came back from fighting.

'That is why we decided it was better to do a suicide bomb.'

The survivor recalled how she was praised by the extremists after she announced her intentions.

'They told me I should do a suicide mission in order to be reunited with my husband,' she continued. 'We were excited.'

However a severe bout of illness forced Ammabua to abandon her suicide mission.

'I had diarrhea and an upset stomach and was exhausted,' she explained. 'I asked them to wait for me. When I had finished we would be able to carry on together.

'They told me the timer was running out and I was being too slow. So they left me there and carried on.

'I was yelling for them but they couldn't hear me. Since I wasn't going to reach the target, I wasn't going to let it explode and kill me alone. That wasn't possible. So I left it and got away.'

She was later picked up by members of the armed forces and is now in a rehabilitation facility for women who have left or escaped Boko Haram.

Despite admitting she was fully committed to the beliefs at the time and had intended to die, Ammabua insisted she has no intention of returning to violence.

'I will not do it,' she said. 'I will stay here now. As God has given me a second chance I'll wait and see what he has destined for me in the future.'

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## **Mali**

**UN: Malians Need Protection as Country Descends into Chaos (VoA)** By Lisa Schlein  
August 9, 2019

### **The U.N. refugee agency is urging countries to provide international protection and asylum to people fleeing the increasingly chaotic conditions in Mali.**

The country's 2015 peace and reconciliation agreement has all but collapsed as several rebel groups affiliated with a loose coalition of militias have failed to respect its provisions. The U.N. refugee agency says the armed factions and Islamist extremist groups operating in the country have been escalating the fighting.

The conflict, which had been mainly waged in northern Mali, has spread to the central Mopti region and some parts of the southern region. Government authorities and institutions are largely powerless to stop the increasing turmoil, according to the U.N.

UNHCR spokesman Andrej Mahecic says civilians, politicians, civil servants and security forces are being targeted and killed. Local populations, particularly in central regions, report widespread human rights violations, including summary executions, disappearances, torture and arbitrary arrests.

"The crisis has a devastating and disproportionate effect on Malian children," Mahecic said. "Children are being forcibly recruited by armed groups, kidnapped and killed. More than 285,000 children are being denied education due to school closures."

## Protection guidelines

The UNHCR has issued new protection guidelines in light of the deteriorating humanitarian and security situation in Mali. The guidelines are meant for anyone involved in adjudicating asylum claims from Malian nationals, Mahecic told VOA, adding that people fleeing violence in Mali should be given protection.

"Nobody from these conflict-affected areas should be forcibly returned to Mali and also ... the remaining parts of the country should not be considered as an appropriate alternative to providing asylum until the security, the rule of law and the human rights situation in Mali has significantly improved," he said.

Mali has been in turmoil since a separatist uprising in 2012 overthrew the country's president. The UNHCR says nearly 140,000 Malian refugees have fled, mainly to Burkina Faso, Mauritania and Niger, since 2013. More than 52,000 are internally displaced.

The United Nations says nearly 200 of its peacekeepers have been killed in the last six years, making Mali the deadliest peacekeeping operation in the world.

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## Liberia

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## EAST AFRICA

### Uganda

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### Kenya

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

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## Rwanda (International Criminal Tribunal for Rwanda)



## Somalia

**Somalia Executes Two Al-Shabaab Militants for Mogadishu Attack (Bloomberg)** By Mohammed Omar Ahmed  
August 5, 2019

**Somalian authorities executed two al-Shabaab militants who were convicted for a December attack that killed at least 13 people in the capital, Mogadishu.**

The men “were executed by firing squad on Monday morning,” Chairman of the Somali military court Hassan Ali Nur told reporters.

The al-Qaeda-linked militants have waged an insurgency in Somalia since 2006 in a bid to impose its version of Islamic law. While the group was driven out of Mogadishu in 2011 by Somali and African Union forces, it continues to carry out deadly attacks in the city.

**New head of AFRICOM visits Somalia as pressure on al-Shabab increases (AirForceTimes)** By Stephen Losey  
August 7, 2019

**Army Gen. Stephen Townsend, the new commander of U.S. Africa Command, visited Somalia on Wednesday and pledged to continue pressuring violent extremists such as al-Shabab.**

Townsend is now on his first trip to the African continent since he took charge of AFRICOM July 26. He met with Somali Prime Minister Hassan Ali Khayre in the capital city of Mogadishu, as well as U.S. Ambassador Donald Yamamoto and senior Somali military leadership, AFRICOM said in a release.

AFRICOM said Townsend’s trip allowed him to assess the situation in Somalia, and reinforce AFRICOM’s commitments to the region’s security.

“I am committed to working together and advancing our partnership with Somalia,” Townsend said in the release. “Along with Somalia and other international partners, we will apply continued pressure on violent extremist organizations. This pressure creates conditions and opportunity for further political and economic development.”

Townsend said that Somali forces must keep pushing al-Shabab out of the remaining areas they hold to free Somali people living there, and that degrading the terrorist group’s threat supports the interests of both Somalia and the United States.

“We’re in the business of protecting our country from these threats,” Townsend said. “Degrading the capability of terrorists who operate here makes the entire region safer and prevents its export to other places. This is important work for our country, the Somalis and our allies.”

In a sign of how American involvement in Somalia is increasing, AFRICOM carried out as many airstrikes in the nation in the first seven months of 2019 as it did for the entirety of 2018. According to statistics from AFRICOM last month, the U.S. military carried out its 47th airstrike in Somalia on July 27 to target suspected Islamic State militants in the Golis Mountain region, which is a reputed terrorist hotbed.

AFRICOM said Wednesday that the U.S. is coordinating its diplomacy and development efforts with military activity. Undersecretary of State for Political Affairs David Hale also met with Khayre in Mogadishu earlier this week, and pledged to continue U.S. support for Somalia’s political reforms, economic development and stabilization.

“They agreed on the value of security operations to liberate areas from al-Shabab and preparing Somali forces to take over from the African Union Mission to Somalia,” State Department spokesperson Morgan Ortagus said in the release.

The Prime Minister added the partnership with the U.S. is key to reform and sustaining progress, according to the AFRICOM website.

“Through our strategic partnership and support with the U.S. government, Somalia has made tangible progress in security, reconciliation, and debt relief,” said Khaire, adding the two nations will continue to partner meaningfully in pursuit of their bilateral interests.

As part of its support, AFRICOM is training a Somali military force called the Danab, a specially-trained unit of the Somali Security Forces that focuses on fighting al-Shabab and ISIS-Somalia. Al Shabab is believed to have been responsible for an October 2017 truck bombing in Mogadishu that killed 500 people and a January attack on a hotel in Nairobi, Kenya, that killed more than 20 people. AFRICOM said that the al Qaida-connected al-Shabab “remains the largest and deadliest terror organization in East Africa” and the region’s “principle security challenge.”

Townsend met with U.S. units training the Danab, and praised the job they are doing.

“The United States of America offers the best security partnership and training in the world,” Townsend said. “We invest in our partners, dedicating the time, energy and commitment to make sure they are ready for any challenge.”

**Kenya and Somalia’s maritime border spat risks degenerating (theafricareport)** By Morris Kiruga  
August 13, 2019

### **As the Somalia-Kenya maritime dispute escalates into a legal and diplomatic spat, peace and security concerns take centre stage.**

From September 9 to 13, the International Court of Justice (ICJ) in the The Hague will hear submissions from Somalia and Kenya over their maritime territorial dispute.

Somalia contends that its maritime boundary with Kenya should run on a diagonal, extending from its land border and not in the current flow parallel to the line of latitude.

The contentious triangle measures about 100,000 square kilometres; for Kenya, it places 51,000 sq km of its Exclusive Economic Zone and 95,000 sq km of its continental shelf in jeopardy.

While the main resource issue has been the potential hydrocarbon deposits in the contested area, the dispute has the potential to escalate security issues in the region, especially as it encourages brinksmanship.

Both countries have officially accused the other of auctioning oil blocs in the disputed waters.

In the Kenyan media, Somalia’s claim has been referred to as a ‘land grab’ and Somalia has been accused of “sticking a finger up the nose of [its] benefactors’ .

President Mohammed Farmajo has been accused of using the conflict to shore up his position ahead of next year’s elections, the first universal suffrage in Somalia since 1969.

They have also been engaged in a diplomatic tit-for-tat, which escalated this year.

In February, Kenya recalled its ambassador to Somalia and expelled Somalia’s envoy in Nairobi.

In May, Kenya suspended direct flights from Somalia to Nairobi. Then it denied entry to three top Somali officials at the Jomo Kenyatta International Airport.

In response, Somalia said its officials would no longer attend meetings in Nairobi, and banned all Kenya-based NGOs working in the country.

In June, Kenya closed its border crossing with Somalia in Lamu citing security concerns.

Somalia first filed the case with the ICJ in August 2014, with Kenya raising preliminary objections on the court’s jurisdiction over the matter. Although the ICJ threw out the jurisdiction issue in February 2017, there will be other other issues at play when the case is heard.

A key one is that the current President of the court, Judge Abdulqawi Ahmed Yusuf, is a Somali national.

Yusuf has served in the court since 2009, and as Vice President from 2015 until 2018, when he was elected President.

Another is that a decision for Somalia would have a ripple effect on Kenya (it has another maritime boundary with Tanzania) and other countries along the Indian Ocean coastline.

Protests to the UN and military deployment

A bipartisan motion now before Kenya's parliament seeks to compel the executive to do more to resolve the issue. One proposed solution is an official letter to the United Nations protesting Somalia's "aggressive legalistic stance" to file with the ICJ without first using alternative dispute resolution mechanisms. As a last resort, the motion calls for the government to deploy the military in the disputed waters.

Kenya would rather the dispute is first considered by the African Union, the Intergovernmental Authority on Development, and the East African Community. A 2009 memorandum of understanding had provided for alternative dispute resolution.

A mediation attempt by Ethiopia's Prime Minister Abiy Ahmed earlier this year also failed.

Among the security concerns is that the escalating diplomatic spat threatens Somalia's peace and stability, and with it, the security of the entire region as well as international shipping routes.

It would also, according to Kenyan legislators, hamper the ongoing construction of a land border wall between the two countries and the fight against al-Shabaab.

Kenya has been battling the terror group in Somalia since 2011, and is now a core part of the African Union Mission in Somalia (AMISOM) forces holding Somalia's fragile peace together. In the front lines, cooperation between Kenya's and Somalia's security forces is essential to combating terrorism.

While there are fears that Kenya could leverage this to force Somalia's hand, its presence in Somalia is primarily for its own security. Ceding its gains against al-Shabaab to force the territorial dispute would be as costly for Kenya as it would be for Somalia, which has been rocked by multiple terror attacks this year. In late July, the mayor of Mogadishu was killed in one such attack.

While coordinated efforts by several navies managed to stop piracy off the coast of Somalia, pirates attacked two shipping vessels in April, raising concerns of a likely resurgence.

Bottom line: For Somalia, a win at the ICJ would be a diplomatic coup. However, without the support of its economically and militarily bigger neighbour, especially as al-Shabaab escalates its attacks on Mogadishu, it would be a Pyrrhic victory.

**At Least 7 Killed in al-Shabab Attack on Somali Base (VOA)** By Harun Maruf

August 14, 2019

**At least six Somali government soldiers and a cameraman were killed and 13 others were injured Wednesday when al-Shabab militants attacked a military base near the capital, officials say.**

The officials say back-to-back vehicle-borne improvised explosive devices (VBIEDs) hit the base in the town of Awdhegle, 70 kilometers south of Mogadishu. Militants then attacked the base from two sides, exchanging gunfire with government forces before they were overpowered and pushed back.

Al-Shabab, which claimed responsibility for the attack, said it killed at least 50 government soldiers. Security sources told VOA Somali that government forces suffered six fatalities. The governor of Lower Shabelle region Ibrahim Adan Najah told VOA Somali that a cameraman working with the Somali National Army was also killed.

Najah said 23 militants were killed by the government forces.

Commander of Somali ground forces General Odawaa Yusuf Rageh, who was at the base at the time of the attack, told VOA that VBIEDs detonated before they could hit frontline forces.

"Our forces were ready to confront," he said. "The attack ended in failure, both vehicles were foiled and were blown up before they reached the defenses."

Awdhegle has changed hands between Somali forces and al-Shabab several times over the past three years. Somali troops recaptured Awdhegle from al-Shabab on August 6.

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# EUROPE

## **The Court of Bosnia and Herzegovina, War Crimes Chamber**

**Official Court Website [English translation]**

**Bosnian Serb Ex-Soldier's Crimes Against Humanity Appeal Rejected (Balkan Insight)** By Albina Sorguc  
July 31, 2019

**Bosnia's Constitutional Court rejected an appeal from former Bosnian Serb Army serviceman Dragan Marinkovic, who was sentenced to eight years in prison for his involvement in the killings of two Bosniak civilians in 1992.**

The Bosnian Constitutional Court has dismissed as unfounded Dragan Marinkovic's appeal against his conviction for committing crimes against humanity in the village of Zutica in the Milici municipality of eastern Bosnia in 1992.

"The Constitutional Court finds that there is no violation of the right to a fair trial," said the decision, which was handed down on July 17.

It said that the courts that tried Milinkovic's case had given "detailed, clear and substantiated explanations regarding the evidence presented".

In March 2017, the appeals chamber of the Bosnian state court upheld the first-instance verdict that convicted Marinkovic of crimes against humanity for his role in the killings of the two civilians in Zutica on May 11, 1992.

He was found guilty of killing Rasid Jasarevic and Mehmedalija Ahmetovic in collaboration with another, unknown soldier.

**Bosnia Jails Serb Ex-Policemen for 55 Years for War Crimes (Balkan Insight)** By Albina Sorguc  
August 2, 2019

**Bosnia's state court increased the sentences imposed on former Bosnian Serb policemen Zoran Babic and Darko Mrdja to a total of 55 years for murders and other crimes against Bosniaks in the Prijedor area in 1992.**

The appeals chamber of the Bosnian state court ruled on Friday that sentences imposed on the two former Bosnian Serb policemen should be amalgamated, and that Zoran Babic should serve 35 years and Darko Mrdja 20 years.

Babic and Mrdja, both former members of intervention squads at the police Public Security Station in Prijedor, were sentenced by the appeals court in their latest verdict to 13 and 15 years respectively for the killings and inhumane treatment of Bosniak civilians in the Prijedor area.

Babic was previously sentenced to 22 years in prison by the Bosnian court for the murders of Bosniaks from Prijedor at the Koricani Cliffs on Mount Vlastic in 1992.

Mrdja was previously sentenced to 17 years in prison by the Hague Tribunal after pleading guilty to involvement in the Koricani Cliffs killings.

The appeals court ruled that the sentences should be amalgamated.

Its verdict cannot be appealed.

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# **International Criminal Tribunal for the Former Yugoslavia (ICTY)**

**Official Website of the ICTY**

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## **Domestic Prosecutions In The Former Yugoslavia**

**Kosovo Municipality Files 100 War Crimes Complaints Against Serbs (Balkan Insight)** By Blerta Begisholli  
August 1, 2019

**A municipal war crimes office in Gjakova/Djakovica in Kosovo has filed 100 more criminal complaints about wartime violations by Serbian police and military forces – bringing the total number filed to around 1,500.**

The Office for the Collection and Documentation of War Crime of the Kosovo municipality of Gjakova/Djakovica said on Thursday that it has filed 100 new criminal complaints against alleged Serbian war criminals to the Special Prosecution in Pristina.

This was the latest in a series of more than a thousand war crimes complaints to be filed to Kosovo prosecutors by the municipal war crimes office.

“Today we have delivered the 12th tranche of complaints for crimes committed by Serb criminals in the municipality of Gjakova,” Shkendije Hoda, the head of the Office for the Collection and Documentation of War Crimes, told BIRN.

“So far, we have [sent] around 1,500 criminal complaints,” Hoda added.

Together with the indictments, Hoda said that the office will also deliver evidence and documents that it has found from Serbian military, police and paramilitary forces that operated in Gjakova/Djakovica during the 1998-99 war.

More than 10,000 ethnic Albanian civilians were killed during the war in Kosovo, and hundreds of thousands expelled. Some of the victims were later found in concealed mass graves in Serbia.

About 1,600 people are still listed as missing, mostly ethnic Albanians but also some Serbs.

NOTE: This article was amended on August 1, 2019 to clarify that the Office for the Collection and Documentation of War Crimes is a municipal institution, not an NGO.

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## **Turkey**

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# MIDDLE-EAST

## Iraq

### **Grotian Moment: The International War Crimes Trial Blog**

#### **UN expert to France: Bring home citizens facing hanging in Iraq (Aljazeera)**

August 12, 2019

#### **A top UN human rights expert has called on the government of France to repatriate and try seven French nationals sentenced to death on "terror" charges in Iraq, drawing a sharp rebuke from Paris.**

In a statement issued on Monday, Agnes Callamard, UN special rapporteur on extrajudicial, summary or arbitrary executions, expressed "serious concerns" over the men's fate.

"There are serious allegations that the sentences were handed down following unfair trials, with the accused having no adequate legal representation, or effective consular assistance," Callamard said.

She said Iraq's legal system was "marred by very serious structural problems".

Earlier this year, eleven French citizens were reportedly sentenced to hang in Iraq after being handed over to Iraqi authorities by US and French-backed Kurdish forces who captured them in Syria.

Paris responded to the appeal by saying that its position on the issue had been consistent: "Adult French nationals, men and women, having joined (IS) to fight in (Iraq and Syria)... should be tried nearest to where they committed their crimes."

Paris "respects the sovereignty of the Iraqi state, including its judicial institutions that have said they are competent to try French fighters belonging to IS," the French foreign ministry said in a statement.

It added that Baghdad was "aware that France opposes capital punishment and asks that the death penalty not be applied".

Callamard's allegations "are in no way backed up (and) are pure speculation," the statement said.

Hundreds of foreigners have been sentenced to death or life imprisonment in Iraq for belonging to the Islamic State of Iraq and the Levant (ISIL, also known as ISIS) armed group. European governments have long debated whether and how to take back former fighters and their supporters amid a host of security, political and legal issues.

The seven French nationals were arrested by the Syrian Democratic Forces (SDF) and subsequently transferred to Iraq in February, allegedly at the request of the French government or with its suspected involvement, Callamard said.

Once in Iraq, they were reportedly subject to torture or other ill-treatment, she added.

"In these circumstances, the transfer of persons to Iraq for prosecution is illegal. I am particularly disturbed by allegations that France may have had a role in this transfer, given the risk involved of torture and unfair trials and that they would likely face the death penalty," Callamard added.

She has written to French Prime Minister Edouard Philippe with her concerns.

Callamard named the men as Fodil Tahar Aouidate, Mourad Delhomme, Karam El Harchaoui, Bilel Kabaoui, Leonard Lopez, Brahim Nejara and Vianney Ouraghi.

The fate of the other four French citizens on death row is unclear.

Last week, Iraqi Prime Minister Adel Abdul Mahdi declared that his government was not empowered to reduce the sentences of foreign fighters facing the death sentence.

Iraqi law stipulates the death penalty for anyone joining a "terrorist group" - even those who did not take up arms.

France and other European countries have strongly resisted the repatriation of their nationals suspected of joining ISIL.

France is also staunchly opposed to capital punishment.

### **Iraq rejects Pentagon's report claiming 14,000 ISIS fighters' present in Iraq, Syria (Kurdistan24)**

By Sanger Ali

August 12, 2019

The Joint Operations Command of Iraq on Sunday rejected the Pentagon's recent estimate that there are approximately 14,000 to 18,000 Islamic State militants still in Iraq and Syria, stating the figure was "greatly exaggerated."

The Pentagon Inspector General last Tuesday presented a report to Congress claiming the Islamic State was "growing again in power" in Syria and Iraq, with around 14,000 to 18,000 available militants.

"The Pentagon's report on the presence of more than 14,000 Da'esh [ISIS] militants in the desert bordering areas of Iraq and Syria is greatly exaggerated," a spokesperson for the Joint Operations Command, Brigadier-General Yahya Rasool told Iraqi news agency Malouma.

"We disagree with a lot of things mentioned in the Pentagon report," he added. "ISIS elements present in those areas do not exceed dozens [of people] and are deployed in the form of small groups of three to five militants."

Rasool noted movements of Islamic State remnants in the desert bordering areas are defensive, and not actual offensives yet."

"The military campaign 'Will of Victory' [carried out by Iraqi security forces] in the first, second and third stages destroyed many of their hosts and hideouts, and killed dozens of the militants," the spokesperson argued.

He almost said military campaigns would continue in the form of smaller-scale operations until the elimination of all militants of the organization and their sleeper cells in Iraq.

The quarterly report of the US Department of Defense to Congress states that "ISIS continued its transition from a territory-holding force to an insurgency in Syria, and it intensified its insurgency in Iraq."

The Inspector General's report on "Operation Inherent Resolve," the official name of the US-led military campaign against the Islamic State. The report highlights the increasing activity of the terrorist group in both Iraq and Syria.

"ISIS is able to operate as an insurgency in Iraq and Syria, in part because the Iraqi Security Forces (ISF) and U.S.-backed Syrian Democratic Forces (SDF) remain unable to sustain long-term operations against ISIS militants," the IG report states.

It also warns, "Despite losing its territorial 'caliphate,' the Islamic State in Iraq and Syria (ISIS) solidified its insurgent capabilities in Iraq."

Iraq declared military victory against the jihadist group in December 2017, but the terrorist group continues to launch insurgency attacks, ambushes, and kidnappings in the country.

### **Iraq's ever-increasing enforced disappearances (Al-Monitor)** By Adnan Abu Zeed

August 8, 2019

**Anas al-Azzawi, member of the Office of the High Commissioner for Human Rights (OHCHR), reported July 24 that "7,663 people have been forcibly disappeared during the last three years. OHCHR confirmed that 652 disappeared persons were in detention and prisons, and the search is still ongoing to find the others."**

This number of enforced disappearances, which include neither those forcibly disappeared during the Islamic State (IS) phase nor those in the Kurdistan Regional Government (KRG), is proof of the ongoing violence and political and sectarian conflict that began after 2014, following IS' control over a third of Iraq. These forced disappearances have surpassed those that took place in Iraq during the sectarian civil war from 2005 to 2008.

Wahida al-Jamili, rapporteur for the parliamentary Human Rights Committee, told Al-Monitor, "Some were forcibly disappeared at the hands of political parties and others by armed parties, both of which find in such aggressive behavior a way

to get those who oppose them out of the picture.”

However, she noted, "Those who forcibly disappeared for sectarian reasons are few compared to when IS was in control or during the civil war. All sectarian components have become more aware that it is pointless to eliminate one another this way. In addition, there have been political agreements and the political process based on the balance between components has been a success.”

Jamili added, “There are thousands of forcibly disappeared at the hands of troops in uniform and by government forces. We have a database of all those missing and forcibly disappeared, but their whereabouts and fate remain unknown.”

Human Rights Watch noted on Sept. 27, 2018, that Iraqi security and military forces have hidden dozens of people, mostly Sunni Arab males, in the framework of counterterrorism operations.

OHCHR representative in the National Commission for Missing Persons Ali al-Bayati told Al-Monitor, “Since the last months of 2017 and until August 2019, OHCHR has received over 7,000 reports or complaints about missing persons, most of whom went missing after June 2014, according to their families.”

Speaking about the procedures to deal with these reports, he said, “According to Law 53 of 2008, OHCHR has the authority to receive these complaints, investigate them and address the concerned authorities in order to know the fate of missing persons or to hold those responsible accountable.”

Bayati said, “We are now in the process of investigating these complaints in order to submit them to the Supreme National Committee formed by the Supreme Judicial Council, the General Secretariat of the Council of Ministers, all the security institutions and the KRG. OHCHR is represented as an observer, according to Diwani Order 46. It is the one in charge of looking into missing persons files, malicious claims and disputes in areas that were once controlled by IS and are now liberated.”

He noted, “Iraq is a member of the International Convention for the Protection of All Persons from Enforced Disappearance, but there is no law to enforce this convention and hold those responsible accountable.”

This official failure to address the issue of enforced disappearance, which Bayati pointed out, was underlined by the Iraqi Observatory for Human Rights in late 2018. He added, “There is excessive neglect in how the Iraqi government deals with the issue of those who went missing during the military operations in October 2016 in Mosul as well as when security forces entered the city, as a number of these missing persons are in government detention centers, some in Baghdad.”

Legal expert and former judge Ali al-Tamimi told Al-Monitor, “The parties behind enforced disappearance are ignoring the constitution and the Criminal Assets Law, which prohibit the arrest or detention of persons without a judicial order. The fate of the arrested person must be decided by the court of inquiry within 24 hours and the prisons must be subject to the control of the prosecution, the parliament and OHCHR.”

He said, “The constitution requires the prime minister to open an immediate investigation in cases of enforced disappearance that international organizations raise, and work to hold those involved accountable. Every detention of a person without a judicial order is terrorism.”

Tamimi added, “The families of the victims have the right to ask the Iraqi government for moral compensation for the damage inflicted on them by suing the kidnappers.”

It seems there are attempts to reduce the contradiction between the situation on the ground of the ongoing enforced disappearance and the constitution that rejects them.

In this context, Jamili referred to a proposal in parliament "to enact a law to protect all persons from enforced disappearance under the constitution in its articles on rights and freedoms. This would also be a commitment to the obligations Iraq took upon itself when signing the Convention for the Protection of All Persons from Enforced Disappearance.”

However, Jamili admits that “enacting the law will take time and it will not be implemented any time soon.”

Iraqis have endured decades of executions, enforced disappearance and human rights abuses since Saddam Hussein’s regime, which continues despite the existence of security and justice authorities that ought to hold those responsible accountable. As a result, citizens either choose to leave the country or stay and face an unknown fate. Thus, Iraq urgently needs to renounce its ancient violent methods, including enforced disappearance.

**Turkey kills 2 more suspects in diplomat's slaying in Iraq (Washington Times)**

August 8, 2019



## **Turkey's state-run news agency says an operation by the Turkish military and its intelligence agency has killed two more suspects and alleged planners in last month's assassination of a Turkish diplomat in Iraq.**

Anadolu Agency said on Thursday that Turkish forces targeted a vehicle carrying the two men in Iraq's semi-autonomous northern Kurdish region in an aerial operation last week.

It was the latest Turkish attack against the alleged masterminds of the July 17 assassination of diplomat Osman Kose at a restaurant in the Iraqi city of Irbil. Other suspected planners were killed in similar operations on July 18 and July 24.

Iraqi Kurdish officials have arrested the lead suspect in the shooting. He was identified as a 27-year-old who hails from Turkey's predominantly Kurdish city of Diyarbakir.

**Iraqi spy chief discusses IS and intel cooperation (Al-Monitor)** By Shelly Kittleson  
July 31, 2019

### **The head of Iraq's Falcon Intelligence Cell knocked sharply on a wooden table nearby, saying the unit had lost "less than a handful of men" in its operations against al-Qaeda and the Islamic State (IS) over the years.**

He told Iraqi media July 29 that Islamic State (IS) commander Abu Bakr al-Baghdadi is currently in Syria and retains significant influence despite serious spinal injuries.

The injuries were reportedly sustained in a joint operation between his unit and the Iraqi Air Force last year in Hejin in Syria's Deir al-Zor province.

In an interview with Al-Monitor in his Baghdad office on July 19, Abu Ali al-Basri said the cell had lost "less than a handful of men" in their operations against al-Qaeda and IS over the years.

"We killed over 3,500, though," including by providing coordinates for airstrikes in Iraq and Syria, the director of Iraq's notoriously secretive counterterrorism intelligence unit added. The only publicly acknowledged loss in the cell's ranks was that of IS infiltrator Capt. Harith al-Sudani, profiled in a New York Times article in 2018.

The Falcon Intelligence Cell has been credited with being key to the victory against IS in Iraq — and al-Qaeda before that — but few were aware of its existence until last year. Many of Basri's men have received training from other countries' services and some have provided training to others, he said, "but it is experience that makes them good at what they do." Major operations include one earlier this year in which 186 men were reportedly arrested, some responsible for major attacks in Baghdad and Anbar province. These arrests later led to additional information and leads.

Partially for this reason, Basri said, not much can now be said about specific IS commanders — now that the terrorist organization has gone back to being more secretive about its hierarchy — nor can recent arrests be discussed in detail.

He told Al-Monitor, however, that IS "is very different from al-Qaeda. Al-Qaeda always published announcements of their 'martyrs' as soon as they were killed. IS learned from the Baath regime. Many of them were in it. They often don't announce the deaths of important figures until years later, if at all."

"They lie and deceive, like Saddam's regime did. You remember how they (Saddam's regime) were reporting that they were winning in Baghdad when the US was at the gates to the city?" he said. "That is their style."

Basri claimed that most IS military commanders have been killed but that a small number are still in Iraq, more in Syria, and a few also in Sudan, North Africa and Asia. He added that some "historic" commanders from the 2006-2012 era are still alive and active but declined to give any names.

"However, none of the top-level" military commanders are still alive in Iraq, he said, "and only very few second-level ones are."

Basri said the whereabouts of current IS religious leaders are known by the intelligence unit but cannot be disclosed.

The unit has contact with other countries' intelligence services, he added, but not all countries and not directly in some cases.

Basri noted that his team has no direct contact with the Syrian government, for example. However, there is the "four-member operations room" in Baghdad involving Syria, Iran, Iraq and Russia, he said, through which information is often channeled.

Basri said the Falcon Intelligence Cell had warned the Syrian government about Jabhat al-Nusra and IS early on but that this warning had not been heeded.

"And we share information with whomever, whenever necessary. Our priority is to save lives. And in this, time is of the essence," he said.

But in Syria, "It is very complicated. There are so many countries involved."

On frequent accusations that particular countries support the terrorist group, he said, "As professionals, we do not say specific countries supported IS. Perhaps some turned a blind eye, for whatever reasons. Some later regretted it and lost thousands of their citizens to it. IS is loyal to no one. Even if you support them they may do something against you."

He said that within Iraq, the unit has "much closer" relations with intelligence units in Sulaimaniyah than with Erbil in the Kurdistan Regional Government area.

Recent arrests, he noted, included terrorists who had entered via the Iranian border — including near Sulaimaniyah — and had been planning attacks, but added that nothing more can be said about this to avoid compromising future operations.

Tension between tribes — such as in western Anbar in Qaim, where "IS members of some tribes killed even women of rival ones in the main street" — does not for the moment seem to be serving as a recruiting factor for terrorist groups.

Basri stressed that most IS fighters that have not been captured or killed are currently in Syria, not Iraq.

He said the Syrian province of Idlib is an area with extremists of varying allegiances. It is not only IS that is the problem, he said.

For example, he said Abu Maria al-Qahtani, an Iraqi from Mosul and former policeman who was instrumental in recruiting fighters for Jabhat al-Nusra, especially in Syria's eastern Deir ez-Zor region, and whose real name is Maysar al-Jabouri, "has the potential to set up a new organization."

Qahtani is believed to be in Idlib now, as several Syrian sources have confirmed to Al-Monitor. He was previously Jabhat al-Nusra's top religious leader and a military commander after being involved in al-Qaeda in Iraq.

In 2014 he had fought against IS in Deir ez-Zor, where many young fighters in various Free Syrian Army groups looked up to him prior to their withdrawal from the area after Mosul was taken in mid-2014.

Qahtani exploits situations and people, Basri said, but "doesn't have the charisma of [Abu Musab al-] Zarqawi or others." Zarqawi was killed in 2006.

For example, Qahtani "takes advantage of disaccord between religious figures and wealthy men in the Gulf," Basri said, adding, "Many European fighters were attracted to a middle way between AQ [al-Qaeda] and IS," and "men like Qahtani know how to use this."

However, "If he ever dares to come back to Iraq, he will suffer the same fate as Abu Omar al-Baghdadi. And you remember what happened to him, don't you?" Basri asked, smiling. "The Islamic State of Iraq leader was killed in 2010 near Tikrit and his body was found in a hole in the ground."

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## **Syria**

**Syria: new Idlib clashes sow 'total panic' among civilians, UN says (The Guardian)** By Peter Beaumont  
August 8, 2019

**Fresh fighting around Syria's jihadi-controlled enclave of Idlib has triggered "total panic" among civilians in recent days, according to a senior UN official who warned that a feared government offensive in the area was "playing with fire".**

The renewed violence, which followed the breakdown of a brief ceasefire, came as international concern about Syria mounts. The British foreign secretary, Dominic Raab, said on Thursday that he was appalled by the deteriorating situation in the enclave, which is home to about 3 million people.

“Appalled by situation in Idlib and how Assad backed by Russia revoked a ‘conditional’ ceasefire just days after announcing it – a repeated pattern of behaviour,” he tweeted. “Attacks on civilian targets are a violation of international humanitarian law – this must stop.”

A truce that started last Friday broke down quickly after Hayat Tahrir al-Sham, a former al-Qaida affiliate which controls most of Idlib, refused to withdraw from a planned buffer zone around the area – a key component of the agreement.

The Syrian government officially declared the ceasefire over on Monday, and the UK-based Syrian Observatory for Human Rights reported at least 49 air raids in 10 locations by early Thursday afternoon. More than 380 government mortar and artillery shells were reportedly fired.

Raising the alarm that the renewed fighting could foreshadow a wider government offensive, the UN humanitarian chief for Syria, Panos Moutzsis, said a humanitarian disaster could unfold in an area where hundreds of thousands have fled to escape Syrian government forces.

“These people don’t know where to go,” he said, stressing that there was no other opposition stronghold for people to flee to if President Bashar al-Assad’s forces were to launch an all-out assault. “A total panic has resumed again. It’s like playing with fire at the moment and we worry about it coming out of control.”

The UN has said it has contingency plans in place to cope with as many as 900,000 people being displaced, but there are no plans for managing an offensive affecting Idlib’s entire population. “What is the ... plan for the three million people there?” Moutzsis asked. “That is a question we haven’t got an answer for.”

Fears about the deteriorating situation in Idlib came as Damascus said it strongly rejected a proposed US-Turkish buffer zone for northern Syria, blaming the “aggressive” project on Syria’s Kurds, who gave the plan a guarded welcome.

Turkish and US officials agreed on Wednesday to establish a joint operations centre to oversee the creation of a safe zone in an effort to manage tensions between Ankara and US-backed Kurdish forces in Syria.

No details were provided on the size or nature of the safe zone, but the deal appeared to provide some breathing space after Turkey had threatened an imminent attack on the Kurdish People’s Protection Units (YPG), which control a large swathe of northern Syria.

Underlining the sense of mounting concern over the threats of a military escalation in Syria, the humanitarian adviser to the UN special envoy for Syria, Geir Pedersen, said on Thursday that she regretted the collapse of the ceasefire and that fresh violence threatened the lives of millions. More than 500 civilians have been killed since late April.

“Humanitarian actors are increasingly concerned by statements suggesting a possible military intervention, which would have severe humanitarian consequences in an area that has already witnessed years of military activity, displacement, droughts and floods,” Najat Rochdi said in a statement.

### **Report Warns ISIS is “Resurging” in Syria After Trump Ordered a Partial Troop Withdrawal (Frontline)** By Patrice Taddonio

August 8, 2019

#### **A report released this week by the Department of Defense’s Inspector General indicates that ISIS continues to pose a significant threat in the Middle East.**

“Despite losing its territorial ‘caliphate,’ the Islamic State in Iraq and Syria (ISIS) solidified its insurgent capabilities in Iraq and was resurging in Syria” from April through June, the report said.

During that time period, U.S. forces in Syria fulfilled the Trump administration’s directive to partly withdraw from the country. Military officials told the inspector general’s office that “the reduction of U.S. forces has decreased the support available for Syrian partner forces at a time when their forces [sic] need more training and equipping to respond to the ISIS resurgence,” Principal Deputy Inspector General Glenn A. Fine wrote in the opening of the report.

Military officials also said that ISIS is working to increase its power in Iraq, where the government declared victory over the group in December 2017.

The report drew in part on information provided by the Combined Joint Task Force-Operation Inherent Resolve (CJTF-OIR), the military command that carries out the U.S.-led anti-ISIS effort and coordinates with coalition partners.

Officials told the inspector general’s office that ISIS continues to function as an insurgency in both Iraq and Syria partly

because forces there “remain unable to sustain long-term operations against ISIS militants.” ISIS is also “likely reestablishing financial networks in both countries,” according to officials at the Office of the DoD Deputy Assistant Secretary for Counternarcotics and Global Threats.

Beyond that, military officials warned, ISIS “maintains an extensive worldwide social media effort to recruit fighters.”

How did the self-proclaimed Islamic State come to be in the first place? How has the battle against it — and the U.S.’s involvement — played out across the Middle East? And how has the group’s brutal strategy changed over the years? FRONTLINE has been covering ISIS’s bloody and complex evolution since its earliest days. Here are five documentaries that explore the ISIS threat.

### **Looking For Accountability For Syria's Disappeared (NPR)**

August 8, 2019

RACHEL MARTIN, HOST: The war in Syria may be grinding to an end. With the help of Russia, the ruling Assad government is trying to retake the last rebel stronghold. But that could make it harder for Syrians to get any accountability for crimes committed by the regime. Tens of thousands of Syrians have either disappeared, or they've been detained during Assad's rule. This is according to the U.N. Here's NPR's Michele Kelemen.

MICHELE KELEMEN, BYLINE: The U.N.'s undersecretary general for political affairs says as many as 100,000 Syrians have been detained, abducted or disappeared during the course of the war in Syria, and Rosemary DiCarlo says, in her words, largely but not only by the Syrian government.

(SOUNDBITE OF ARCHIVED RECORDING)

ROSEMARY DICARLO: Places of detention are not accessible to the U.N. or international monitors. Records from hospitals or burial sites are not public. Some families have been forced to pay enormous sums of money in hope of obtaining information, often in vain.

KELEMEN: She also blamed other armed groups including ISIS and rebel factions of abuses. DiCarlo was speaking to the Security Council, which also heard firsthand testimony from two Syrian women. One of them, Hala Al Ghawi, says she has relatives who have been missing for six years and former medical colleagues who have been tortured and killed in Syrian government custody.

(SOUNDBITE OF ARCHIVED RECORDING)

HALA AL GHAWI: Mothers in my country take dangerous trips to courthouses and detention centers every day. They stand for hours waiting for an answer. They often come back home broken with nothing new, yet they make that dream again and again.

KELEMEN: She wants the Security Council to demand answers from the Syrian government and put pressure on all the warring sides to free anyone who's been detained arbitrarily.

(SOUNDBITE OF ARCHIVED RECORDING)

GHAWI: A new, peaceful Syria can't be built while people are still being tortured and executed. We cannot move on without answers about our loved ones. If you fail in delivering the above, you will again fail the Syrian people, and we will hold you responsible.

KELEMEN: The Security Council has been divided over Syria. Russia backs President Bashar al-Assad's government and is helping it retake the last remaining rebel stronghold in the country. U.N. officials say they continue to receive reports of arbitrary arrests in areas now back under government control, and they warn that deters refugees from returning.

Michele Kelemen, NPR News, the State Department.

(SOUNDBITE OF FANTOMPOWER'S "FREE [AT EASE]")

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# Yemen

**Australia told to halt arms sales as Yemen catastrophe unfolds (The Guardian)** By Christopher Knaus and Helen Davidson  
August 01, 2019

**Human rights groups investigating atrocities in the Yemen war have urged Australia to immediately suspend arms exports to Saudi Arabia and the United Arab Emirates, saying distance does not justify Australia abrogating its responsibility towards the region.**

Unlike other western nations, Australia has decided against halting sales to UAE and Saudi Arabia, two nations waging the bloody war in Yemen.

The United Nations says the war is fuelling the world's worst humanitarian crisis. As of February, the UN had verified the death or injury of 17,700 civilians as a direct result of fighting between government forces – backed by the UAE and the Saudis – and Houthi rebels backed by Iran. An estimated 3.3 million people have been displaced, and 20 million are food insecure, half with extreme hunger. About 3.2 million require treatment for acute malnutrition, including 2 million children under the age of five, and a million pregnant women.

Australia has argued the arms it sells to Saudi Arabia and UAE go through extensive checks to ensure they are not used in violation of humanitarian law. Other nations, including the UK, Denmark, Finland, Germany and Belgium, have suspended all arms exports.

Mwatana for Human Rights, a group investigating humanitarian law violations on the ground in Yemen, said Australia's stance helped encourage the Saudi-led coalition and was "contributing to the worst humanitarian crisis in the world".

The group documented hundreds of attacks that it believes violate international law, many of which it says "may amount to war crimes". It has found evidence that US- and European-made weapons have been used against civilians and civilian targets.

"The behaviour of the coalition in committing violations of [international humanitarian law] and war crimes would not continue if the allies of Saudi Arabia and UAE, including [Australia], took a firm position and suspended the arms sales," a Mwatana spokesman, Osamah Al-Fakih, told Guardian Australia.

"The coalition's supporting countries including US, UK, France, Italy and Australia have a responsibility of violations committed by their allies in Yemen. Distance would not make Australia far away from the responsibility of what it's contributing to in Yemen."

One of the Australian companies exporting to Saudi Arabia, Electro Optic Systems, has insisted it sells arms only to Saudi's interior ministry which has no ability to go beyond the border. The company said it kept track of the remote weapons systems it sells to the Saudis, and has found none have been used in the Yemen conflict.

Last week photographs from inside Sydney's international airport showed arms shipments destined for Saudi and UAE forces. The shipments were due to leave in the same week a UK court ruled it illegal to sell arms to Saudi Arabia.

Mwatana wants Australia to "immediately suspend arms exports" to Saudi Arabia and UAE. "Instead of fuelling the armed conflict with arms, Australia must take positive steps toward accountability for the violations committed by all parties to the conflict and toward justice for all victims of human rights violations in Yemen," Al-Fakih said.

The Finnish government suspended all arms sales to the two nations in November. A senior adviser within Finland's arms control unit told Guardian Australia the ban was taken in view of the deteriorating situation in Yemen.

"The decision was taken based on an overall assessment of developments in the region, and in particular in view of the grave humanitarian situation in Yemen," the adviser said.

**Saudi Arabia intercepts Houthi drones launched at southern airports (The National)** By Mina Aldroubi  
August 05, 2019

**Saudi Arabia's air force on Monday intercepted drones launched at the kingdom's civilian airports by Yemen's Houthi rebels.**

The unmanned aerial vehicles were destroyed before they could reach their targets, said Col Turki Al Malki, spokesman for the

Arab Coalition fighting in Yemen to support of the internationally recognised government of President Abdrabu Mansur Hadi.

"Houthi militias are simultaneously using terrorist tactics, especially after launching an attack on a military base in Aden," Col Al Malki said, in a statement reported by the Saudi Press Agency.

The Saudi official called the latest attacks "war crimes" as they targeted civilians.

Saudi Arabia and the UAE are leading the Arab Coalition that intervened in Yemen in 2015 to restore the internationally recognised government, which was pushed out of the capital Sanaa after the Houthis seized it in late 2014.

The coalition will continue to take "strict measures against the rebels to minimise their capabilities and address the terrorist acts," Col Al Malki said.

He did not say which areas the drones was targeting.

The Houthis' Al Masirah television station said the rebel drones targeted civilian airports in the southern cities of Abha, Najran and King Khaled airbase in Khamis Mushait.

All three locations are in south-west Saudi Arabia, near the border with Yemen. Several Saudi provinces near the border have come under attack in recent weeks.

Monday's incident is just the latest in dozens of such attacks launched against the kingdom in recent months against the backdrop of heightened tensions between Iran and the West.

Last Thursday, the rebels claimed responsibility for an attack on a military parade in the government-held port city of Aden, killing at least 30 police officers.

The escalation threatens a UN-backed deal for a ceasefire and troop withdrawal in the vital port city of Hodeidah.

Hodeidah became a flashpoint when the coalition attempted to re-take it from the Houthis.

The port city is the rebels' main supply line and a lifeline for million of Yemenis.

**1,000 child casualties in Yemen since 2018 school bus bombing, aid group says (ABC News)** By Conor Finnegan  
August 07, 2019

**In the year since the Saudi and Emirati coalition in Yemen bombed a school bus and killed 41 children, the conflict in Yemen has killed or injured nearly 1,000 more children, according to a humanitarian organization.**

At least 335 children have been killed and another 590 injured, according to Oxfam International, citing data from the U.N. Civilian Impact Monitoring Project.

The bus bombing in August 2018 galvanized opposition of America's role in the 5-year-old war.

But the Trump administration has remained a stalwart supporter of Saudi Arabia, the United Arab Emirates and their military campaign against Houthi rebels in neighboring Yemen.

A State Department spokesperson told ABC News the administration is committed "to work with our international partners to bring peace, prosperity, and security to Yemen" and "ensuring that our partners reduce civilian casualties."

A decades-old insurgency, the Houthis took control of an anti-government movement during the Arab Spring and seized the capital, Sanaa. Concerned by their ties to Iran, Saudi Arabia's young defense minister and nowcrown prince, Mohammed bin Salman, has launched airstrikes against them.

That effort has been linked to potential war crimes ,with the United Nations saying the attacks have targeted civilian infrastructure and are responsible for "most direct civilian casualties."

The bombing of a school bus in Saada, Yemen, has become an emblem of that. Saudi airstrikes hit the bus while it was on a summer school trip in the city. Initially, the coalition's spokesperson, Col. Turki al-Malki, said it was targeting Houthi fighters launching missiles on the Saudi city of Jizan. The coalition ultimately said the strike was made in error.

Throughout it all, the U.S. has continued to offer military support -- sharing intelligence and reconnaissance, assisting with training and, until November, providing midair refueling of aircraft. Despite a second strike that killed a dozen children just

one week later, Secretary of State Mike Pompeo certified to Congress weeks after the bus bombing that the administration believes the Saudi coalition is doing more to avoid civilian casualties, prompting bipartisan outrage on Capitol Hill.

That outrage crescendoed in a series of historic votes in late 2018 and in 2019. In April, Congress passed a War Powers resolution, the first of its kind and with bipartisan support, to withdraw U.S. support of the coalition. In July, Congress voted to block \$8 billion worth of arms sales to the Saudis and Emiratis that the Trump administration signed off on without congressional approval.

Two of President Donald Trump's three vetoes were to block those efforts and continue supporting the coalition. Some of that \$8 billion worth of weapons, equipment and training already in its coalition hands, and U.S. military assistance has continued.

In support of that assistance, the State Department has said that "U.S. engagement with the Coalition is resulting in tangible improvements that translate into a safer environment for Yemenis," as the spokesperson told ABC News Wednesday.

Overall, statistics about the war are difficult to come by, but the Armed Conflict Location and Event Data Project has estimated that more than 90,000 people have been killed. In addition to the fighting, Yemen has been gripped by famine and a cholera epidemic that have killed countless more in what the U.N. has called the world's worst humanitarian crisis. According to Save the Children, a humanitarian aid group, 85,000 children have died just from starvation.

The warring factions did sign a U.N.-brokered agreement in Stockholm to start winding down the conflict, but since then have repeatedly violated ceasefire conditions while accusing the other side of violating ceasefire conditions.

**Civilian Casualties Mount in Indiscriminate Fighting in Yemen (Human Rights Watch)** By Priyanka Motaparthy  
August 12, 2019

**Clashes between pro-government and separatist forces have wracked the city of Aden in Yemen for the past several days, causing numerous casualties in the fiercest fighting the city has seen since the start of the war. While fighting has paused, it could resume at any time.**

The fighting between forces loyal to Yemen's President Hadi and the Southern Transitional Council (STC) – Emirati-backed forces pushing for southern independence – has taken place in densely populated civilian neighborhoods, with bullets and mortars, injuring and killing civilians sheltering in homes or trying to pass through the streets. The neighborhoods affected include the Crater, Mualla, Dar Saad, and Khormaksar areas of central Aden, as well as areas in Bureika, where the Saudi-led coalition controls a military base.

On August 11, Médecins Sans Frontières said they had treated 119 people wounded in the clashes within a 24-hour period in their hospital in Aden, including 62 who required emergency care. The group said it believed most were civilians injured by shrapnel from explosive weapons or stray bullets while sheltering during the clashes. The UN said that, according to early reports, as many as 40 civilians were killed, while the International Red Cross (ICRC) said they had provided 60 body bags to two hospitals in the city. Human Rights Watch learned of one case where a woman lost both of her legs when a mortar shell hit her family's home.

While Aden has seen sporadic fighting between STC armed forces and pro-Hadi troops over the last few years, the latest clashes are the most violent and sustained to date and have spread to areas of the city previously unaffected. As has been a sad reality across Yemen since 2015, the warring parties have shown no sign of concern for civilian life. The continued battles in heavily populated urban areas and the use in these areas of mortars that can be difficult to fire with precision, have put countless lives in danger.

The heavy fighting has prevented civilians from leaving their homes. Many have been unable to reach medical facilities or necessary supplies. The Aden airport has also been closed to commercial traffic, preventing people from leaving the country – including to seek medical treatments abroad.

The warring parties should do their utmost to cease or minimize fighting in densely populated areas and should refrain from use of indiscriminate weaponry.

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# Special Tribunal for Lebanon

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

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## Israel and Palestine

### **Temple Mount Clashes: Jordan Condemns 'Blunt' Israeli Violations as Jews Allowed in Holy Site (Haaretz)**

By Jack Khoury, Nir Hasson, Noa Landau, Josh Breiner, and Yotam Berger  
August 11, 2019

#### **Israeli police decided on Sunday to allow Jews to enter Temple Mount to mark Tisha B'Av following clashes with forces and worshipers commemorating the Muslim holiday of Eid al-Adha.**

The Israel Police had originally warned that no Jews would be allowed to enter the Temple Mount, citing potential for "high-friction" with Muslim worshipers.

The site has long been a flash-point between Jews, who are marking the destruction of the First and Second Temple and consider Temple Mount the holiest site in Judaism, and Muslims who consider the site the third holiest after Mecca and Medina.

Clashes erupted around 9:30 A.M. after worshipers finished their prayers. Police forces reportedly fired stun grenades and tear gas canisters after they claimed the worshipers began hurling objects at officers and yelling "nationalistic remarks."

The Palestinian Red Crescent said 61 Palestinians were wounded in the clashes, with 15 evacuated to nearby hospitals. Police reported that four officers [sic] lightly wounded in the clashes. Seven people were arrested, the Israeli police said. Following another assessment, the police said they would permit Jewish visitors to enter Temple Mount. According to Public Security Minister Gilad Erdan, 1,700 Jews were allowed to enter the compound.

Jordan's Foreign Ministry condemned what it described as "blunt Israeli violations on the Temple Mount as Palestinians mark the first day of Eid al-Adha."

"Jordan harshly rejects Israel's conduct, which only inflames rage and frustration and its provocations of [Muslim] worshipers on the first day of the Feast of the Sacrifice," spokesperson for the ministry said.

He added that the State of Israel bears full responsibility for the future ramifications of Sunday's Temple Mount clashes and called on the international community "to immediately intervene to stop this conduct."

Jordanian Foreign Minister Ayman Safadi added in a tweet, "We call upon the international community to hold Israel accountable and pressure it to cease its violations."

The Palestinian Authority issued a statement on the clashes calling for Arab and Islamic states to "take action" toward the international community and Israel "to stop the aggression against worshipers." The PA also called for an emergency Security Council meeting to provide international protection for Palestinians and their holy sites.

Earlier, a Jewish man was lightly wounded after hitting a woman leaving Temple Mount. According to Palestinian eyewitnesses, he attacked the woman and was then beaten in response by a Palestinian man.

Tens of thousands of Muslims arrived at the holy site for a mass service after the Islamic custodian of the Temple Mount encouraged as many Muslims as to possible to attend the Eid al-Adha prayers.



On Friday, the Waqf Council announced that all mosques in the city would be closed on Sunday, excluding the Al-Aqsa Mosque.

According to Palestinian sources, Imams were to comply with the Waqf's order, leaving no choice for every Muslim who desires to pray during the holiday but to arrive at Temple Mount.

As Jews began to gather at the Temple Mount, the council persisted in holding mass services, with the Waqf as well as political organizations in Jerusalem calling on worshipers not to leave the site.

"Don't leave the Al-Aqsa Mosque as prey for settlers who are gathering next to the Mughrabi Bridge," the Waqf council said.

Jewish Temple Mount activists called on worshipers marking Tisha B'Av, the day of fasting and mourning commemorating the destruction of both temples and the exile of the Jewish people, to arrive in droves "to show the site is important and sacred to us.

"It seems the Arabs are going to win over the battle to open Temple Mount to Jews on Tisha B'Av," activist Atnon Segal said.

"When hundreds of thousands of Jews arrive at Temple Mount, no one will be able to prevent the building of the Temple," another activist said.

Erdan said on Friday that shutting down the Temple Mount during Muslim holidays is not part of the status quo, but the decision was made out of security considerations and due to the large number of Muslim worshipers on the Mount.

A security official told Haaretz that "for the past 52 years, Jews have never been admitted to the Temple Mount during Muslim prayers. This is a status quo."

The Temple Mount status quo sometimes shifts, but in practice the complex has been closed over the past few years during Eid al-Adha and all other Muslim holidays.

However, Temple Mount activists and right-wing politicians have put pressure on the police in recent years, making it challenging for them to close the Mount on Jerusalem Day and Tisha B'Av.

This year the police opened the premises to Jews on Jerusalem Day, which resulted in a mass demonstration and clashes between Jews and Palestinians on the Mount.

Israel's Sephardi Chief Rabbi Yitzhak Yosef welcomed the initial decision to bar Jews from entering. "Jewish entrance to the Temple Mount is strictly prohibited by law," he noted, "and Jews should be prevented from entering throughout the year."

Prime Minister Benjamin Netanyahu said late Sunday the decision to let Jewish worshipers in the holy site was his. In a tweet, he said "the question wasn't whether they'll be allow or not, but how to handle it in the best way possible," adding he was "not impressed by the recommendations of the Twitter cabinet."

The United Right slate issued earlier a statement in response to the original closure saying, "Netanyahu's decision to close Temple Mount is a national disgrace. We call on the prime minister to reverse his decision."

Transportation Minister Bezalel Smotrich tweeted: "The decision to give in to terror and Arab violence in the most scared [sic] place for the Jewish people is the root of losing deterrence on other fronts as well."

Smotrich called on Netanyahu to convene the security cabinet to discuss the opening of the complex. "If you don't have the guts to take this decision by yourself, convene us and we'll assume responsibility."

**'Engineering a Jewish majority': Palestinian villagers driven out by Israel's 'green' policies (Middle East Eye)** By Jan Peter

August 11, 2019

**On a hill just south of the Old City lies a 54-hectare thriving pine forest, located within the Palestinian neighbourhood of Silwan - one of occupied East Jerusalem's most ghettoized areas, owing to Israeli government and settler initiatives.**

The park, named the "Peace Forest," is for many visitors a tourist attraction, promoted as a "natural treasure" in the wider Israeli City of David archaeological site open to the public.

The forest was created and named shortly after Israel's occupation of East Jerusalem in 1967, by the Jewish National Fund, an organisation that financially supports illegal Jewish settlement projects targeting Palestinian neighbourhoods.

Since the 1970s, the area has been zoned by the Israeli government as "green," meaning construction there is prohibited.

In 1977, the government handed control of the City of David project to the El-Ad Jewish settlement group.

The area of Wadi Yasul in Silwan, housing over 500 residents, has been slated for demolition by Israeli authorities.

With nowhere to expand over the decades, the residents of Wadi Yasul have had to build without difficult-to-obtain Israeli permits, subjecting them to demolition orders and displacement. 'Every day you step out of your house is a risk'

The families have battled in the courts for more than 15 years to rezone the area as residential, yet the government has maintained that it should remain "green".

A number of structures in the area have already been demolished - on 17 April, Israeli forces destroyed a stable and a warehouse, as well as two homes on 30 April, displacing 11 people.

Qusai and Anas Burqan built and lived with their families in the two homes, which were demolished two weeks after El-Ad received approval from various governmental institutions to develop commercial enterprises in the park.

The projects, supported through funding and land allocation by the Israeli Jerusalem Municipality, the Israel Land Authority and the Tourism Ministry, include a visitor centre, campgrounds and a zipline.

"They have destroyed all my chances to live a modest life," father-of-three Qusai Burqan, who has since moved with his family to a 50 square metre apartment, tells Middle East Eye.

He says the demolition will cost his family 74,000 shekels (\$21,200), which he is unable to pay. "I am frustrated and hopeless."

"My children ask me when are we going back home. They ask me why is Israel doing this to us? What can you say to them? I don't have the answers," his brother, Anas, tells MEE.

Um Abed Abu Eshah lives in the area with her husband and six children.

"We thought we would pay a fine and then get a permit for the house. We didn't expect that the whole neighbourhood would be struggling for decades," she tells MEE.

"We took this risk because there is no way of getting a permit [...] and for Palestinians, every day you step out of your house is a risk," she continued.

Since 1967, the Jerusalem Municipality has designated vast areas of annexed Palestinian territory as green spaces and national parks where building is not permitted.

Only 13 percent of land in occupied East Jerusalem is zoned for Palestinian development, most of which is already built on.

Meanwhile, some 83 percent is designated for state and settler use.

As a result, the poverty-stricken Palestinian population of the city suffers from severe overcrowding and is forced to build illegally.

"Planning policies in East Jerusalem do not meet people's housing and infrastructure need," the humanitarian coordinator at the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Jamie McGoldrick, told MEE.

"At least a third of Palestinian homes are unlicensed, and more than 100,000 people are potentially at risk of demolition and displacement."

As of July, a total of 126 structures had been demolished in 2019, displacing 203 Palestinians.

"Engineering a Jewish majority in Jerusalem by driving Palestinian East Jerusalemites out of the city has been Israeli policy since the 1967 occupation began," Amit Gilutz, spokesperson for the Israeli human rights group B'Tselem, told MEE.

"Israel has made it all but impossible for Palestinians to obtain building permits.

"Left with no other option, Palestinians build illegally, which then prompts Israel to issue demolition orders and in numerous cases demolish their homes," he said.

Some 29 percent of the planned area in East Jerusalem has been designated "open/green areas," intertwined with Israeli

Jewish-only settlements, many in the heart of Palestinian neighbourhoods.

The government-sponsored expansions and development of settlements aims to fulfil the goal of maintaining a Jewish majority in the city, as articulated in several Jerusalem Municipality city plans.

MEE contacted the Municipality of Jerusalem's city planning department for comment but received no response.

Sari Kronish, an architect for the organisation Bimkom, which supports planning rights for Palestinians, believes there is an unparalleled increase in the designation of Palestinian land in East Jerusalem as national parks.

"This is clearly a tool for achieving demographic goals. What has perhaps been more covert in the past is becoming more and more overt," she tells MEE.

In 2014, the UN secretary-general wrote in a report that "archaeological excavations and parks are also used as a way to control land for settlements, mainly through the funding, participation and endorsement by the Government of Israel of archaeological projects led by settler organisations".

"Observer organisations report that several archaeological projects in the Old City of Jerusalem are being used as a means to consolidate the presence of settlements and settlers in the area."

Adel Jabori, a resident of Wadi Yasul, says the ultimate aim is to uproot the Palestinians, their buildings, trees and families.

"We feel humiliated, and the situation is only getting worse," the 69-year-old told MEE.

Adel was one of many residents displaced from his home in the Old City in 1967.

With the increasing pressure on neighbourhoods like Wadi Yasul, it seems only a matter of time before history repeats itself.

**TripAdvisor's corporate irresponsibility (Amnesty International)** By Laith Abu Zeyad  
August 9, 2019

**On June 20, World Refugee Day, TripAdvisor CEO Stephen Kaufer published an op-ed urging businesses to help address the global refugee crisis and pledging to donate millions of dollars to humanitarian organisations "to support and help refugees rebuild their lives and reclaim their futures".**

This is, of course, a commendable initiative, if only it did not contradict in spirit other practices of the company. While TripAdvisor has decided to help refugees in certain parts of the world, elsewhere - namely in the occupied Palestinian territories - it is contributing to the suffering of the local population, which itself is the source of one of the world's largest refugee communities.

Over the past seven decades, Israel's ruthless policies of land confiscation, illegal settlement and dispossession, coupled with rampant discrimination, have inflicted immense misery among the Palestinians, depriving them of their basic rights. TripAdvisor has also played a role in this ongoing abuse.

In January 2019, Amnesty International released a report called Destination Occupation which exposed how the world's leading digital tourism companies - Airbnb, Booking.com, Expedia and TripAdvisor - contribute to and profit from the maintenance, development and expansion of illegal Israeli settlements. Such activities amount to war crimes under international law.

TripAdvisor is the second-most visited website (after Google) by foreign tourists arriving in Israel, with over a quarter (more than 800,000 people) saying that they consulted the site for attractions, tours, restaurants, cafes, hotels or rental apartments before arrival.

In our campaigning, we have asked Kaufer to stop listing or promoting properties, activities and attractions located in illegal Israeli settlements in the Occupied Palestinian Territories. TripAdvisor responded by claiming that "[t]he listing of a property or business on TripAdvisor does not represent our endorsement of that establishment". Yet the company does make a profit from listings including those in illegal Israeli settlements.

TripAdvisor and other businesses try to defend their position by claiming that the issue of illegal Israeli settlements is too political, so they cannot take a stance on it. We understand that businesses don't have the mandate to resolve political questions, but they do have a responsibility to ensure that they do not cause harm or contribute to human rights abuses.

The human rights impact of tourism and other business operations in Palestine is perhaps difficult for the reader to envision,

but it is very real for the people living under Israeli occupation. For example, we found that TripAdvisor has prominently featured, and acted as a booking agent for the City of David, a popular tourist attraction located in Silwan, a Palestinian neighbourhood in occupied East Jerusalem. The site is managed by an organisation called the Elad Foundation, which is backed by the Israeli government and works to help Israeli settlers move into the area.

Silwan is home to about 33,000 Palestinians. Several hundred settlers now live there, as well in heavily protected settlement compounds. Israel has been moving its citizens into the neighbourhood since the 1980s. This has resulted in numerous human rights violations, including the forced eviction and displacement of Palestinian residents.

In the past 10 years, at least 233 Palestinians have been displaced from Silwan. Most recently, on July 10, Israeli police and security forces evicted a Palestinian family of five, including four children, from their home in the neighbourhood.

By actively encouraging users to visit the City of David and take guided tours of the site, TripAdvisor has boosted Elad's business and profited from every booking made through its site.

If TripAdvisor had conducted even a basic risk assessment of its business activity in or with Israeli settlements, it would have found that such listings are contributing to sustaining an illegal situation that is inherently discriminatory and abusive of the human rights of Palestinians. It is astonishing that a multibillion-dollar company (which claims to be the world's most visited travel site, with more than 450 million unique visitors a month) has either not done such due diligence on its operations in Israel and the Occupied Palestinian Territories, or has done so but decided to continue its activities regardless.

Other digital tourism companies have also sent mixed messages on human rights. In April 2019, Airbnb announced that it would be reversing a previous decision to remove listings in illegal Israeli settlements in the occupied West Bank following a class-action lawsuit by Israeli lawyers. The company stated that it would donate the profits from these listings to "non-profit organizations dedicated to humanitarian aid that serve people in different parts of the world".

Airbnb, like TripAdvisor, cannot continue to ignore its business with illegal Israeli settlements which goes against basic tenants of international human rights law, while trying to demonstrate concern for people in need through a corporate responsibility programme.

No amount of donations will erase the wrong they are doing in the occupied Palestinian territories and indeed, no amount of short-term profit should be worth contributing to war crimes.

### **On the 69th Great March of Return 66 Civilians Injured by Israeli forces: 28 Children, 2 journalists and 4 Women Including a Paramedic (Palestinian Centre for Human Rights)**

August 2, 2019

**On the 69th Great March of Return, 66 Palestinian civilians were injured due to the Israeli military's continued use of excessive force against peaceful protests along the Gaza Strip's eastern border. At least 28 children, 4 women and a paramedic were among those injured this Friday, 02 August 2019. Twenty-seven civilians were shot with live bullets and 2 children were deemed in a critical medical condition.**

While this week's protests saw a decline in the number of civilian injuries, PCHR fieldworkers documented many cases of live bullets targeting civilians' upper bodies. Despite the absence of a real threat to Israeli soldiers' lives; the occupation forces continued the systematic use of excessive force against protestors.

For the first time since the Great March of Return started in March 2018, there were no injuries reported in eastern Gaza City. The deployment of Palestinian security forces in official apparel along "Jakar" street, who denied civilians from approaching the border fence, contributed to the decline in injuries.

Today's protest, which lasted from 16:00 to 19:00, was titled "Solidarity with Crimes against Wadi al-Humus," and involved activities such as speeches by political leaders and theatrical performances. Dozens of civilians protested at varied distances from the border fence across the Gaza Strip.

To this date, PCHR documented 208 killings by Israel since the outbreak of the protests on 30 March 2018, including 44 children, 2 women, 9 persons with disabilities, 4 paramedics, and 2 journalists. Additionally, 13,391 were wounded, including 2,775 children, 413 women, 222 paramedics and 209 journalists, noting that many had sustained multiple wounds on multiple occasions. Among those wounded, PCHR documented cases where 196 persons have become with disabilities, including 28 children and 5 women, and were as follows: 149 amputees; 21 paralyzed, 26 blind or deaf and 9 sexually disabled.

The following is a summary of today's incidents along the Gaza Strip border:

Northern Gaza Strip: 1500 protesters participated in Abu Safiyah area protests, northeast of Jabalia; only tens approached the border fence and threw stones. Israeli forces, stationed along the fence, fired live and rubber bullets as well as teargas canisters at the protesters. As a result, 20 of them were injured, including 10 children and 2 women: 11 were shot with live bullets; and 5, all children, with rubber bullets and tear gas canisters. Yasser Salah Mohammed al-Tanneh (16) sustained a bullet wound to his upper thighs severely damaging a main blood vessel. Also in northern Gaza, paramedic Wafaa Omar Khamis Jaber (24) was shot with a rubber bullet in her left ankle. At approximately 18:30, Israeli forces \ arrested a civilian who crossed the border fence; his identity has not been confirmed yet.

Gaza City: Protests set off Malakah area, east of al-Zaytoun neighborhood in eastern Gaza City. Speeches, theatrical performances and other segments were performed at the protest central encampment. Palestinian security forces spread along Jakar street and denied civilians access to the border fence; nonetheless, a handful managed to approach the fence at a 100 meters distance, threw stones at the border and Israeli soldiers responded with live ammunition. No injuries were reported for the first time since the outbreak of the protests.

Central Gaza Strip: hundreds of civilians, including women, children and families, took part in the eastern Bureij refugee camp protests; tens approached the border fence at a range varying between 2 – 70 meters, and some of them attempted to throw stones at Israeli soldiers with slingshots. The Israeli soldiers, reinforced with 9 military SUVs, responded with live and rubber bullets in addition to teargas canisters at the protesters, wounding 16 civilians, including 4 children, a woman and a journalist: 8 were shot with live bullets and shrapnel, 5 were directly hit with teargas canisters and 3 were shot with rubber bullets. Most of the injuries were documented in the upper body. Israeli forces deployed a sewage water pump against the protestors. At approximately 17:50, while present 200 meters away from the fence, journalist Usama Sharif Mohammed al-Kahlout (35), from Deir al-Balah, received a call from a number starting with 04. As soon as he took the call, he was shot in his left leg and was transferred to the hospital for treatment.

Khan Younis: protests took place in Khuza'a, where Ahmed al-Qarra and Hany Abu-Selmy, who were killed by Israeli forces this week were commemorated. Dozens approached the border fence and threw stones at it, Israeli soldiers shot back; as a result, 17 civilians were injured, including 10 children and a journalist: 4 were shot with live bullets and shrapnel and 4 were directly hit with a tear gas canister and 9 were shot with rubber bullets. The injured journalist is Hatem Saadi Saleh Omar (39), from Rafah, and he was wearing a flak jacket with "PRESS" clearly imprinted on it. Mr. Omar is a reporter for Xinhua News Agency and he sustained two rubber bullet wounds in his legs while videotaping the events at least 130 meters away from the fence. Furthermore, dozens of civilians, suffocated due to teargas inhalation.

Rafah: Hundred participated in the eastern Shokah protests, where folklore shows, and speeches were held. Dozens approached the border fence and threw stones. The Israeli soldiers used live and rubber bullets and teargas canisters against the protestors. As a result, 13 civilians were injured, including 4 children: 3 were shot with live bullets and shrapnel, 3 shot with rubber bullets and 7 were hit with tear gas canisters. Mohammed Zaher Wassel Abu-Zaid (15) sustained serious wounds after being hit with a tear gas canister directly to the head.

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## Gulf Region

**Yemen war: Has anything been achieved? (BBC)** By Frank Gardner  
August 1, 2019

**This summer's partial withdrawal of Emirati forces from Yemen, while the war still drags on, prompts the inevitable question - has anything been achieved by anyone in this conflict? Even the United Arab Emirates (UAE) - Saudi Arabia's closest ally - pronounced on 22 July: "There was no easy victory and there will be no easy peace."**

Let's start with the downside. What has been lost and the scale of the disaster here is quite staggering.

The Yemen war, now in its fifth year, has rightly been branded the worst humanitarian crisis of our time. Estimates of those killed range from 10,000 to more than 70,000, the vast majority being Yemenis and an estimated two-thirds of those deaths from Saudi-led air strikes.

According to the UN's Under-Secretary General for Humanitarian Affairs, Mark Lowcock, there are more than 30 front lines; more than 3.3 million people have been displaced; and 80% of the population need assistance and protection, including 10 million now reliant on food aid.

Transpose those figures on to a UK population and it would notionally mean 53 million people needing help and protection.

So Yemen, already the Arab world's poorest country, has been plunged ever deeper into poverty and economic disaster.

This year, the Yemen war is already spreading beyond its borders, with missile and drone attacks by Houthi rebels on Saudi border towns, on shipping in the Red Sea and reportedly even on targets as far away as Riyadh and the UAE.

Yet for Yemen's legitimate, UN-recognised government and its Saudi and Emirati backers, this war has always been about preventing an unacceptable takeover of the country by a tiny minority with links to Iran - the Houthis. And in that, they have succeeded, albeit at a terrible price paid by the people of Yemen.

The war did not begin with the Saudi-led air campaign in March 2015. It began six months earlier when the Houthis, a small, largely unheard-of Yemeni tribal group from the mountainous north, marched on the capital, Sanaa, and evicted the legitimate government.

Then, with the backing of forces loyal to the ousted former Yemeni President Ali Abdallah Saleh, the Houthis took over most of the populated areas of Yemen.

For Saudi Arabia, Iran's regional rival, this felt like an Iranian-backed coup on its southern frontier and the ruling princes resolved to act.

Propelled by its inexperienced defence minister and now Crown Prince, Mohammed bin Salman, Saudi Arabia put together a hastily-assembled coalition and began a devastating campaign of air strikes on Houthi positions.

When I visited its operations centre in Riyadh in April 2015, the coalition spokesman was confident that within a few months Houthi resistance would crumble and they would effectively sue for peace. Yet more than four years on, the air strikes continue. There have been peace talks, but no peace.

So has the war achieved nothing? That is certainly how it looks to much of the rest of the world.

And the British government has found itself dragged into court, accused by human rights activists of providing weapons and munitions to the Royal Saudi Air Force which has, on several occasions over the past four years, bombed schools, hospitals, market places and funerals, killing civilians.

The Houthis, too, have committed alleged war crimes but Britain isn't supplying them.

The UAE, which at one point had up to 7,000 troops deployed in Yemen, has now reduced its contingent there to a few hundred, leaving the Saudis and their Yemeni allies to fight the Houthis, who remain firmly embedded in and around the capital and the north of the country.

The UAE view is that its participation in this war has helped achieve several things. It has prevented a Houthi takeover of the whole country, which it considers would have ultimately given Iran control over the strategic Bab al-Mandeb Strait between Africa and Arabia. Also, it has "liberated" most of Yemen and undermined the al-Qaeda in the Arabian Peninsula group.

For Saudi Arabia, though, which has sunk billions of riyals into this war, and which now finds its towns and airports regularly targeted by increasingly sophisticated Houthi drones, the gains are less clear.

Michael Stephens, a Gulf expert with the Royal United Services Institute (Rusi) think-tank in London, believes the war has been damaging for the Saudis as well as for Yemen.

"The war has produced little of benefit for Saudi Arabia and strategically you could say that Riyadh is in a weaker position than it was in 2015," he said.

"In contrast, the UAE has been able to achieve a number of tactical and political goals which have reinforced its position as a growing regional power."

Meanwhile, the much-heralded Stockholm peace talks of last December have failed to translate into a lasting peace deal - or even a lasting ceasefire. While others can debate what they have gained or lost in Yemen, that country's agony continues.

**Canadians seek cancellation of major arms deal with Saudi Arabia (Al Jazeera)** By Mersiha Gadzo  
August 9, 2019

**Canada's government is facing increasing pressure to announce the outcome of its review of a lucrative weapons contract with Saudi Arabia, more than nine months after first announcing the inquiry in the wake of journalist Jamal Khashoggi's killing and the ongoing war in Yemen.**

Prime Minister Justin Trudeau said in late October that his government was suspending approvals of new arms export permits for Saudi Arabia pending the indefinite review, but many Canadians are questioning why it has taken so long to reach a conclusion.

A group of civil society organisations, including Amnesty International, this week penned an open letter to Trudeau, saying that in the lead-up to federal elections in October, Canadians are demanding an answer over the review's outcome.

"We are disappointed that neither yourself, nor the Minister of Foreign Affairs, nor the Minister of International Trade Diversification has responded to the concerns outlined in our letter [from March 4].

"No update with respect to the progress of the review has been offered, bringing the sincerity of the effort into question," the letter said.

The letter came as academics and activists are also stepping up their efforts to pressure Ottawa to cancel the \$11.3bn deal to export Canadian-made, light-armoured vehicles (LAVs) to Saudi Arabia, with campaigners saying there is credible evidence Canadian arms are being used by the Saudi-UAE led coalition in the devastating war in Yemen.

Under Canada's regulations, Canadian military equipment can be exported only when there is "no reasonable risk" that the weapons could be used against civilians.

The deal to export LAVs made by the Ontario-based General Dynamics Land Systems to Saudi Arabia was brokered in 2014 by the previous Conservative government under then-Prime Minister Stephen Harper.

Trudeau's Liberal government subsequently gave the final approval for the deal following the 2015 election.

Trudeau had previously maintained that it would be "extremely difficult" to break the arms contract, saying the penalty could exceed \$760m.

But in December, as pressure mounted over the October 2 murder of Khashoggi in the Saudi consulate in Istanbul, Trudeau changed his tone, saying in an interview for the first time that "Canada is looking for a way out of the Saudi arms deal."

However, official figures show that LAVs worth more than \$1bn have been exported from Port Saint John on Canada's east coast to Saudi Arabia since Trudeau announced the review in October.

Over the past nine months, Canadian officials have repeatedly stressed that no new arms export permits have been issued.

But Anthony Fenton, a PhD candidate in political science at Toronto's York University who studies Canada's relations with Gulf Cooperation Council states, said this was a "moot point" since Saudi Arabia is not seeking to buy additional weapons from Canada following its decision to implement a freeze on new contracts with Canadian companies across the board - not just military.

The move by Riyadh came on the back of a diplomatic dispute that erupted in August last year after Canada criticised Saudi Arabia over its crackdown on women's rights activists.

Despite Trudeau's remarks in December that Canada was looking for a way out of the deal, a top Saudi official confirmed in March that the already-agreed arms exports would continue as usual.

"Regarding the Canada arms deal, we see the Canadian government going ahead with the deal so the statements are for domestic consumption," Adel al-Jubeir, minister of state for foreign affairs, told a news conference in Riyadh.

This week's letter addressed to Trudeau reiterated concerns that the government may be dragging its feet on the matter until the exports of LAVs are almost over, noting that 127 LAVs were exported in 2018 alone, while media reports have indicated the full order is for 742 vehicles.

"In light of the rapid pace at which the LAVs are being exported, further delays to completing the above-mentioned review and your government's ultimate decision will substantially undermine their meaningfulness," the letter read.

"We are deeply concerned that meaningful action will come too late that is, once the transfers are complete or nearly completed."

Rights groups have long called on Canada to cancel arms exports to Saudi Arabia, citing the kingdom's poor human rights record and arguing that the weapons could be used in the war in Yemen, described by the United Nations as the world's worst humanitarian crisis.

Nearly 100,000 people have been killed in Yemen since the Saudi-UAE-led military coalition intervened in support of the Yemeni government in March 2015, according to the Armed Conflict Location and Event Data project.

About 80 percent of Yemen's population - 24 million people - are in need of humanitarian aid, while 15 million, over half of the population, is on the brink of starvation, according to the UN.

In July, the UN blacklisted the Saudi-UAE-led coalition for a third year over the killing and wounding of hundreds of children in Yemen.

In recent years, videos and photographs showing Canadian rifles and combat vehicles being used in the war in Yemen have been posted online, with weapons experts confirming their authenticity. Canadian companies have also provided surveillance technology, aircraft, and pilot training.

In February, an investigation by journalist Mohamed Abo-Elgheit added to the mounting evidence, showing that Canadian PGW sniper rifles and LAVs were being diverted to Yemeni forces aligned with the Saudi-UAE coalition in 2018.

John Babcock, spokesman for Global Affairs Canada, did not comment on the reports but, when asked what steps Ottawa has taken to ensure its arms do not end up being used in the war in Yemen, he said Canada had passed legislation, Bill C-47, in December 2018 that requires the government to deny export permits "if there is a substantial risk that the export would result in a serious violation of human rights".

"This will also enable Canada to accede to the Arms Trade Treaty very soon," Babcock told Al Jazeera.

The Arms Trade Treaty prohibits the transfer of arms to another country if they will be used to commit genocide, crimes against humanity or war crimes.

However, Cesar Jaramillo, executive director of Canadian peace research institute Project Ploughshares, said accession to the arms trade treaty does not automatically make Canada's arms trade more transparent.

"Effective treaty implementation is key and, if arms exports to Saudi Arabia continue after becoming a 'State party', Canada will find itself in non-compliance as soon as it joins the treaty," Jaramillo told Al Jazeera.

"Every possible red flag concerning arms exports to Saudi Arabia has been raised yet, time and again, Canada seems willing to bend over backwards to give Saudi Arabia a pass. And it has done this while claiming to be a beacon for human rights, feminism and a rules-based international order," he added.

"If a country with Saudi Arabia's appalling human rights record is eligible to receive Canadian weapons, who would not be?"

In 2016, when the Canadian Broadcasting Corporation reported on Canadian-made PGW sniper rifles that ended up in the hands of Yemen's Houthi fighters, likely seized from forces backed by a Saudi-UAE-led coalition battling the rebels, the federal government announced an investigation.

But the results of the probe never came to light, raising concerns among campaigners now pressing for an update on the review announced in October.

"In May alone, they exported over \$400m (US\$301m) worth of these LAVs. So, we don't even know how many are left to export. It could just be a waiting game. And so they go, 'We'll suspend the deal once the majority of these have all been shipped,'" Fenton said.

Meanwhile, Saudi cargo ships continue to dock in Port Saint John, New Brunswick, operated by the UAE company DP World, a difficult port to keep a watch on, according to Fenton, as it is less visible to "prying eyes" than the port in Halifax where Saudi ships used to pick up LAVs until 2017.

Still, about two dozen protesters briefly delayed the arrival of the Saudi Bahri cargo ship at the port in December, with workers joining the picket line and refusing to load the LAVs.



But despite their efforts, the cargo ship waited out the protest and proceeded to load the LAVs early the next day.

An online petition created in June calling on the Canadian Labour Congress, a national trade union centre, to use its resources to cancel Canada's arms exports to the kingdom has so far been signed by more than 900 Canadian academics, politicians and civil society groups.

"It's kind of depressing and an uphill battle [but the petition] is a good place to start to facilitate the ground-up type of movement that we desperately needed to see," said Fenton, one of the people behind the campaign.

The petition underlined the achievements of unions in Denmark, Finland, Germany and Norway, who have successfully pressured their governments to suspend arms transfers to Saudi Arabia.

Fenton said the arms deal is a global issue, not a national one, as the supply chains for these weapons are "in many cases inextricably linked".

"What we need to do is acknowledge that more explicitly and work together with activists in Europe and take the lead in Canada because I think we're lagging behind."

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## ASIA

### Afghanistan

**Will US Officials Face Charges for Afghan War Crimes? (The Crime Report)** By Dane Stallone

August 2, 2019

**High-ranking U.S. officials could face charges under a pending International Criminal Court (ICC) ruling that could breathe new life into a decade-long investigation into war crimes allegedly committed during the conflict in Afghanistan.**

If a formal investigation were allowed that resulted in efforts to bring Americans to trial, it could undermine the current administration's military strategy in Afghanistan and elsewhere, experts told The Crime Report.

"No other country has the military footprint the U.S. has; we are everywhere," said Gabor Rona, a visiting professor of law at the Cardozo School of Law.

"The ability of the US to project that military footprint...would be challenged and compromised, knowing its personnel would be subject to an international tribunal."

In June, the ICC's Office of The Prosecutor(OTP) requested leave to appeal a controversial decision by the Pre-Trial Chamber (PTC) in April not to authorize a formal investigation into alleged U.S. "war crimes" in Afghanistan.

The PTC usually consists of a three-judge panel that decides if a potential case meets the requirements to authorize an official investigation by the Office of the Prosecutor.

Sources told TCR that a decision could come as early as mid-august.

The ICC began investigating the situation in Afghanistan in 2007, and the request for authorization by Prosecutor Fatou Bensouda was submitted to the Pre-Trial Chamber in November 2017.

One of the reasons for the lengthy preliminary investigation noted in the PTC's April decision was the difficulty in getting even minimal cooperation from "relevant authorities."

The PTC's April decision drew stark criticism from victims and human rights groups, who accused the body of being cowed by U.S. threats and intimidation tactics, and thus giving a green light to other bad actors and organizations to commit heinous acts in the future.

U.S. officials aren't the only targets of the investigation. The PTC received 699 separate victim representations that also included alleged incidents by the Taliban, and Afghan forces.

With another critical decision looming, experts say several key issues are at stake for both the U.S. officials and the ICC at this juncture.

The U.S. has largely been hostile to the ICC, especially under the George W. Bush and Donald Trump administrations.

John Bolton, who served as Under Secretary of State in the Bush administration described the "unsigning" of the U.S. from the Rome Statute in 2002 as his "happiest day in government."

After the PTC's April decision, Bolton, now Trump's national security advisor, said, "Today is the second happiest day of my life."

In a December 2018 speech at NATO headquarters in Brussels, Secretary of State Mike Pompeo said the U.S. was taking "real action to stop rogue international courts, like the International Criminal Court, from trampling on our sovereignty, your sovereignty, and all our freedoms."

In addition to threatening prosecution of ICC personnel, the U.S. made good on one of its threats by revoking the visa of Bensouda, the ICC's lead prosecutor, shortly before the PTC delivered its decision.

In an April 19 statement reacting to the PTC's decision, Secretary Pompeo called it a "victory for the rule of law" and noted that it followed the State Department's March 15 announcement of visa restrictions on ICC personnel involved in any investigation of U.S. personnel.

"This decision is a victory for the rule of law and the integrity of the ICC as an institution, given the United States is not subject to the ICC's jurisdiction, and I am glad the Court reconsidered its actions," Pompeo said in the statement.

He continued: "The Trump Administration seeks to reform international institutions so they hew to their core missions, respect national sovereignty, and retain their effectiveness and legitimacy. The United States will always protect Allied and American military and civilian personnel from living in fear from unjust prosecution for actions taken to defend our great nation."

Katherine Gallagher, a senior staff attorney at the New York City-based Center for Constitutional Rights, submitted victims' representations to the ICC in support of the prosecutor's request to allow for an appeal.

Gallagher told TCR she believes that if an investigation were to be ultimately authorized by the ICC, U.S. cooperation (or lack thereof) wouldn't come into play until a much later stage.

Gallagher also disagrees with the Pre-Trial Chamber's initial argument that a trial would be difficult to conduct at this point in time. The PTC noted the OTP made no attempts to preserve evidence during the entire preliminary investigation.

"From an evidentiary standpoint," Gallagher told TCR, referring in part to George W. Bush's own admission to authorizing torture, "It is not difficult to move forward with an investigation and ultimately arrive at the issuance of indictments and arrest warrants...Compliance with arrest warrants is the issue."

Gallagher represents two men, Sharqawi Al-Hajj, and Guled Hassan Duran, who were captured and subjected to torture at various CIA detention sites and later moved to Guantanamo Bay, where they have been held without charge for over a decade.

Asked about potential U.S. culpability, Gallagher said, "Because there was coordination by the leadership of the Bush administration, of both the Department of Defense component and the counterterrorism component run by the CIA, you have to look at that whole group."

Referring to past universal jurisdiction cases and the broad international support of the ICC, Gallagher says arrest warrants could at the very least deter individuals like George Bush, or Donald Rumsfeld from traveling to countries that would be obliged to cooperate with the ICC.

The PTC's April decision ruled that a formal investigation into Afghanistan would ultimately not be in the "interests of justice," an ambiguous term in the Rome Statute.

While much of the criticism and amicus curiae submissions have focused on the term “interests of justice,” Rona believes this is a dead end logistically for the prosecutor.

Rona believes that, instead, the PTC’s decision that the CIA “black sites” in other countries like Poland, Romania, and Lithuania, who are all parties to the Rome Statute, are outside the ICC’s jurisdiction, would have to be the basis on which an appeal was granted.

This would entail an investigation more exclusively focused on alleged crimes at CIA-run detention centers, and not those committed by the U.S. Armed Forces.

According to Rona, claims by the Trump administration that ICC charges are an infringement on U.S. sovereignty are either “bogus, disingenuous or hypocritical.”

“It was in fact the U.S. that pioneered this very important and essential notion of international justice.”

Adding to the potential for further clashes, Gallagher has filed a complaint to the United Nations Special Rapporteur of the Human Rights Council on the Independence of Judges and Lawyers, calling for an investigation into ICC interference by the Trump administration.

Looking ahead to the 2020 elections, Gallagher thinks any major focus on the situation in Afghanistan and the ICC is unlikely, but could become a part of some Democratic candidate’s broader strategy to improve cooperation with international institutions and organizations.

Gallagher noted that during the 2016 election, some Republican candidates were “bending over backwards to say they would bring back torture.”

While deeming complete support of the ICC unlikely, Gallagher would like to see candidates in the 2020 campaign step forward and say they support the rule of law, which includes ending impunity for the most serious international crimes including war crimes and crimes against humanity.

If the request is granted the appeal can then be filed. The Appeals Chamber has stated it will rule on the matter should the PTC fail to make its decision by September 1.

“It’s important to bear in mind the impact of this decision more globally,” Gallagher said. “The ramifications are huge.”

**Civilian Deaths in Afghanistan Keep Climbing During the ICC’s Summer Break (The Nation)** By Mohammed Harun Arsalai and Mohsin Khan Momand  
August 6, 2019

**Syed Wali ran one of the only two shops in Sarkot, once a lush and peaceful village in the Sherzad district of Eastern Afghanistan’s Nangarhar Province. Most of his neighbors are farmers, growing crops from corn to cannabis amid ongoing fighting over territorial control. Wali sold sugar, soap, and cigarettes to everyone in town, including the region’s local Taliban members.**

“It’s not like he had a choice,” said Sarwar, a friend of Wali’s who was born and raised in the village. “It’s the Taliban. Of course you have to say ‘yes’ to their request.”

Afghanistan’s state intelligence agency, the US-built National Directorate of Security (NDS), didn’t see it that way. On June 9, it performed one of many night raids on Sarkot, and, after witnessing an earlier transaction between Wali and the Taliban, NDS forces stormed the shopkeeper’s house. They shot him in his bed, killing him before he could get up.

While locals retrieved and buried Wali’s body, Afghan officials denied that any civilians were killed in the raid. The government has since admitted otherwise, but, according to Nangarhar Governor Shahm Mahmood Miakhel, the state cannot investigate Wali’s killing because Sarkot is under contested Taliban control, making an investigation too dangerous to pursue. Nor will the same civilian death, as it currently stands, be examined by the International Criminal Court, a body established in 2002 to investigate, prosecute, and try individuals for war crimes. A preliminary appeal filed in June seeks to change that, potentially bringing Wali, Sarwar, and millions more in Afghanistan a sliver of justice.

In April, a pretrial chamber of judges at the ICC at The Hague, Netherlands, rejected chief prosecutor Fatou Bensouda’s investigation request into alleged war crimes committed by the US military, the CIA, the Afghan National Army, the NDS, and the Taliban as part of the war in Afghanistan. The ICC acknowledged that “there is a reasonable basis to believe that the contextual elements of both crimes against humanity and war crimes are satisfied in respect of the alleged events,” and that

the prosecution had met the necessary grounds of jurisdiction, admissibility, and gravity. But the chamber expressed concern over the feasibility of a probe, noting that the proposed inquiry “is very wide in scope and encompasses a high number of alleged incidents having occurred over a long time period,” and that the political climate “make[s] it extremely difficult to gauge the prospects of securing meaningful cooperation from relevant authorities for the future.” As such, the court determined, a probe would require too large an expenditure of resources, with too uncertain an outcome, and “would not serve the interests of justice.”

In response, International Justice Monitor observed that “Rather than addressing the legal merits of the request, the chamber instead addressed decisions...that are inevitably political. In so doing, it confused determinations about feasibility that are better entrusted to the [office of the prosecutor] with a narrow reading of what the ‘interests of justice’ should mean, one stripped of any consideration about victims’ actual interests.” Bensouda, meanwhile, filed a request to appeal the rejection on June 7, but the ICC, currently on summer break (July 19–August 12), has not yet handed down its response. Amid the court’s recess comes a new report from the United Nations Assistance Mission in Afghanistan (UNAMA), released on July 31, that documents 3,812 civilian casualties—1,366 dead and 2,446 injured—in the first six months of 2019.

“The UN notes with concern disturbing patterns such as the 27 per cent increase in civilian deaths in the second quarter of 2019 compared with the first,” the report states. Total civilian casualties—meaning deaths and injuries combined—decreased when comparing the first half of 2019 and the same period in 2018, but this is mostly because of a reduction in casualties inflicted by the Taliban and the Islamic State of Khorasan Province (ISKP), not by US and Afghan forces. While “Anti-Government Elements” (AGEs) like the Taliban and ISKP accounted for 52 percent of all civilian casualties in the first half of 2019, those “attributed to AGEs decreased by 43 per cent during the first half of 2019 as compared to 2018.” Meanwhile, “during the first six months of 2019, UNAMA attributed 1,397 civilian casualties (717 deaths and 680 injured) to Pro-Government Forces, a 31 per cent increase from the corresponding period in 2018.” If an ICC probe were to proceed, civilian killings by both sides could be investigated and tried as war crimes.

While the ICC has the authority to investigate crimes by the United States, the country is notably absent from the list of the court’s state parties, which includes Canada, Mexico, and the entire European Union. Then-President Bill Clinton was an original signatory to the 1998 Rome Statute, which gives the ICC its jurisdiction, but the statute wasn’t ratified until 2002, by which time George W. Bush was president. According to the American Non-Governmental Organizations Coalition for the International Criminal Court (AMICC), which advocates for the US government to comply with the ICC, Bush renounced Clinton’s signature and “announced a policy of outright noncompliance” with the Rome Statute. The administration “completely disengaged from the Court, and it began a campaign to secure Bilateral Immunity Agreements from over 100 countries to shield Americans from the jurisdiction of the Court, punishing countries that refused.”

To justify his noncompliance, Bush cited fears that “Americans would be unfairly prosecuted” for their actions overseas. He likely wanted to shield members of his own administration, many of whom could now be held accountable by an ICC probe. Bensouda’s proposed inquiry in Afghanistan would reach back to 2003, meaning that officials from the Bush administration—including the former president himself, former vice president Dick Cheney, and current CIA director Gina Haspel—could end up on trial.

In a blatant and widely publicized attempt to deter an investigation, the current US State Department revoked Bensouda’s visa in April, weeks after Secretary of State Mike Pompeo had threatened to do the same to any ICC staff members who participated in the probe. Now, Bensouda is preparing to battle the Trump administration once again. As she awaits the ICC’s ruling on her appeal process, she’s not the only one anticipating a decision. From Nangarhar’s provincial capital in Jalalabad—where he fled when Sarkot became too dangerous—Sarwar checks the news daily, seeking at least one of two changes: a lull in the fighting, so he can visit home, or an ICC investigation, which he hopes might bring justice and accountability.

All sides engaged in the fighting are present in Nangarhar, which has been the deadliest place in the world for US troops since 2017 and represents a flashpoint of conflict in the US’s longest-running war, now in its 18th year. The US military, mostly confined to its base in Jalalabad, conducts aerial strikes; the US-backed Afghan security forces fight opposition groups; the Taliban controls large swaths of land; and ISKP operates in several districts, although at a much weakened capacity. Nangarhar, located on the border with Pakistan, also makes an easy access point for militants to cross between the two countries.

But most consequential for Sarwar, Wali, and many others is the presence of the NDS spy agency, the intelligence force that murdered Wali for selling goods to Taliban fighters. The notorious CIA-backed NDS strike unit O2, commonly known as the O2 Unit, has a base in Nangarhar and has recently been blamed for a series of botched night raids and civilian casualties.

The O2 Unit and the Taliban together put Sarwar in an especially difficult position, as the former suspects him of working for the latter, and vice versa. Because of this predicament, he’s using “Sarwar” as an alias and is speaking with The Nation on condition of anonymity.

Civilian killings, from the strike that killed Wali to the aerial bombings that regard families as collateral, can constitute war crimes according to the ICC. The proposed investigation would have looked into crimes committed by many sides fighting in Afghanistan, meaning that the refusal to investigate protects not only the US and Afghan government forces, but also the Taliban, with a shield of impunity.

The rejection was a slap in the face to the Afghans who risked their lives to file 1.7 million statements that allege abuses including sexual assault, torture, and outright murder by all three parties. The ICC gathered the astounding collection of statements in just over three months, between November 20, 2017, and January 31, 2018.

“Because one statement might include multiple victims and one organization might represent thousands of victim statements, the number of Afghans seeking justice from the ICC could be several million,” the Associated Press reported in February 2018.

“When the US came here they said they would bring peace, justice, and law to Afghanistan—where is it?” said Sarwar. “On June 9, at about nine at night, a massive battle broke out in our village. The NDS and Taliban were firing on each other. The government claimed they killed 18 Taliban members that night, but I lost two friends who had nothing to do with the fighting.”

One of those friends was Wali, and the other was a man named Lal Muhammad.

“Allah have mercy on him, [Muhammad] was just visiting from Jalalabad, where he works,” Sarwar reflected. “He was no older than 40.”

“Lal used to work here and was a groundskeeper at Jalalabad city’s [main] cricket field. He was a diehard fan of Afghanistan’s team,” said Muhammad’s former colleagues in Jalalabad. “He was here early every day because he loved contributing to the team.”

During the June 9 raid, Muhammad was outside his home when an NDS pickup truck shone its lights on him and ordered him to put his hands up. As Muhammad complied, his 8-year-old son came out to see what was going on. With his hands in the air, he ordered his son back into the house, and the boy retreated. Even though his father had followed orders, NDS agents shot Muhammad’s raised hands, then his stomach and head—killing him on the spot.

“We are trying our best to address civilian casualties and bring [the] number to zero,” Governor Miakhel later acknowledged. “Mistakes have been made.”

But Afghan and US media had already breathlessly reported news of the raid with no mention of civilian casualties, accepting the government’s original claim that none had occurred. In The New York Times Afghan War Casualty Report, there are no civilian deaths recorded in Nangarhar Province on June 9. This is the first public report of Wali and Muhammad’s deaths.

In Sherzad, frequent night raids like the one that killed Wali and Muhammad are a somewhat new phenomenon compared to the long-running war in Afghanistan. Although there have always been Taliban members in the district, it remained relatively calm until the summer of 2015, when local “uprising groups” and coalition military forces commenced a series of attempts to dislodge ISKP from several districts in Nangarhar.

“We always had local Taliban here in the area. They didn’t really bother anyone, but then Daesh came after fighting pushed them this way. The Taliban have been fighting them here ever since,” said Sarwar. “Hundreds of Taliban members have come from Kandahar as reinforcements to fight Daesh from this area, and it’s disrupted our entire lives.”

According to Sarwar, very few locals remain in the area, and the Taliban have put punitive restrictions on daily life, including a ban on cell-phone use. Sarwar estimates that about 9000 people have left Sherzad because of the ongoing fighting. This number is disputed by Attaullah Khogyani, a spokesperson for the Nangarhar governor’s office, who put the recent displacement rate at “more than 1500 people” from Sherzad and Khogyani districts combined. Displaced families, many of which have lost members in the fighting, are unlikely to see justice without an international investigation.

In the leadup to a potential ICC probe, the Trump administration established a slate of anti-transparency measures to limit the flow of information out of Afghanistan. In March, the administration rolled back an Obama-era executive order to account for civilian casualties in US military & CIA airstrikes, including those carried out by drones, in countries like Afghanistan, Pakistan, Somalia, and Yemen.

The announcement followed two startling publications: First, UNAMA’s October 2018 quarterly report demonstrated a 39 percent rise in the number of civilians killed by airstrikes in Afghanistan compared to the previous year. Then, the US watchdog agency Special Inspector General for Afghanistan Reconstruction (SIGAR) released a quarterly report in January 2019 showing that the Taliban control or contest over 43 percent of territory in Afghanistan. The latter statistic indicates that the grip of the US-backed Afghan government forces is stagnant at best, and in some cases, actively eroding. While the Trump

administration stopped accounting for airstrike casualties, the US military command in Kabul ceased sharing “district control data” with SIGAR. By May, the command would no longer disclose assessments of Taliban territorial control to the public.

These weren’t the first anti-transparency measures to restrict information from Afghanistan in recent years. In October 2017, as casualty numbers among Afghan security forces were approaching “unsustainable levels” according to the Pentagon, the US military stopped reporting those figures. An estimated 45,000-60,000 members of the Afghan Security Forces have died since 2014, but an exact number is currently impossible to pin down.

According to the latest UMANA report, “civilian deaths attributed to Pro-Government Forces (PGFs) exceeded those caused by AGEs for the second quarter (through June 2019) in succession,” with 717 civilians killed by US and Afghan coalition outnumbering the 531 killed by the Taliban and ISKP. Aerial strikes were the leading cause of civilian casualties by pro-government forces, accounting for 363 killed and 156 injured—of whom 89 and 61, respectively, were children—and 83 percent of all air-strike casualties were attributed to international military forces, which primarily come from the United States. On the ground, many of the coalition’s killings are attributed to the NDS 02 Unit, which is allegedly funded, trained, and advised by the CIA.

When asked by The Nation about the recent NDS 02 Unit attacks in the Khogyani and Sherzad districts, Khogyani maintained that the unit operates with integrity and discipline. “The 02 Unit operates [on] their own, and there are no Americans or CIA involved,” he said. “We are sure that they take care of civilians during operations.” Most Nangarhar residents, however, seem to resent the office’s assertions.

Protests broke out in Nangarhar on May 25, when villagers from the Sherzad district took to the streets carrying civilian corpses. Two nights prior, Afghan government forces had seemingly mistaken a family car for a Taliban vehicle and killed the six people inside, including a woman and two children.

In response, demonstrators hoisted the family members’ bodies in the air, chanting “Death to America” and “Death to Ashraf Ghani.” They blocked the Kabul-Jalalabad highway for hours, a common tactic for Nangarhar residents enraged over the government forces’ deadly night raids.

One of the only prominent Afghan figures to condemn the killings was the former president, Hamid Karzai. “Deeply saddened to learn of civilian casualties mainly women and children caused by night raids and airstrikes in Sherzad district of Nangarhar,” he wrote on Twitter. “I vehemently condemn the attack & reiterate my strong opposition to the continuation of Military operations against the Afghan people.”

After the protests brought the public eye to Sherzad, the governor’s office notified NDS spy chief Masoum Stanikzai about the awareness of civilian killings. “We just shared this issue,” Khogyani commented. “[NDS will] investigate and maybe take action.”

“Some parts of Sherzad [are] not in control of the government and we cannot investigate there,” noted Miakhel, the governor of Nangarhar Province. “The Taliban and Daesh are warring. Many civilians are being killed in this fighting.”

Regarding the people displaced by fighting on both sides, Miakhel added that “[the government does] provide support to IDPs (internally displaced persons) through a proper process supported by the UN and other organizations.”

While the government struggles to keep up, many displaced people in and around Khogyani deny told receiving any aid from the local government or NGOs. On July 25, The Nation spoke to IDPs from Khogyani and Sherzad, all of whom blamed the local government for their precarious conditions.

“We received nothing, to us or the families of the dead. No doctors or ambulance. Not even media came to ask us anything. We are on our own here, but [the government] still won’t leave us alone,” said Haji Mumtaz, a civilian who fled Sherzad one month ago, at age 65.

“[The] people of Sarkot need support and they need justice. They are humans, not animals,” Sarwar said. “I hope the ICC is successful in their investigation so we can stop the government from all these raids—so we can finally live in peace.”

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**Nuon Chea, Top Khmer Rouge Leader, Dies At 93 While Serving Life Sentence (NPR)** By Scott Neuman  
August 5, 2019

**Nuon Chea, who served as Pol Pot's chief lieutenant during Cambodia's murderous Khmer Rouge regime in the 1970s, has died at 93, according to a U.N. tribunal which found him guilty last year of war crimes and crimes against humanity.**

He was known as "Brother No. 2" after Khmer Rouge leader Pol Pot, who ruled Cambodia from 1975 to 1979. Nuon Chea was considered one of the chief architects of the regime's campaign to forcibly restructure the country along agrarian lines – a policy that led to the deaths of an estimated 1.7 million people through executions, starvation, disease and overwork.

"We can confirm that Nuon Chea, 93, passed away on Sunday evening at the Khmer-Soviet Friendship Hospital. He had been treated at the Extraordinary Chambers in the Court of Cambodia's detention centre before being transferred to the hospital for medical treatment on July 2," ECCC spokesman Neth Pheaktra was quoted by The Phnom Penh Post as saying.

Nuon Chea, along with the Khmer Rouge head of state, Khieu Samphan, were found guilty in November of genocide by the United Nations-assisted tribunal. During last year's trial, where he was sentenced to life in prison, Nuon Chea was reportedly suffering unspecified heart problems and high blood pressure.

Nuon Chea never fully admitted his guilt. "I wasn't a war criminal," he told The Associated Press in a 2004 interview. "I admit that there was a mistake. But I had my ideology. I wanted to free my country. I wanted people to have well-being."

In 2007, he was arrested along with other Khmer Rouge leaders.

In 2011, during his years-long trial, Nuon Chea insisted that he and others in the Khmer Rouge had acted in what they believed to be the best interests of the country. "I don't want the next generation to misunderstand history," he said. "I don't want them to believe the Khmer Rouge are bad people, are criminals."

"Nothing is true about that," he added.

However, in 2013 testimony, he did acknowledge some degree of responsibility for the slaughter. Khieu Samphan, now 88, also expressed sorrow over the regime's excesses, but maintained that he was unaware of the worst of them.

The Khmer Rouge came to power in the wake of the Vietnam War, which destabilized the region and opened the door to a coup that overthrew a weak military government in Cambodia. Pol Pot was inspired by the harsh collectivist policies of Chinese leader Mao Zedong and sought to replicate them in Cambodia, dispatching dissenters in the country's notorious "killing fields."

In 1979, Vietnam invaded Cambodia and pushed Pol Pot and his remaining followers into the jungle, where they fought an unsuccessful insurgency for the next two decades. Pol Pot died in 1998.

**Khmer Rouge genocide: Nuon Chea's death has major implications for justice in Cambodia (The conversation)** August 13, 2019

**Nuon Chea, Pol Pot's second-in-command in Cambodia's Khmer Rouge, died on August 4 aged 93. Following Pol Pot's death in 1998, he was the most senior surviving member of the genocidal regime that ruled over what was then known as Democratic Kampuchea.**

The Khmer Rouge was a violent communist group that held power in Cambodia between 1975 and 1979. It aimed to turn the country into an agrarian utopia, declaring "Year Zero", abolishing private property and driving millions from towns and cities before putting them to work on the land. An estimated 1.7m people died through starvation, disease, overwork and deliberate extermination.

In 2007, following years of negotiations between the Cambodian government and the United Nations, the Extraordinary Chambers in the Courts of Cambodia (ECCC) was established. The Court was tasked with prosecuting "senior leaders" and

“those most responsible” for crimes committed during the regime’s rule of Cambodia.

Nuon Chea was one of five individuals put on trial by the ECCC for crimes committed during this period. In 2011, Kang Kek Iew, known as “Duch”, the former chairman of the Khmer Rouge’s most notorious security centre S-21, was found guilty of crimes against humanity; he is currently serving his life sentence.

Ieng Sary then passed away in 2013 before judgement was passed, and Ieng Thirith passed away in 2015, having been found unfit to stand trial in 2012.

Concerns over the ages of the remaining accused led the ECCC to split Nuon Chea and Khieu Samphan’s case into sub-trials. On August 7, 2014, Nuon Chea and Khieu Samphan were found guilty and sentenced to life imprisonment for crimes against humanity. On November 16, 2018, both were also found guilty of crimes against humanity, war crimes, and the genocide of the ethnic-Vietnamese. Nuon Chea was additionally found guilty of genocide against the Cham Islamic minority in Cambodia.

But Nuon Chea appealed his conviction in July this year – and the appeal was ongoing when he died.

Justice served? Nuon Chea’s death now raises the question of whether or not his conviction stands. The ECCC’s laws are unclear on this point, and a variety of opinions exist about the impact of an appellant dying.

The International Tribunal for the Former Yugoslavia, for example, has found that trial judgements will stand when an appellant dies. National laws are varied, however. Some states, such as the UK and New Zealand, tend towards the continuation of proceedings, while others, such as Spain and Germany, favour the termination of proceedings.

In Cambodia, legal experts have claimed that because a final appeal judgement had not been given, Nuon Chea must be presumed innocent.

Indeed, Nuon Chea’s own defence team has filed a request to the ECCC’s Supreme Court Chamber, requesting that either Nuon Chea be presumed innocent, or that his appeal be allowed to continue “in the interests of justice”. It described his appeal as “of the utmost importance to the Cambodian nation”, as well as his “last chance to convey the truth to the Cambodian people”.

The situation has been further complicated, however, by the abrupt decision of the Court’s Defence Support Section and Human Resources Department to fire Nuon Chea’s defence team on the basis that their client has died.

This decision was made on August 9, before the Supreme Court Chamber could respond to the defence team’s request. Nuon Chea’s lawyers, Doreen Chen and Liv Sovanna, have described the decision as “baffling, premature, and disruptive” and that it undermines “the fundamental right of the client to legal representation”.

Indeed, their dismissal means any confidential decisions made by the Court will not be accessible to them, creating further complications in an already complex legal matter. At present, there seems to be no intention to hire a new team nor allow the former defence team to continue their work.

Genocide in Cambodia The status of Nuon Chea’s conviction also has implications for the recognition of the genocide against the Cham in Cambodia.

Nuon Chea, after all, is the only accused to be convicted of the genocide of the Cham. This group was restricted in its ability to exercise its religion and culture throughout the Khmer Rouge regime. And from 1977 onwards, this developed into a policy of deliberate extermination.

As the ECCC is the only court tasked with responding to the crimes of the Khmer Rouge, the revocation of Nuon Chea’s conviction removes the only formal legal recognition of this crime.

It is worth noting, however, that in Cambodia, genocide recognition is not limited to judicial decisions, and is shaped by historical, political, social and cultural factors, too.

Local understandings can differ from the Genocide Convention definition adopted by the ECCC – that is, the intent to destroy, in whole or in part, a national, ethnic, racial or religious group. Instead, genocide is often locally framed as something that happened to the entire population, not only specific minority groups.

In the case of the Cham, research suggests that members of that community rarely drew distinctions between their experience and the experience of the broader population. While they hoped the ECCC would recognise their suffering under the Khmer Rouge, this did not necessarily have to include a conviction for genocide perpetrated specifically against them.

There has also been a tendency among some Cambodian communities to see the ECCC as acknowledging and recognising their



experiences of “genocide”, regardless of the status of its legal judgements. This shows that recognition of genocide can be symbolically meaningful for survivors regardless of the technical details surrounding legal judgements.

The Court, for example, also has the ability to award “collective and moral reparations”. In practice, while acknowledged as reparations by the Court, these have been primarily developed by NGOs and funded by international donors. These have ranged from psycho-social support to the reform of the school curriculum.

The legal challenges arising from Nuon Chea’s death undeniably require resolution. But ECCC and other civil society initiatives intended to recognise, address and remember the Cambodian genocide will not necessarily be impacted by his death.

Nuon Chea may have passed away, but memories of the Khmer Rouge’s crimes against individual groups, and the population as a whole, will live on for generations to come.

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## **Bangladesh International Crimes Tribunal**

**Evidence of war crimes found against 9 Nilphamari men (Dhaka Tribune)** By Mizanur Rahman  
August 1, 2019

### **International Crimes Tribunal (ICT) has found evidence against nine alleged war criminals of Dimla, Domar and Jaldhaka at Nilphamari.**

The accused are Md Abdus Sattar, 80, Boksu Miah a.k.a Md Maksu Miah Mazumder, 77, Md Abdul Malek, 72, Md Maklesur Rahman a.k.a Khoka, 77, Md Shahidullah Sarker, 70, Md Nurul Haque, 65, Javed Ali, 75, Md Shahadat Hossain, 68, and Akramul Haque.

The agency’s Chief Coordinator, Abdul Hannan Khan, and Co-Coordinator, Sanaul Hoque, disclosed the information at a press conference held at their Dhanmondi office on Thursday.

The agency has brought six allegations against nine men's involvement with crimes against humanity during the Liberation War of 1971. The allegations include detaining 46, abducting 25, raping 3, murdering 7, vandalizing 15 houses, and carrying out mass killings.

Also Read - War crime evidence found against 11 men, including USA citizen

An investigation report of 238 pages, consisting of evidence, records, and documents, will soon be submitted to the ICT prosecution team.

According to the investigation agency, 23 cases of crimes against humanity carried out during the Liberation War in 1971 are under investigation.

In total, they have received a total of 761 allegations of crimes against humanity, with accusations against 3,867 people.

The tribunal has announced the verdicts of 38 cases, and has kept 33 cases on hold.

The Appellate Division of the Supreme Court has disposed of 10 cases while 38 are awaiting hearing.

Till date, a total six of the war criminals have received death sentences.

**No trace of 139 war criminals (Dhaka Tribune)** By Mizanur Rahman and Abdullah Alif  
August 2, 2019

### **Interpol's red alert issued against only six of them.**

The International Crimes tribunal (ICT) sentenced death penalty to fugitive Abul Kalam Azad on 21 January 2013 as its first

historical verdict for crimes against humanity during Bangladesh's Liberation War in 1971.

In its verdict, the tribunal issued a judgment copy to Inspector General of police (IGP) for taking necessary action and later to submit a report to the tribunal about their steps taken to arrest the fugitive.

On February 24, 2015, the tribunal directed to the secretary to the Ministry of Home Affairs and the IGP to ensure the apprehension of another fugitive convict Md Abdul Jabbar Engineer with the help of the Interpol, if necessary.

According to the investigation agency and prosecution, a total of 139 persons are fugitive in the cases filed with the ICT for crimes against humanity. Of them 44 persons have been convicted (32 persons with death sentence, 12 persons with imprisonment till death), 84 persons are still under trial and arrest warrants were issued against 11 during the investigations.

In the case of Ashrafuzzaman Khan and Chowdhury Mueen Uddin, the tribunal said in its verdict that the accused left the country almost instantly after the victory on December 16, 1971 and since then they had been in London and New York. None of them could be apprehended, despite existence of information as to their blameworthiness, during the last four decades.

In many of the ICT cases, the tribunal asked the authorities concerned to take necessary action to arrest the accused and convicted persons, and if necessary, asked them to take help from international police organization (Interpol).

Also Read- Evidence of war crimes found against 9 Nilphamari men

The ICT has directed the secretary to the Ministry of Home Affairs and IGP, and ordered to seek help from Interpol to arrest accused Syed Md. Hussain alias Hossain, Idris Ali Sardar, Md. Ibrahim Hossain alias Ghungur Ibrahim, Sheikh Mohammad Mujibur Rahman alias Mujibur Rahman, Md A Aziz Sardar, Abdul Aziz Sardar, Kazi Ohidul Islam alias Kazi Ohidus Salam, Md Abdul Khaleque Morol, Md Ashraf Hossain, Professor Sharif Ahamed alias Sharif Hossain, Md Abdul Mannan, Md Abdul Bari, Harun, Md Abul Hashem, Gazi Md Abdul Mannan, Nasiruddin Ahmed alias Md Nasir alias Captain ATM Nasir, Md Hafizuddin, Md Azharul Islam, Syed Md Hachhan alias Syed Md. Hasan alias Hachhen Ali and Abdul Jabbar Engineer.

However, the Interpol has issued red notice against only six persons on its website. They are Abul Kalam Azad, Abdul Jabbar, Sayed Md Hachhan Ali, Ashrafuzzaman Khan, Sayed Md Hossain and Zahid Hossain Khokon.

When contacted, Assistant Inspector General (media) Sohel Rana said: "The red notices against six persons, who have been charged with war crimes, were published as per the request of the ICT."

The red notices are entertained by the IPST (Interpol Secretary General) as per the request from concerned investigation unit (here ICT), said the official adding: "The NCB (National Central Bureau)-Dhaka is now waiting for the request letter for the red notices from ICT for other fugitives."

Jahid Imam, a member of the prosecution team, said the justice seekers not only became happy over the ICT's verdict against war criminals, but also very disappointed over the failure of the law enforcement agencies in arresting them. "So we hope the authorities concerned will take quick and necessary actions to implement the tribunal order," he told Dhaka Tribune.

ICT case summary

The International Crimes Tribunal is now holding 29 cases and has already announced verdict in 38 cases against 96 persons.

The investigation agency of ICT is investigating 24 cases against 39 persons for allegation of involvement in crimes against humanity during liberation war of 1971. The agency has submitted a total of 71 investigation reports to the tribunal and received a total of 685 allegations of crimes against humanity against 3583 persons.

Of those, a total of 23 appeals have been filed with the appellate division of the Supreme Court till to date.

Following the verdicts of the ICT tribunal, the apex court of the country has so far disposed off the appeals of ten cases. So far, six war criminals have been executed. Bergman under the radar.

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## **War Crimes Investigation in Myanmar**

**For Justice in Myanmar, Sanction the War Profiteers Financing Genocide (World Politics Review) By Candace Rondeaux**  
August 9, 2019

**When the history of Myanmar's genocide against the Rohingya people is finally written, it may read a lot like the cases of Rwanda and Yugoslavia. The International Criminal Court could eventually prosecute a few of the military officers responsible for killing and torturing thousands of Rohingya, a predominantly Muslim ethnic minority long persecuted in Myanmar. Chances are, though, that justice will be lumbering and uneven. Like others before them, most of the perpetrators will likely evade prosecution altogether.**

History could turn out differently, however, if calls are heeded from the United Nations independent fact-finding mission in Myanmar to sanction the global network of war profiteers who are financing the genocide.

In a major investigative report released this week, the U.N. documents the economic plundering that has fueled the military's "clearance operations" in Myanmar's Kachin, Shan and Rakhine states. The report lays out a stark case for cutting off flows of weapons, oil, gas, gems and money that funded the displacement and dispossession of upwards of 740,000 Rohingya in 2017 alone. It names dozens of national and international firms that regularly do business with two state-owned conglomerates controlled by Myanmar's military, Myanmar Economic Holdings Limited and the Myanmar Economic Corporation. In addition to naming more than 120-plus subsidiaries linked to the military that are profiting from the pillage of areas once populated by Rohingya Muslims and other religious minorities, U.N. investigators specifically singled out Chinese, Israeli, Russian, Ukrainian and North Korean suppliers of weapons to Myanmar.

In Kachin, a province on Myanmar's northeast border with Bangladesh, the military—or Tatmadaw, as it is known—has leveraged its seizure of mineral-rich mountains to bulk up its war profits. Mountains holding vast deposits of jade have been strip-mined by local laborers working under constant watch of the military. While Global Witness and other international NGOs have recently documented the sprawling network of Tatmadaw conglomerates, subsidiaries and financiers behind Myanmar's \$31 billion trade in what it calls "genocide gems," no organization until now has so thoroughly and explicitly outlined the nexus between the foreign arms suppliers, bankers and commodities brokers that all do business with the Tatmadaw.

The U.N. report comes nearly a year after investigators publicly declared that top military commanders should be charged with committing genocide and other crimes against humanity during army sweeps in areas of the country populated by the Rohingya. Detailed public records of the Tatmadaw's business dealings are hard to come by, but U.N. investigators have assembled an impressive body of evidence from open sources on how its military operations have been financed. Investigators found that one part of Myanmar Economic Holdings Limited, known as the Patron Group, consists of high-ranking military officials who hold controlling stakes in the state-run gem, gas, oil and coal mining industries. Their report expressly named the army's commander-in-chief, Senior Gen. Min Aung Hlaing, and its deputy commander-in-chief, Vice-Senior Gen. Soe Win, as the Patron Group's top leaders. As if that weren't enough, top generals also pressed 45 companies in Myanmar for donations worth upwards of \$10.2 million to support military operations in northern Rakhine state in 2017, according to the report.

Myanmar's civilian government issued a statement a day after the report was published saying it categorically rejects the U.N. findings. It wasn't surprising. The world now seems weary of asking just what happened to Nobel Prize winner Aung San Suu Kyi to turn her and the rest of the civilian leadership into staunch defenders of the same military elites they once derided. Suu Kyi and her political party, the National League for Democracy, appear to be convinced that maintaining the patina of power-sharing between them and the military is the be-all and end-all of their political survival.

It's a dynamic seen in other countries where the military ultimately holds sway, from Pakistan to Egypt. The outcome is almost always the same: more money and weapons for the men in uniform, and more compromised power and influence for the civilian elites, with little to no public accountability. In Myanmar, it does nothing to resolve the status of millions of displaced and dispossessed Rohingya, let alone stabilize the country.

If charges of genocide or the prospect of international sanctions lead to tensions in this dispensation, Myanmar's most powerful patrons, China and Russia, are at the ready with support. Other countries, including the other permanent members of the U.N. Security Council—the United States, the United Kingdom and France—will just likely default to diplomatic protests. So long as China and Russia, with their veto power on the Security Council, ultimately back the bargain between Myanmar's military and civilian leaders, there will be pushback against the U.N.'s call for an arms embargo and targeted sanctions on war profiteers linked to the Tatmadaw.

But even if the U.N. cannot deliver on the fact-finding mission's recommendations, its investigation in Myanmar could still have an impact. The report echoes a growing consensus among advocates of international justice that the only sure path to bringing war criminals to account is to follow the money and prosecute the profiteers. It provides the kind of bold, innovative roadmap necessary for overcoming diplomatic deadlock at the Security Council that has stymied progress on resolving the Rohingya crisis and other intractable conflicts.

It may also help break up the current political torpor in The Hague induced by self-inflicted wounds to the International Criminal Court's credibility. The ICC's chief prosecutor, Fatou Bensouda, may stand a better chance of pursuing prosecutions of war crimes against the Rohingya if she takes early steps now to trace the economic networks underlying the Tatmadaw's enterprises.

Financial forensics have already made a difference in other big war crimes cases. The most famous case against war profiteers, of course, occurred when Nuremberg prosecutors tried 23 executives with I.G. Farben, the German chemical company that produced the notorious Zyklon B gas used in concentration camps, convicting 13 of them. Similarly, the International Criminal Tribunal for the Former Yugoslavia found that those accused of supporting atrocities do not need to know the exact war crimes that were intended and committed in order to be convicted of aiding and abetting them. Tearing down the financial foundations that so often support the structural violence leading to genocide and crimes against humanity may not be easy, but there is precedent for it.

### **International legal options for addressing the Rohingya genocide in Myanmar and humanitarian crisis in Bangladesh (Relief Web) By Yuriko Cowper-Smith**

August 13, 2019

**Addressing the seemingly intractable Rohingya genocide and the humanitarian crisis in Bangladesh requires looking at all possible international legal options. The continued (in)action of the Burmese government demonstrates that state officials are unwilling to bring the perpetrators to account. As international pressure mounts for Myanmar's government to change its conduct, various countries and actors in the international system have started to consider various legal channels. This article articulates a few means of recourse that can be used to introduce a modicum of accountability.**

The International Criminal Court (ICC) is located in The Hague, the Netherlands and it exists to institute legal proceedings against individuals for genocide, crimes against humanity, war crimes, and crimes of aggression. Since Myanmar is not a State Party to the Rome Statute (the treaty that led to the creation of the ICC), the ICC does not have jurisdiction with respect to crimes committed on Burmese soil. However, as a UN Member State, if the United Nations Security Council (UNSC) were to refer Myanmar to the ICC, then the state would be obliged to cooperate. Unfortunately, it is unlikely that the UNSC would vote on a referral to the ICC since China and Russia are also not State Parties to the Rome Statute and they consistently oppose the possible jurisdiction of the ICC over a non-State Party.

While the ICC's jurisdiction applies only to crimes occurring within the sovereign territory of a State Party to the Rome Statute, and Myanmar is therefore unlikely to be affected, there may be a novel alternative. ICC prosecutors have been conducting a preliminary examination since September 2018 into crimes which are alleged to have been partially committed within Bangladesh. Bangladesh is a State Party to the Rome Statute and, according to the United Nations High Commissioner for Refugees (UNHCR), nearly 1,000,000 Rohingya have fled into Bangladesh from Myanmar. On 5 July 2019, the Presidency of the ICC created the Pre-Trial Chamber III after the ICC Prosecutor, Fatou Bensouda, notified judges that she will seek an authorization "to investigate alleged crimes within the Court's jurisdiction in which at least one element occurred on the territory of the People's Republic of Bangladesh... as well as any other crimes which are sufficiently linked to these events." Those alleged crimes include the crime of deportation. Once Bensouda submits her request, the Judges of Pre-Trial Chamber III will decide whether or not to authorize the Prosecutor to open an investigation.

These are steps in a promising direction. However, as the international law experts John Packer and Payam Akhavan have noted, "The ICC has serious resource constraints, is notoriously slow, and could not arrest any Myanmar officials." And, as Packer further states, "Accountability mustn't be limited to trials of individuals. The Myanmar state itself can and must be held to account." A verdict by the ICC might result in prosecuting some individuals, such as those named in the Independent International Fact-Finding Mission on Myanmar (IFFM) Report, but would not necessarily ascribe guilt to the Burmese state as a whole, and genocide is very much a state crime. Continued efforts should be made to refer the situation in Myanmar to the ICC. Unfortunately, it is an expensive and lengthy process with narrow reach, meaning that other legal options may be preferable or be pursued in tandem.

Located in Geneva, Switzerland, the UN Human Rights Council (UNHRC) is an intergovernmental body made up of 47 states

which are collectively responsible for the promotion and protection of human rights. The UNHRC passed a resolution in September 2018 that includes the establishment of an evidence gathering mechanism called the Independent Investigative Mechanism for Myanmar (IIMM). The IIMM is responsible for preparing case files to facilitate and expedite fair and independent criminal proceedings for any future criminal prosecution in either a national or international court of law. In this case, the mechanism is mandated to “collect, consolidate, preserve and analyze evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011.” UN Secretary-General António Guterres named Nicholas Koumjian of the United States as the head of this mechanism. This channel presents a means of collecting vital information for future trials. However, it is unclear which court will be used for the case, or if a dedicated tribunal will be set up for this express purpose.

The International Court of Justice (ICJ) is the principal judicial organ of the UN and, like the ICC, is also located in The Hague, in the Peace Palace. The ICJ’s purpose is to settle international legal disputes between states and to give advisory opinions on legal issues referred to it by the UN. This channel is important in the case of Myanmar since Article 9 of the UN Genocide Convention confers jurisdiction on the ICJ to determine the responsibility of governments for the crime of genocide, including their failure to prevent or punish perpetrators.

Canada and Myanmar have both signed and ratified the Genocide Convention, which means that Canada could open a case against Myanmar. According to Packer and Akhavan, “Such a case would provide a unique and important platform for victims and witnesses to testify about these shocking atrocities, and for the court to issue an authoritative judgment against Myanmar. At the very least, exposing the truth in this way would increase pressure on Myanmar and perhaps achieve some measure of deterrence against ongoing atrocities.” They outline that directing the ICJ’s attention towards this case would place scrutiny on the government of Myanmar’s actions in multiple ways. First, it could afford the victims some degree of reparation and restitution. Second, it could also generate negative economic repercussions for the state as foreign investors would be cautious about doing business in a state that appears to be acting unlawfully.

Momentum has been growing in Canada for the government to take action through the ICJ. On 20 September 2018, members of Parliament from all political parties unanimously adopted a motion that endorsed the findings of the IFFM, which concluded that crimes against humanity have been committed against Rohingyas and other ethnic minorities in Myanmar. On 11 April 2019, Canadian Senator Marilou McPhedran introduced a motion in the Senate urging the Government of Canada to invoke the Genocide Convention and hold Myanmar to its obligations while seeking provisional measures and reparations for the Rohingya people. On 29 May 2019, the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes Against Humanity called for Canada to initiate legal proceedings before the ICJ with regard to Myanmar’s breach of the Genocide Convention. On 25 June 2019, a letter co-signed by 34 senators and more than 100 human rights organizations and advocates was sent to Foreign Affairs Minister Chrystia Freeland urging Canada to initiate proceedings before the ICJ for breaching the Genocide Convention.

Other State Parties to the Genocide Convention, such as Bangladesh, could also use this channel. As Maung Zarni of the Free Rohingya Coalition emphasizes, if Bangladesh were to pursue a case against Myanmar at the ICJ then this could result in Myanmar paying reparations to Bangladesh for hosting the Rohingya refugee population. Bangladesh could make this demand independently through the ICJ, jointly with other State Parties, or jointly with other state-led initiatives. At the same time, Canada and Bangladesh are not alone in their potential to use the ICJ in addressing the situation in Myanmar. On 4 July 2019, the Dutch House of Representatives adopted a motion asking the Dutch government to commence legal proceedings against Myanmar before the ICJ for violating its obligations under the Genocide Convention.

While the ICC, UNHRC, and ICJ all present avenues for addressing the situation in Myanmar, other potentially influential legal channels have not been outlined here. For example, Myanmar has acceded to both the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) and it has also ratified the International Covenant on Economic, Social and, Cultural Rights (CESCR). All of these treaties may afford other opportunities for holding the Burmese government accountable since they protect human rights which have been violated in Myanmar.

Regardless of which legal avenues are pursued, the most important element for any of these options to succeed is political will. With the second anniversary of the Rohingya genocide approaching on 25 August 2019, it is critical that the pressure against Myanmar, from all possible angles, remains steadfast and resolute.

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## **North & Central America**

### **Trump Orders Medals Stripped From San Diego Military Prosecutors in War Crimes Case Against Navy SEAL (KTLA)**

July 31, 2019

**Navy officials said Wednesday they are pulling achievement medals from prosecutors who argued the case against a decorated Navy SEAL who was acquitted in the death of a wounded Islamic State captive after President Donald Trump intervened.**

Trump tweeted earlier Wednesday that he had directed the secretary of the Navy and the chief of naval operations to “immediately withdraw and rescind” the Navy Achievement Medal from prosecutors who argued the case against Special Operations Chief Edward Gallagher, who was acquitted by military jurors earlier this month.

“The Prosecutors who lost the case against SEAL Eddie Gallagher (who I released from solitary confinement so he could fight his case properly), were ridiculously given a Navy Achievement Medal,” Trump complained, adding, “I am very happy for Eddie Gallagher and his family!” Navy spokesman Cdr. Jereal Dorsey said that on Wednesday, after Trump’s tweet, Navy Secretary Richard Spencer rescinded the awards. As secretary, he has that authority, Dorsey said.

The move appeared to be a highly unusual presidential intervention in a case Trump had personally championed and drew immediate condemnation. Former Pentagon spokesman David Lapan, a retired Marine colonel, said the move represented the “further politicization of our military” and was a “ludicrous” move “in the face of so many more important and pressing personnel issues.”

The military publication Task & Purpose first reported that, after Gallagher was found not guilty, members of the U.S. government team that prosecuted him were awarded medals for their “superb results” and “expert litigation.”

Ten awards were given out earlier in July to members of the team and people associated with the case by the Navy’s Region Southwest Legal Service Office in San Diego, seven Navy achievement medals and three letters of accommodations.

Trump in his tweets complained that the prosecutors not only lost their case, but also “had difficulty with respect...to information that may have been obtained from opposing lawyers and for giving immunity in a totally incompetent fashion.”

Gallagher’s trial came after a judge removed the lead prosecutor over a bungled effort that used software to track emails sent to defense lawyers in order to find the source of leaks to the media.

The judge determined the effort violated Gallagher’s constitutional rights and, before the case went to trial, reduced the maximum possible punishment for the murder charge from life in prison without parole to the possibility of parole.

Defense lawyers had argued that Gallagher was framed by junior disgruntled platoon members who fabricated the allegations to oust their chief. The prosecution said Gallagher was incriminated by his own text messages and photos, including one of him holding the dead militant up by the hair and clutching a knife in his other hand. Several SEALs testified that Gallagher stabbed the militant, including two who said they saw Gallagher plunge the knife into his neck. In the end, the jury of five Marines and two sailors — all war zone veterans — acquitted Gallagher of murder, attempted murder and other charges in the killing of the Islamic State captive and shootings of civilians in Iraq in 2017 — dealing a major blow to one of the Navy’s most high-profile war crimes cases. He was convicted of a single count of posing with a human casualty and given the maximum sentence of four months’ confinement for the offense. Gallagher will serve no jail time because he spent nearly nine months in pre-trial custody. The jury also called for his rank to be reduced, hurting his benefits just as the 19-year veteran prepares to retire.

His lawyers say they will fight the sentencing.

**Navy dismisses more SEAL war crimes cases, removes controversial prosecutor (Your Navy)** By Carl Prine  
August 6, 2019

**In another day of bold moves by Navy leaders seeking to revamp the sea service's criminal justice system, officials dismissed a war crimes case dogging four SEALs and transferred a prosecutor plagued by misconduct allegations.**

Ending a case that had dragged on for 2 ½ years, Navy Region Southwest's commander Rear Adm. Bette Bolivar dropped all war crimes charges against Special Warfare Operator 1st Class Daniel V. Dambrosio Jr. and two special operator chief petty officers — Xavier Silva and David N. Swarts — plus their former commanding officer, Lt. Jason L. Webb.

Military prosecutors in San Diego had accused them of abusing detainees at Village Stability Platform Kalach in the Chora District of Afghanistan's Uruzgan Province on May 31, 2012.

Although authorities conceded that most of the abuse stemmed from Afghan Local Police militiamen beating villagers with clubs and car antennas, one detainee allegedly died after a round of brutal questioning, and investigators believed the SEALs could've done more to prevent the maltreatment. Within the closed SEAL community, however, the case was seen as politically driven retribution brought by brass far from the battlefield and spurred by press accounts in late 2015 that pointed a spotlight at a murky Afghanistan counter-insurgency mission three years earlier.

The four SEALs had voluntarily entered non-judicial punishment proceedings, a Trident Review Board and other disciplinary hearings and were cleared, only to be charged at court-martial on Jan. 19, 2017, with what they said was little new evidence brought to the case.

Bolivar had been mulling a plea deal that would send them back to NJP, but on Tuesday she quashed the case, two weeks before a court-martial trial loomed. "Military prosecutors informed Adm. Bolivar that the evidence from the 2012 case has degraded to the point where they believe obtaining convictions is no longer likely," said Navy Region Southwest spokesman Brian O'Rourke in a prepared statement emailed to Navy Times. After consulting with her staff judge advocate, Capt. Donald King, Adm. Bolivar concurred, O'Rourke indicated.

But O'Rourke's statement didn't tell the full story.

An email sent by King to defense attorneys and prosecutors provided to Navy Times indicated that Bolivar dismissed the charges "without prejudice," which means they can be brought back in the future if more evidence arrives or a different convening authority reviews the case. She also let stand charges related to what officials contend are offensive text messages shared by Webb with the other SEALs. The lieutenant will be the only defendant remaining and the only specification will be tied to those messages.

The email included a message to the lead prosecutor in the case, Cmdr. Christopher Czaplak: "request you inform the judge" about the dismissal, King wrote. But a different fate awaited Czaplak at a Regional Legal Service Office Southwest overseen by a new commanding officer, Capt. Jennie Goldsmith. In a prepared statement released Tuesday evening, Navy spokesman Cmdr. Jereal E. Dorsey said in "an effort to move the RLSO SW Trial Department forward," Goldsmith removed Czaplak as her senior trial counsel and reassigned him to Code 67, the technology, operations and plans section. She named Cmdr. Phil Hamon to take his place.

Czaplak had served as the lead prosecutor in a similar war crimes case against Special Warfare Operator Chief Edward "Eddie" Gallagher, who was accused of stabbing to death a wounded Islamic State prisoner of war during a SEAL Team 7 deployment to Iraq in 2017, among other charges. But Czaplak was gone from the case a month before Gallagher's case unraveled at trial, with a panel of his military peers on July 2 rejecting all the serious allegations against the highly decorated SEAL.

Navy judge Capt. Aaron Rugh had determined that Czaplak played a key role in violating Gallagher's constitutional rights before his trial kicked off. At the heart of the scandal was a warrantless surveillance program featuring Czaplak that was cooked up with Naval Criminal Investigative Service agents to track emails sent by defense attorneys and Navy Times, allegedly to uncover leaks after questions emerged that military officials were hiding evidence that could clear Gallagher.

Prosecutors and agents also were accused of manipulating witness statements; using immunity grants and a bogus "target letter" in a crude attempt to keep pro-Gallagher witnesses from testifying; illegally leaking documents to the media to taint the military jury pool; and then trying to cover it all up when they got caught.

The RLSO came under greater scrutiny on July 10, only a week after the Gallagher verdict, when the office's commanding officer, Capt. Meg Larrea, awarded Navy Achievement Medals to four junior prosecutors under Czaplak.

That sparked a political firestorm because their commander in chief, President Donald J. Trump, took to Twitter on July 31 to announce that he'd ordered Secretary of the Navy Richard V. Spencer and Chief of Naval Operations Adm. John Richardson to nix the NAMs.

On Monday, Deputy Judge Advocate General Rear Adm. Darse E. Crandall Jr. presided over what was described by the Pentagon as an "accelerated change of command ceremony" for Larrea 14 days before she was slated to relinquish her office to Goldsmith.

It was a private ceremony, without a band or an end of the tour award, officials disclosed.

Gallagher's civilian defense attorney, Timothy Parlatore, applauded Czaplak's reassignment but said he "should have been fired the moment that his illegal conduct was confirmed by the court."

"It was an utter failure of leadership by Capt. Larrea to leave him in that position as long as she did."

Parlatore urged Navy leaders to reconsider Czaplak's new post, saying that "the officer who conducts an illegal email spying operation" shouldn't be put in charge of government technology.

Pentagon leaders told Navy Times to expect far deeper reforms.

In a series of stunning moves that began on Thursday, Chief of Naval Operations Adm. John Richardson removed all post-trial sentencing authority from Navy Region Southwest in the Gallagher case and dismissed another prosecution against Lt. Jacob X. "Jake" Portier, the officer in charge of the SEAL's platoon in Iraq.

He also ordered VCNO Adm. Bob Burke to undertake a comprehensive review of the Navy's Judge Advocate General Corps.

### **Former attorney for Navy SEAL acquitted of war crimes says he's owed up to \$1 million (Los Angeles Times)**

By Andrew Dyer

August 8, 2019

#### **A former attorney for a San Diego-based Navy SEAL acquitted of war crimes is trying to force his former client into arbitration to get paid, according to court records.**

In the complaint, Texas-based attorney Colby Vokey says Navy SEAL Petty Officer 1st Class Edward Gallagher is in breach of a contract he signed in October and Vokey is seeking \$200,000 to \$1 million in damages. In that contract, Gallagher apparently agreed to go into arbitration should any attorney-client disputes emerge.

Gallagher signed the document Oct. 11.

Vokey represented Gallagher until mid-March, when another civilian defense attorney, Timothy Parlatore, joined the case. Parlatore called Vokey's move "grotesque."

"The Gallagher family has been through hell, and it is grotesque that Colby Vokey has decided to go after them when the case isn't even over," Parlatore said when reached by phone.

Gallagher is waiting on the chief of Naval Operations, Adm. John Richardson, to finalize the case. Richardson can confirm, vacate or alter the sentence imposed by a San Diego military jury in July.

Gallagher was found not guilty of the most serious charges against him, which included premeditated murder and shooting at civilians while in Iraq in 2017. He was found guilty of posing with the body of an Islamic State fighter, and he was sentenced to a reduction in rank and four months of confinement, which Gallagher served before trial.

Richardson took over as convening authority in Gallagher's case last week. It is unknown when he might make a decision.

In a post on their joint Instagram account, Gallagher's wife, Andrea, said her family was being "sued" by their former attorney, Vokey.

"In our hour of need, Colby Vokey and (nonprofit United American Patriots) came in and promised to give Eddie a top-notch legal defense with all expenses paid," Andrea Gallagher said in the post. "Instead, they dragged the case out, focused more on using our family for fundraising while Colby ran up the bill, and made little to no progress in actually freeing Eddie."

Vokey declined to comment.

In the post, Andrea Gallagher said Vokey was fired after he "tried to push the trial out to November, we felt that he lied, threatened and extorted our family." "We believe if it were up to Colby Vokey, Eddie would still be in the brig with a trial in November or later," she said in the post.

In addition to hiring Parlatore, the family also hired Marc Mukasey, who also serves as one of President Trump's personal



attorneys. Mukasey said Wednesday that because he and Parlatore don't normally practice in military court, they were able to deploy a more unrestrained defense.

"It was a really smart move, and a brave move, for Eddie, Andrea and Sean [Edward Gallagher's brother] to ultimately go with lawyers from outside the system," Mukasey said. "We were able to take a more aggressive approach, rattle cages that needed to be rattled and hold the government accountable."

Although Vokey began representing Gallagher as early as the spring of 2018, any contract signed before October was not included in the complaint.

According to the October contract, Vokey and co-counsel Phillip Stackhouse were to be paid \$400 an hour. But the contract also says that Gallagher was approved for financial support through United American Patriots, a nonprofit that helps fund legal costs for service members.

"Client has applied for and been accepted for financial support from United American Patriots to cover attorney fees and case expenses," the contract states. Vokey is listed on UAP's website as a member of its advisory board.

In March, after Vokey's alleged firing, Andrea Gallagher announced on social media that her husband's defense would no longer raise money via UAP. She directed supporters to donate to the Navy SEALs Fund, another nonprofit that helps Navy SEAL families in need.

As of Wednesday, the Navy SEALs Fund has collected almost \$750,000 in donations for Gallagher's case.

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## South America

**Why Venezuelan Migrants are Joining Colombia's Criminal Gangs (Ozy)** By Deborah Bonello

August 14, 2019

**A Colombian Air Force raid in June 2018 killed 16 members of a dissident faction of the largely disbanded FARC group in Arauca, which lies along the international line with neighboring Venezuela. But when Colombian authorities scrutinized the bodies, they found that at least four of the dead fighters were Venezuelan migrants. The dissident group had taken "advantage of their poverty" and desperation, Colombian Army General Helder Giraldo said at the time.**

The incident, it's now increasingly apparent, was no one-off. Since President Nicolás Maduro took power in Venezuela, more than 4 million people have fled to neighboring Colombia and other countries in the region. Such numbers are unprecedented and have been labeled a humanitarian crisis. Both Colombia and Ecuador have each taken in 1.2 million migrants or refugees since 2015. Around the world, migrants fleeing their lands in desperation frequently fall victim to crimes such as human trafficking and sex trafficking. But at least in Colombia, organized crime is taking advantage of the flood of vulnerable Venezuelan migrants to increasingly also pull many of them into its criminal ranks.

In just the three months between July and September last year, Colombian authorities recorded 27 cases where Venezuelans were recruited by organized crime syndicates. Today, the country's military intelligence suggests at least 300 Venezuelan migrants are working for Colombian crime gangs, says Jeremy McDermott, co-director of InSight Crime, a foundation studying organized crime in the Americas. And InSight Crime believes that's an underestimation — the number is likely much larger.

Some are being recruited to work for criminal guerrilla groups such as the National Liberation Army (ELN) and gangs created by former members of the Revolutionary Armed Forces of Colombia (FARC). Others are being put to work by drug trafficking groups in coca-cultivation states along the Colombia-Venezuela border as raspachines — the name given to workers who remove coca leaves from the plants that are then processed into cocaine, according to InSight Crime research and other experts consulted by OZY.

“Organized crime loves nothing more than a diaspora and there’s no diaspora faster growing or more desperate than the Venezuelan one,” says McDermott.

The ELN and ex-FARC mafia are involved in the international cocaine trade as well as running extortion and kidnapping rackets in Colombia and along its shared border with Venezuela. Both of these groups also operate on Venezuelan territory, which is ruled by a government much more ideologically aligned with their purported politics – at least in the case of the ELN, which has its roots in Marxist ideology.

The border between the two countries is extremely porous and host to a number of criminal markets including contraband food and gas. Cocaine, of which Colombia is the region’s biggest producer, is flowing into Venezuela from Colombia for transportation to other parts of the region, the United States and Europe — aided and abetted by the regime of President Maduro. Lilian Aya Ramirez — a Venezuelan sociologist living in Colombia and studying the migrant population there from her country — says that more Venezuelans are being detected in the drug trade in Colombia.

“There is a very fine line between being a victim of organized crime to becoming an active, victimizer part of the chain as well,” she says.

Venezuelan migrant women are particularly vulnerable to being trafficked into prostitution with false promises of other kinds of work, says McDermott. “We know that in Cúcuta they wait for women to come across the bridge and they’re offered jobs in prostitution,” he adds, referring to the Colombian border town with a long history of contraband smuggling.

Because of the hyperinflation in Venezuela, acquiring a passport is so costly that many people leave without one. That means they need to cross borders illegally, leaving them at the mercy of human trafficking networks and bringing them into contact with the criminal underworld. Thousands pass through the “trochas” — some 200 illegal passes along the Colombia-Venezuela border — many of which are controlled by people traffickers and taxed by groups such as the ELN and FARC mafia. It’s common for many Venezuelan women migrants to then turn recruiters of other women — even when they themselves have been victims of sex trafficking, Ramirez wrote in a 2018 study published by Venezuelan nonprofits Paz Activa and the Observatory for Organized Crime.

Their vulnerability doesn’t just make them easy recruits to criminal gangs. “We’ve found that they will take great risks for much less money than a Colombian or Mexican,” for jobs as everything from raspachines to sicarios [gunmen or killers for organized crime], says McDermott. Reports suggest that Venezuelans working for these groups can earn as much as \$300 a month. That’s less than what a Mexican or Colombian gang member would expect to earn. But it’s still a wage nearly impossible to earn today in Venezuela given the country’s economic crisis and the devaluation of its currency.

As more and more Venezuelans flood other countries in Latin America, these nations are tightening their borders, struggling to accommodate them. Yet as Colombia’s experience shows, that’s not stopping migrants — who continue to cross over despite tougher border norms introduced last year.

And that desperation is great news for Colombia’s crime recruiters.

**Nephew of Colombia’s army chief implicated in kidnapping by his anti-kidnapping unit: report (Colombia Reports)** By Adriaan Alsema

August 12, 2019

**The anti-kidnapping unit of Colombia’s national army kidnapped a person with the car of the nephew of army chief Nicasio Martinez who commands the unit, according to weekly Semana.**

The kidnapping is one of multiple crimes committed by the GAULA, the military unit in charge of combating kidnapping and extortion, that has been revealed by the magazine.

Three soldiers have been charged with the kidnapping, the military said this week, but omitted the juiciest part, that the GAULA’s general commander, Lieutenant Colonel Cesar Augusto Martinez, is implicated.

Martinez’ latest headache, his naughty nephew

The possible involvement of the nephew of Martinez’ kidnapping plot further complicates the situation of the army chief whose position had already become untenable over a slew of reports over his alleged corruption practices and links to the killings of civilians.

Since President Ivan Duque promoted Martinez in December last year, the army has descended into an unprecedented crisis that cost six generals their job, while two others were transferred to administrative positions.

The latest member of the army's central command whose head may roll may be that of the general commander of the GAULA, unless his powerful, but allegedly corrupt uncle takes action and secure another cover-up. Martinez has done this before, allegedly also for his nephew.

Committing the crime you're supposed to fight

The anti-kidnapping unit of the National Police rescued a Bogota resident on July 25. Security cameras showed that the victim had been kidnapped using the car of the GAULA's top commander, according to Semana.

The victim, the 22-year-old Estiven Beltran, was apprehended in the south of Bogota on July 20 by men wearing GAULA uniforms. The apparent GAULA officials asked the victim to accompany them, claiming there was an arrest warrant against him, the weekly reported.

The victim was allowed to call his family to inform them he was taken to the city of Bucaramanga to face charges.

The next morning, the victim's family received a phone call from a man claiming to be the member of a paramilitary group in which they were told to pay almost \$240,000 (COP800 million) or Beltran would be killed.

The family alerted the prosecution, which joined forces with the anti-kidnapping unit of the police to investigate the case, the weekly reported.

Then everything went wrong for Martinez

While prosecutors were watching the house of the victim and his family, a retired GAULA sergeant, reportedly an acquaintance of the victim's mother, entered and advised the victim's mother not to involve the authorities, but pay the the ransom.

The investigators decided to shadow the retired sergeant and obtained a warrant to wiretap the suspect's phone.

Meanwhile, other investigators in charge of checking security cameras found out that the car used to kidnap Beltran belonged to the GAULA director and all alarms went off.

The investigators shadowing the former sergeant found he barely left a house in the Ciudad Bolivar district in the south and, rather than using his cell phone, used street phones.

Suspecting the former GAULA officer may be holding the hostage in that house, the investigators got a warrant and raided the house when the retired sergeant was gone.

The police officers found the victim, handcuffs and GAULA uniforms. The military almost immediately admitted the involvement of three members of the GAULA unit and, according to Semana, Martinez reported himself to the authorities investigating the kidnapping to claim he was not involved in the kidnapping.

Military inspector expects cover up

According to Semana, a military inspector whose investigations against Martinez' cousin had been halted by the current army chief on multiple occasions said the GAULA commander is likely going to get away as he has done before because of his allegedly corrupt uncle.

The alleged interference of Martinez in corruption investigations wouldn't be the first. Radio station Caracol demonstrated last month how the army chief blocked investigations into alleged corruption by top commanders at the 3rd Brigade in Cali earlier this month.

Meanwhile, Colombia's National Army is in utter chaos again.

It took Duque and Martinez less than 10 months to undo the military's 10-year efforts to recover its reputation that was shattered in 2008 when investigators found out that under former National Army commander General Mario Montoya, the army had been assassinating more civilians than all the country's terrorist groups combined.

**Argentina's Designation of Hezbollah as a Terrorist Organization (Reuters)**

August 9, 2019

**The Argentine government recently decided to list Hezbollah as a terrorist organization and ordered the freezing of the Lebanese Islamist group's assets in the country. This historic decision coincided with the 25th anniversary of the 1994**

## **terrorist attack at the site of the Jewish community center, known as AMIA, in Buenos Aires, that killed 85 people and injured hundreds.**

The evidence that Iran and Hezbollah were behind this attack (and a previous one against the Israeli Embassy in 1992) is extensive. And yet, Argentina continued to have diplomatic relations with Iran, and Hezbollah's activities in the region did not receive enough scrutiny.

The decision of the current Argentine government to brand Hezbollah as a terrorist group is of critical importance, not only to prevent future Iranian-sponsored attacks in the region but also to curtail Hezbollah's ability to raise funds, particularly through drug trafficking and other illegal activities.

The loosely regulated tri-border area between Argentina, Brazil and Paraguay has for a long time been used by Hezbollah to raise money and plan possible attacks. In fact, it is widely believed that part of the planning for the AMIA bombing took place there.

Last year, Argentina's Financial Intelligence Unit (UIF-AR) ordered the freezing of the assets and money of members of the so-called "Barakat Clan," a criminal organization engaged in extortion, counterfeiting, drug and arms trafficking and money laundering. According to the U.S. Treasury Department, Barakat has long served as a "treasurer" for Hezbollah.

Argentina is the first country in the region to list Hezbollah as a terrorist organization, and the decision was probably prompted by U.S. Secretary of State Mike Pompeo's visit to Buenos Aires just a day after the AMIA anniversary commemoration. Pompeo expressed the hope that other countries would follow Argentina's example.

The secretary of state met with President Macri, visited the AMIA premises to honor the victims of the bombing and participated in a hemispheric counter-terrorism summit hosted by the Argentine foreign ministry. At this summit, the formation of a new counter-terrorism alliance between the U.S., Argentina, Brazil and Paraguay (named "three plus one") was announced.

Pompeo also stated that Washington would offer a \$7 million reward for information leading to the capture of Salman Rauf Salman, who had been accused by the late AMIA case prosecutor Alberto Nisman of being the on-the-ground coordinator of the AMIA bombing.

Nisman, whom I had the honor to meet several years ago, once said to me with clear frustration that Argentina should have become a regional leader in the fight against terrorism. Perhaps now, 25 years after the AMIA attack, this is finally becoming reality.

### **Thousands forced to flee as rights group warns of 'war' in Colombia border area (The Guardian)**

August 8, 2019

#### **Illegal armed groups have forced about 40,000 people to flee their homes as they fight for control of drug trafficking routes in Colombia's Catatumbo region bordering Venezuela, according to a new report by Human Rights Watch.**

The 64-page report highlights the significant security challenges that Colombia still faces after the government signed a 2016 peace deal with the Revolutionary Armed Forces of Colombia (Farc) guerrilla group. That deal and a weak state presence has left a void in Catatumbo and other remote areas that has been filled by smaller armed groups, which are unleashing a new wave of drug-fueled violence.

In the report, called *The War in Catatumbo*, Human Rights Watch says three armed groups are fighting over drug routes and coca plantations abandoned by Farc rebels in the region, including the Popular Liberation Army, the National Liberation Army and a small group of former Farc fighters.

These armed groups have expelled thousands of rural dwellers from their homes, murdered community leaders and forcibly recruited children into their ranks, according to the report, which also includes interviews with children who have been forced to work harvesting coca leaves, the raw material for cocaine.

"The 2016 peace accord between the Colombian government and the Revolutionary Armed Forces of Colombia presented a landmark opportunity to halt the serious abuses and atrocities associated with a decades-long armed conflict," the report says. "Yet in practice, the government does not exercise effective control over all territory in particular areas reclaimed from the Farc."

Catatumbo is about the size of Rhode Island. It borders Venezuela and in 2017 it produced about 15% of Colombia's coca crop, according to UN figures. The mountainous region has been used by drug traffickers as a staging point for exporting cocaine.

Human Rights Watch accused Colombia's government of "not meeting its obligations" to protect civilians in the area, which include an estimated 25,000 Venezuelan migrants. The organization said migrants fleeing economic hardship in Venezuela have been forced into sex work in Catatumbo and are also harvesting coca leaves in a desperate bid to feed their families.

The report said there were 231 homicides in Catatumbo last year or twice as many as before the peace deal with the Farc was signed. Only two members of armed groups have been convicted for murders in Catatumbo over the past three years.

"As armed groups fight for the void left by the Farc in Catatumbo, hundreds of civilians have been caught in the conflict," said Jose Miguel Vivanco, Americas director of the group.

Human Rights Watch is calling on the Colombia government to increase the number of investigators working on cases of forced displacement, murders and disappearances in the region.

**Colombia creates 'elite unit' of labor inspectors to combat human trafficking (Reuters)** By Anastasia Moloney  
July 31, 2019

**Colombia is training dozens of inspectors to hunt down cases of labor trafficking and exploitation, a response to the needs of migrants from Venezuela who are at high risk of being victimized, officials said on Wednesday.**

About 1.3 million Venezuelans have crossed into neighboring Colombia, fleeing political and economic turmoil, and their dire straits make them vulnerable to forced labor and exploitation, they said.

Addressing the designated labor inspectors on their first training day, the country's deputy labor minister, Andres Felipe Uribe, said the team was on the frontline of efforts to eradicate "the scourge" of human trafficking.

"This is an elite unit," Uribe said. "We're fighting a crime, fighting against a social drama in the context of ... a migration flow that we're receiving."

About a third of all human trafficking cases in Colombia involve victims of forced labor and exploitation.

Few cases of labor trafficking in Colombia are chased down, with only 21 cases of suspected forced labor and begging reported by Colombian authorities last year, according to the U.S. State Department's 2019 Trafficking in Persons report.

Colombia convicted just 19 people for human trafficking, down from 21 in 2017, according to the report.

Its labor ministry has "made insufficient efforts to identify or investigate cases of forced labor," the report said, recommending labor inspectors get training on trafficking.

The training is aimed to teach them to find concrete evidence that can be used to prosecute cases successfully.

They will learn how to question employers and workers effectively and to detect signs of coercion in their behavior, according to a handbook they will use.

They will look for signs that workers are forced to live where they work, such as mattresses, soap and towels, and signs of forced labor such as padlocked windows and doors and posters showing times when workers are allowed to eat, sleep and wash, it said.

"We have to get prepared so that these reports of cases are received properly," said Mario Gomez, a top state prosecutor.

Victims of forced labor, including children, are found in mining, agriculture and as crop pickers in fields of coca, the raw ingredient of cocaine, Gomez said.

Child labor is driven by poverty and local cultural attitudes that consider it "normal," said labor inspector Juan Carlos Ballesteros at the training session.

In Colombia's northern desert region of La Guajira, which borders Venezuela, young children from both countries pick through rubbish dumps, work as street vendors and in salt mines, sell contraband petrol and beg on the streets.

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# Venezuela

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## TOPICS

### Truth and Reconciliation Commission

**Achieving Justice For Victims And Ending Impunity Across The Continent By Femi Falana (Sahara Reporters)** By Femi Falana  
July 31, 2019

**The Rome Statute of the International Criminal Court (ICC) recognizes "that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity" owing to armed conflicts. These "grave crimes threaten the peace, security and well-being of the world".' Africa has had its fair share of the problem. As such, various efforts to pursue, make and keep the peace have been intensified over the past half a century.**

The pursuit of international criminal justice in Africa through the International Criminal Court (ICC) platform has not been without hitches. There is a growing rift between the African Union (AU), as a continental body, and the ICC owing to the AU's perception that the ICC is pursuing selective justice and the AU's misgivings about the ICC's indictment /trial of some sitting heads of states in Africa.

The claim of selective justice undermines the very essence of global justice. On the face of it, the ICC Statute could apply to any situation, because even if the state is not a party to the Rome Statute, the Security Council could refer a situation in a non-state party to the ICC and the ICC would exercise jurisdiction over such a matter. Legally and conceptually, no state is immune from the ICC's jurisdiction. However, experience over the years would seem to suggest that the ICC jurisdiction applies only to weaker states and not powerful states.

At the annual summit of the Heads of State and Governments of the AU held in Addis Ababa two years ago, the leaders and representatives of the member states voted to adopt a strategy to collectively withdraw from the ICC. However, Nigeria and Senegal did Africa proud by refusing to vote for the planned exit from the ICC. As the vote for impunity was defeated, South Africa, Burundi and The Gambia announced plans to withdraw from the ICC. Even though both Burundi and The Gambia withdrew from the ICC the latter has since returned to the ICC while South Africa has dropped the plan to quit the global criminal court.

The vote to quit the ICC by African leaders was based on the allegation that the ICC has exclusively focused attention on African leaders by only investigating and prosecuting cases of genocide, war crimes, and crimes against humanity allegedly committed by African leaders. To justify the decision of African States to quit the ICC, the AU announced that the mandate of the African Court on Human and Peoples Rights would be amended to include criminal jurisdiction. Nothing was however said by the AU on the urgent need by member States to strengthen their criminal justice system and accountability mechanisms.

In accusing the ICC of "selective justice" it has not been denied that there was the basis to have opened an investigation into the war crimes in Uganda, the Democratic Republic of the Congo, Kenya, Central Africa Republic, Sudan, Mali, Libya, Sierra Leone and Cote d'Ivoire. It is on record that while the Security Council referred the cases of Darfur and Libya to the ICC the

transition government in Libya decided to try the suspects in Tripoli. Even though the cases of Kenya and Cote d'Ivoire were referred to the ICC by the Special Prosecutor in the exercise of his proprio motu powers the governments of both States accepted the jurisdiction of the court. However, the cases from Uganda, the Central Africa Republic, Cote D'Ivoire, the Democratic Republic of Congo and Mali were referred to the ICC by the governments themselves of those countries.

With respect to the convicted ex-President Hasne Habre of Chad it was the African Union which mandated Senegal to set up a special tribunal for his trial in Dakar while it was the Government of Sierra Leone which requested the Security Council of the United Nations to set up the Special Court for Sierra Leone which tried ex-Liberian President Charles Taylor. In combating impunity in other parts of Africa, the International Criminal Tribunal for Rwanda sat for 21 years; the Central Africa Republic plans to set up a Special Criminal Court while South Sudan has decided to establish a hybrid tribunal. The newly installed government in The Gambia set up a Truth and Reconciliation Commission which is currently taking evidence from the victims of gross human rights abuse which characterized the Yahya Jammeh regime.

From the foregoing, it is indisputably clear that even though the ICC has tried several political leaders in Africa, the majority of the cases were referred to the court by the African States. In other instances, it was either the United Nations Security Council or the African Union which ensured that brutal dictators were made to stand trial and account for the atrocities perpetrated by them while in office. In all the cases in which the ICC intervened it was confirmed that the States were either unable or unwilling to prosecute the suspects who were involved in genocide, war crimes and crimes against humanity.

To the extent that the ICC has failed to try the heads of governments of some powerful states responsible for the unprecedented crimes against humanity and genocide committed in Iraq, Afghanistan, Libya and Syria the allegation of selective prosecution of African leaders cannot be dismissed lightly. But the failure of the ICC to prosecute such well known highly placed criminal suspects should not be a justification for preventing the arrest and trial of other perpetrators of crimes against humanity and genocide.

As far as Africa is concerned the ICC cannot be absolved of the allegations of selective prosecution. The case of former President Laurent Gbagbo has gone from selective prosecution to selective persecution. Whereas he was discharged and acquitted in February 2019 the ICC has ordered him to be incarcerated in Belgium pending when the Prosecutor would file a fresh charge against him. But since the ICC has no power to order a defendant that has been tried, discharged and acquitted it ought to quash the detention of Mr Gbagbo forthwith.

In as much as AU is opposed to the indictment and prosecution of African leaders not much has been done to promote accountability and defend human rights. In fact, in order not to be held to account only nine States (Algeria, Benin, Burkina Faso, Cote d'Ivoire, Ghana, Mali and Tanzania and The Gambia) have made a Declaration to allow victims of human rights abuse to seek redress in the African Court on Human and Peoples Rights. However, the AU will be deceiving itself if it believes that the planned mass withdrawal of African states from the ICC will shield African leaders who engage in genocidal acts from prosecution and humiliation. As long as the governments in Africa continue to pay lip service to the fight against impunity, the victims of egregious human rights infringements will not hesitate to seek redress in available human rights mechanisms to bring perpetrators to book.

If the ICC wants to be relevant in Africa it cannot continue to pick and choose the cases to investigate and prosecute. For instance, the Prosecutor of the ICC issued warnings and threatened to prosecute politicians linked with political violence during the 2015 general election in Nigeria. But no such warning was ever issued when former President Yahya Jammeh annulled a credible presidential election held in The Gambia in 2016. Happily, the Economic Community of West African States intervened decisively and prevented the break out of a civil war in the country. As the ICC cannot continue to turn a blind eye to atrocities committed by the regime of former president Yahya Jammeh of the Gambia the Prosecutor should open an investigation into them under the Rome Statute without any further delay.

If the AU does not want Africans accused of violations of international law to be tried outside the continent and domestic jurisdictions, it has to show the strong political will to combat impunity and ensure justice for victims. Refusal to comply with court orders admitting criminal suspects to bail or ordering the release of detainees is an invitation to anarchy. The manipulation of constitutions for tenure elongation is also an invitation to political instability. The AU has to adopt measures to prevent the manipulation of national constitutions to legitimise tenure elongation by ruling parties, harassment of opposition figures and civil society activists, killing of political opponents, proscription of civil groups, closure of media houses and ban on freedom of expression and association.

The inevitable collision between the sovereignty of states over their criminal justice systems and supranational criminal adjudication is addressed by the Rome Statute of the ICC through recognition of the primacy of the domestic legal system. Under articles 1 and 17 of the Rome Statute, complementarity enables states to retain jurisdiction over crimes committed in their territories and by their nationals. The purpose of the Court is to complement national jurisdictions that are unable or unwilling to prosecute international crimes. By affirming the principle of complementarity, the parties to the Rome Statute demonstrate that they do not intend the ICC to actively step into the shoes of national criminal justice systems.

Indeed, the primary responsibility to protect African people and residents from violations of human rights rest squarely with individual AU member states, in recognition of the sovereign responsibilities and duties of states. Referring a handful of cases and situations to the ICC cannot and will not satisfactorily end the culture of impunity for human rights violations and abuses across the continent and will not give effective remedies, justice and reparations to African victims.

To best address accountability and combat impunity across the continent, African leaders should strengthen and improve domestic criminal justice systems and the regional and sub-regional human rights courts and mechanisms. In particular, the Summit of Heads of State or Government of the Southern African Development Community (SADC) should reaffirm its commitment to improve respect for human rights among its member states, consistent with the SADC treaty, which commits them to act in accordance with the principles of “human rights, democracy and the rule of law.”

The Summit of Heads of State or Government should without further delay restore the SADC Tribunal’s human rights mandate and comply fully with the orders of regional tribunals and municipal courts. It should be noted that SADC leaders in August 2014 stripped the tribunal of its mandate to receive human rights complaints from individuals and organizations, leaving it only to adjudicate disputes between member countries. This drastically limits the tribunal’s human rights protection mandate.

The AU should immediately rescind its 2018 outrageous decision [Decision EX.CL/Dec.1015(XXIII)] to limit the autonomy and human rights mandate of the African Commission on Human and Peoples’ Rights. This illegal decision is entirely inconsistent and incompatible with the human rights provisions of the AU Constitutive Act, and it is retrogressive, to say the least. It should be noted that the AU Executive Council in June 2018 stated in its decision that the African Commission only had “independence of a functional nature and not independence from the same organs that created the body.” The AU Executive Council also decided to authorize the AU policy organs to revise the criteria for the commission to grant observer status to NGOs, taking into account overtly broad considerations of “African values and traditions.”

The African Commission on Human and Peoples’ Rights itself has to wake up and be counted on the side of human rights, be more assertive in the exercise of its human rights mandate and to robustly challenge any attack on its foundational instrument—the African Charter on Human and Peoples’ Rights—by the AU or any other institutions for that matter. The African Commission has to restate its historical leading role across the continent in promoting and protecting human and peoples’ rights, including in Nigeria when it delivered groundbreaking decisions during the period of the military dictatorship in the country. The Malabo Protocol, that is, the Protocol ‘on the African Court of Justice and Human Rights’, [and the Statute of the African Court of Justice and Human Rights, Annex, Malabo Protocol], with jurisdiction on international crimes, corruption and “illicit exploitation of natural resources,” contained in Article 28A, should be amended to remove Article 46A which provides immunity for sitting leaders, to the effect that: “No charges shall be commenced or continued against any serving African Union Head of State or Government, or anybody acting or entitled to act in such capacity, or other senior state officials based on their functions, during their tenure of office.”

The AU should stop prioritizing ‘political settlement’ of egregious human rights abuses at the expense of accountability, access to justice and effective remedies for African victims of violations and abuses. Accountability and justice must never be sacrificed to promote the interests of those in power. African victims of human rights violations and abuses cannot have faith and confidence in domestic criminal justice systems and regional and sub-regional human rights courts if the AU continues to fail or refuse to address the challenges confronting these institutions of justice and to consistently obey and enforce court judgments.

The African human rights community should coordinate and organize victims of crimes against humanity and genocide to seek reliefs within the criminal justice system. Victims of human rights abuse should be encouraged and supported to seek redress in domestic courts and regional tribunals and institutions.

The human rights must realise that repression is imposed on African countries for the sole purpose of implementing the anti peoples’ policies dictated by the International Monetary Fund and other imperialist institutions that have continued to control the economy of African countries. This Network must not rely on Western governments and funding agencies if it wants to achieve the objective of promoting accountability in Africa.

The AU and its member states and African leaders, in general, must sort out the procedural obstacles that continue to impede the effective enforcement of judgments of regional courts in domestic nation-states. The AU should stop engaging in confrontation with the ICC and instead show genuine commitment to prosecute those accused within member states’ domestic courts, develop the capacity to prosecute crimes under international law within national courts, and improve access to justice for victims nationally and regionally.

The African Union should adequately fund the African Court on Human and Peoples’ Rights and encourage its member states that have not yet done so to ratify the protocol to the African Charter on Human and Peoples’ Rights establishing the African Court on Human and Peoples’ Rights, and make declarations that would allow individuals and NGOs direct access to the



court.

As noted, the AU should politically empower the court and ensure enforcement of all its rulings and judgments if it is ever going to effectively fulfil its human rights objectives, as contained in its Constitutive Act and ensure justice for victims of human rights violations and abuses across the continent.

The need for the prosecution at the ICC will remain as long as African leaders continue to fail or refuse to address entrenched impunity and gross injustices on the continent. The African solution to the problem of African impunity should mean accountability for perpetrators and justice and effective remedies for victims. Owing to the inability of the criminal justice system to bring the violators of human rights abuse in many countries the ICC is a very popular institution in Africa. Hence, it has continued to receive complaints alleging contraventions of the Rome Statute by many public figures in Africa. The office of the Special Prosecutor recently disclosed that it has so far received 131 petitions from Nigeria alone.

Apart from the ICC the victims of gross abuse of human rights in Africa will continue to seek redress in countries whose courts are clothed with universal jurisdiction in the area of human rights. Because of the refusal of some governments to prosecute public officers who sponsor electoral offence the United States government has imposed a visa ban on them.

In fighting impunity, the human rights community must stop relying on reports compiled by Amnesty International, Human Rights Watch and other foreign NGOs. The Network on International Criminal Justice should speak authoritatively in defence of human rights in Africa. As a matter of urgency, the human rights community should pressurise the AU to end the illegal occupation of the territory of Western Sahara by the Kingdom of Morocco in line with the provisions of articles 13 and 20 of the African Charter on Human and Peoples Rights.

Finally, it is pertinent to remind the representatives of the NGOs in this meeting that the people of Africa were united in the struggle against colonialism, apartheid and military dictatorship. The struggle succeeded because the people were organised. Once again, the people have to be mobilised and organised to end impunity in Africa. It cannot be done by NGOs alone but by the people who are the actual victims of political repression and economic exploitation. I, therefore, challenge the Network to link up with progressive political parties, trade unions, student unions and other youth bodies as well as women groups in the struggle against impunity in Africa.

### **Human rights activists rue delay in transitional justice delivery (Khabarhub)**

August 3, 2019

#### **Human rights activists have drawn attention of the government toward increased activities of foreign power centers owing to delay in transitional justice delivery.**

Speakers at a program organized by Amnesty International Nepal Group 3 Kathmandu on Saturday, human rights activists stressed that the government should turn serious for transitional justice delivery.

They said that a message has been sent out to the global community that the government and the ruling parties are insensitive to transitional justice delivery and it would harm the country.

Speaking at the program, human rights activist Pradeep Pokharel said that the office-bearers of the Truth and Reconciliation Commission (TRC) should be selected only after amending laws as per the international standards for transitional justice delivery.

Also speaking, human rights activist Kapil Shrestha opined that the international community is turning dissatisfied over transitional justice delivery in Nepal and if the issue is not addressed timely it would harm the country.

Saying that the leadership of one of the side of the armed conflict has been making lightweight comments on human rights and democracy, Shrestha warned that the international court can reach homes to arrest war criminals.

Similarly, human rights activist Charan Prasai said that it was sad that transitional justice delivery has been obstructed.

Also speaking Dr. Gopal Krishna Shiwakoti said that the current political equation has weakened civil society and put democracy and human rights in danger.

At the program, Coordinator of Amnesty International Nepal Group 3 Kathmandu Ganesh Ghimire said that it was high time to unite for the protection of human rights.

### **Outrage in Gambia over release of ex-president's assassins (France24)**

August 5, 2019

#### **Relatives of people murdered by death squads in The Gambia expressed outrage on**

## **Monday over the release of three former hitmen, who said they committed dozens of assassinations ordered by ex-president Yahya Jammeh.**

The men, who were part of an unofficial paramilitary unit known as the Junglers, were freed from army custody two weeks after appearing before the West African country's Truth, Reconciliation and Reparations Commission (TRRC).

During the hearings, the assassins accused Jammeh -- who ruled the country for 22 years -- of ordering multiple murders, including the 2013 killings of two US-Gambians and Deyda Hydara, co-founder of The Point newspaper and AFP's correspondent in The Gambia for 30 years.

"It's wrong to hear all these confessions, then release the killers out in our streets, out in our communities, out in our societies," his son, Baba Hydara, told AFP.

In a statement, Gambian Justice Minister Abubacarr Tambadou said his decision to release the three men -- Malick Jatta, Omar Jallow and Amadou Badjie -- was to encourage other alleged human rights violators to testify.

"What we must not do is to scare people away from telling the truth because that will not be in anyone's interest," he said.

"Every victim family deserves to know the truth about their loved ones."

The TRRC hearings, modelled on South Africa's post-apartheid Truth and Reconciliation Commission, started in January and are expected to take two years.

At the end, the body can make recommendations with regard to prosecution or reparation but cannot itself issue any sentences.

Human Rights Watch on Monday warned that the hitmen, who were arrested in 2017 but have never been tried, could leave the country.

"If these hitmen flee The Gambia now, not only will they escape justice, but we will lose the key witnesses in any future trial against Yahya Jammeh for ordering these gruesome crimes," said US attorney Reed Brody from HRW.

Jammeh ruled The Gambia -- a tiny state that is almost entirely surrounded by Senegal, except for a small strip of coastline -- after taking power in a bloodless coup in July 1994.

He was repeatedly re-elected in disputed circumstances until he was defeated in December 2016 by a relative unknown, Adama Barrow.

After a six-week crisis that led to military intervention by other West African states, Jammeh bolted from the country.

Human rights activists have accused his regime of the systematic torture of opponents and journalists, executions without trial, arbitrary detentions, forced disappearances and rape.

The commission has gripped the public with its graphic evidence.

Last month Badjie, a hit squad member, told the panel that Jammeh ordered in June 2013 for two US-Gambian businessmen who he suspected of planning a coup, Alhaji Ceesay and Ebrima Jobe, to be "chopped into pieces".

The two men were arrested and suffocated, beheaded and buried, Badjie told the commission.

"Our team was a hit squad for Yahya Jammeh. We had blind loyalty for Yahya Jammeh," he said.

Alhaji's mother Ya Mamie Cessay expressed her horror at the release of the men.

"I feel so disrespected as a mother that my government is setting free the men who just confessed in the savage killing of my son," she told AFP on Monday.

"What is the point of truth if the perpetrators of these crimes are set loose?"

The government has said the hitmen's release is not an amnesty but has also not set out any restrictions to prevent them from fleeing the country.

Former soldiers, currently in custody, have also accused Jammeh of the murder of around 50 migrants rounded up on a beach as they were trying to make their way to Europe, but were taken for rebels.

Barrow has indicated he will wait for the commission to conclude before deciding on whether to request the extradition of Jammah.

### **Selection panel to meet victims (The Himalayan Times)**

August 5, 2019

#### **The committee formed to recommend commissioners of the two transitional justice bodies plans to hold discussion with conflict victims' representatives in the next two to three days amid victims' demands that the committee be restructured.**

The two mechanisms — Truth and Reconciliation Commission and Commission on Investigation of Enforced Disappeared Persons — have remained vacant since their commissioners retired in April. They have collected more than 63,000 complaints related to conflict-era rights violations.

The committee's Spokesperson Sharmila Karki said although the committee had held formal and informal discussions with the victims, the latter were always complaining that the committee did not listen to them.

"We held a meeting with the victims within a week after the committee was formed. Informal discussions have also been held after that. But they are always complaining that we do not listen to them," she said. "So we will hold talks with them once again to know what their actual demands are."

Karki also said the committee was just abiding by the law, which did not allow inclusion of victims in the committee or the two commissions. She said the committee could do nothing about the victims' demand for amendment to the Transitional Justice Act. "They need to pressure the government for act amendment," she said.

The committee, formed in the last week of March, has been criticised for delaying its work time and again on various pretexts. Victims have charged that the committee is doing nothing but awaiting political consensus on appointment of commissioners in the TRC and CIEDP. The committee has collected 57 applications for the post of chairpersons and members of the commissions.

Concluding that the panel failed to work independently, the victims have demanded that the panel be restructured.

However, Karki said it was taking time to ensure that competent members and commissioners were appointed. She said the panel was in the final stages of adopting criteria for enlisting candidates from outside the list of 57 applicants, and a final list would be made public soon.

### **The Gambia: Three former hitmen released after admission at reconciliation commission (DW) By Ineke**

Mules

August 6, 2019

#### **Three former hitmen were released from custody in The Gambia on Monday, sparking anger among the relatives of those murdered by ex-president Yahya Jammeh's infamous paramilitary unit known as the 'Junglers.'**

The men appeared before the country's Truth, Reconciliation and Reparations Commission (TRRC) two weeks ago, where they accused Jammeh of ordering multiple hits, which included journalists, migrants and political opponents.

Gambian Justice Minister Abubucarr Tambadou defended his decision to release the three men, saying it would encourage others who were involved in alleged human rights violations during Jammeh's 22-year rule to come forward.

"What we must not do is to scare people away from telling the truth because that will not be in everyone's interest," he said.

The TRRC hearings are based on South Africa's Truth and Reconciliation Commission, with the intention of creating a historical record of the extent of human rights abuses committed between 1994 and 2017 under Jammeh, including determining the fate of the victims and uncovering hidden or destroyed evidence.

Ever since the launch of the commission in October last year, The Gambian public has been gripped by the sudden torrent of graphic evidence.

One of the former hitmen, Amadou Badjie, told the panel of an incident in 2013 when Jammeh allegedly ordered two US-Gambian businessmen — who he suspected of plotting a coup — to be "chopped into pieces."

"Our team was a hit squad for Yahya Jammeh," he said. "We had blind loyalty for [him]."

Abdul Jalilu Ateky, a researcher in conflict, peace and security at the University of Nottingham, told DW he supported the justice minister's decision to free the men for now — however painful it may be for some — pointing to similar examples in recent history.

"If you want people to disclose the truth, you need to give them that kind of immunity," he said. "In the case of Ghana after the dictatorship [of Jerry Rawlings], immunity was given to the perpetrators so that they were able to disclose what happened."

Gambian residents who spoke to DW were mostly understanding of the decision to release the hitmen.

"On the one hand, you have to balance the safety of the public...we should not be surprised if more lives are lost [at the hands of the hitmen], but on the other hand we have to balance it with [encouraging] more people to come out and testify," one Banjul resident told DW. "It's a difficult balancing act for the minister."

Another resident agreed that the process needed to play out as intended. "Though it's very painful, people need to understand how justice works," he told DW.

However, the families of those murdered by Jammeh's death squads clearly expressed their outrage over Monday's decision, including the son of prominent journalist Deyda Hydara, who was assassinated in 2004.

"It's like they're denying justice to the victims," Baba Hydara told DW. "That is so contradictory knowing that this commission is supposed to help us in our quest for justice...It is very, very worrying."

The government says the release of Jammeh's former hitmen does not grant them formal amnesty, but there are also no restrictions to stop them from fleeing the country, concerning human rights observers.

Over the course of the hearings, families will finally learn the truth of how their relatives were killed, living victims will be recognized and the perpetrators will be offered public apologies. "The commission will allow people whose rights were violated by the state, or by individuals under the auspices of the state, to be reconciled so that they can begin a new life," Ateky told DW.

However, the process is likely to be long and difficult as the commission seeks to establish what is truthful, and what is not.

Ateky is cautiously optimistic that the TRRC will eventually yield the hoped-for results.

"I think so far, so good," he says. "I think Gambians need to give the commission time, allow the commission to work to unravel the issues and allow the perpetrators to testify and give the facts."

The TRRC is just the latest in a long line of reconciliation commissions to take place across Africa following the end of conflicts or authoritarian regimes, with each commission tailored to suit the severity of the crimes and the state of society. Following the 1994 genocide, Rwanda established the National Unity and Reconciliation Commission in 1999 (NURC) which drew upon traditional forms of community justice. In 2002, the National Reconciliation Commission in Ghana addressed human rights violations in the country between 1957 and 1993 under a series of military coup and subsequently introduced a comprehensive reparations program.

Ex-president Jammeh took power in a bloodless coup in 1994 and was repeatedly re-elected under dubious circumstances until he was defeated by current president Adama Barrow in December 2016. Following six-weeks of political unrest, which prompted military intervention from neighboring states, Jammeh fled the country to Equatorial Guinea, which is also under authoritarian rule.

Human rights activists have long accused Jammeh's regime of frequent use of torture on political opponents and journalists, forced disappearances and executions without trial among other crimes.

However, despite the formation of the TRRC, Ateky thinks Jammeh will not return to The Gambia and stand trial for his alleged crimes anytime soon.

"I think that is very unlikely to happen unless President [Teodoro Obiang Nguema] Mbasogo's rule crumbles in Equatorial Guinea. If there is a new democratic transition then Jammeh may be brought to The Gambia to face trial. But as it stands now it looks very unlikely."

Ateky also stressed the long-term aims of the commission for the future of The Gambia.

"The commission is not just about punishment. It's about learning from those accounts and [getting the] facts so that you don't go back to where you started."

**South Africa's 'moral compromise': Why more than 300 apartheid-era atrocities remain unsolved (The Washington Post)** By Christopher Clark

August 7, 2019

**Nokuthula Simelane, a bright and ambitious 23-year-old anti-apartheid activist, was just two weeks away from graduating from college when she disappeared without a trace in September 1983.**

Her parents took a three-hour bus trip from the farming town of Bethal in South Africa's Mpumalanga province to the University of Swaziland to attend her graduation, desperately hoping that she would be there. She was nowhere to be found.

"I was distraught. I couldn't stop crying. I couldn't eat. I couldn't sleep," Simelane's mother, Ernestine, 79, recalled last week, sitting in the meticulously tidy brick bungalow where Simelane grew up as the eldest of four children.

The family later learned that Simelane had been abducted and subjected to weeks of brutal torture by members of apartheid's notorious security police. Her family never saw her again.

"I'm still waiting to know the truth," Ernestine Simelane said.

Almost exactly 36 years since Nokuthula Simelane's disappearance, and a quarter-century since apartheid ended, four former police officers are due to stand trial Thursday for her kidnapping, torture and alleged murder, although the whereabouts of her body is still unknown. The Simelanes want closure, and they are not alone in their quest. More than 300 apartheid-era political killings and atrocities remain before the state's National Prosecution Authority — as they have for more than 15 years, since South Africa's lauded Truth and Reconciliation Commission recommended further investigation and possible prosecution in the cases. Victims' families say the prosecution authority routinely rebuffed requests for more information and progress on the cases. Officials blame political obstacles and have alleged that the country's ruling African National Congress party (ANC) has obstructed their work, fearing that party members could face indictment or be exposed as apartheid informants.

"They kept telling me that I must wait, that I am not the only one," Ernestine Simelane said. "I had already waited for so many years."

Now, the ANC's new leadership, under President Cyril Ramaphosa, is facing mounting pressure to address the persisting legacies of apartheid amid high rates of unemployment and inequality.

The unsolved crimes of the former regime have become emblematic of wider disenchantment with the ANC's post-apartheid project, which has largely failed in its promise to meaningfully redress historical injustice for South Africa's black majority, said Yasmin Sooka, a former member of the Truth and Reconciliation Commission.

"These cases go to the heart of the moral compromise that was made during the transition to democracy," said Sooka, the executive director of the Foundation for Human Rights, which provides legal representation to some of the victims' families. "For many people, they are yet another symbol of betrayal by a government that they trusted to satisfy their expectations of justice."

In a move welcomed by victims' families and South African civil society, Ramaphosa appointed a new director of public prosecutions, former International Criminal Court legal adviser Shamila Batohi, in December. In her first appearance before Parliament in early July, Batohi said the state would belatedly prioritize the prosecution of apartheid-era crimes.

Victims' families hope this new push will prompt developments like the watershed moment in the case of teacher and ANC activist Ahmed Timol, 29, that came in June 2017.

An apartheid-era inquest found that he had committed suicide while in police detention in 1971. But a new investigation, opened 45 years later, confirmed what Timol's family had always believed: He was murdered.

"This was the first time that an apartheid-era inquest finding had been reversed," said Imtiaz Cajee, a nephew of Timol's, who published a book about his uncle's death in 2005. "It has set a new precedent for the country."

The presiding judge recommended that Joao Rodrigues, an 80-year-old former administrative clerk for the security police who had been in the room at the time of Timol's death, should be prosecuted for lying to the commission about his involvement and helping to cover up the killing. Rodrigues subsequently sought a permanent stay of prosecution, which was denied in June, marking another victory for the Timol family.

Cajee said the case has provided much needed impetus for other families robbed of their loved ones by the apartheid regime.

“After so many years, it gives them a glimmer of hope,” he said. “It mobilizes all of us to seek genuine forms of closure together.”

For Garth Stevens, deputy dean of the humanities faculty at the University of the Witwatersrand in Johannesburg and a primary researcher on the Apartheid Archives Research Project, revisiting the crimes of apartheid also serves a broader social function.

“A lot of the political focus post-apartheid was initially on nation-building, on looking forward and not backward,” Stevens said. “But that did not take into account the unfinished business of transformation. These cases can contribute to a kind of revision of history, and I mean that in a very positive sense.”

But time is running out. Many perpetrators are now in their 70s and 80s and are often in poor health; others died long ago.

Two of Timol’s alleged interrogators died before the inquest was reopened in 2017, while one of the original accused in the Simelane case died shortly after the docket was put on the court roll in 2016.

A number of victims’ relatives have shared the same fate. In her living room in Bethal, Ernestine Simelane points to a large framed portrait of one of her two sons on the wood-paneled wall behind her. The former school principal died of colon cancer in 2015. Nokuthula Simelane’s father died of a heart attack in 2001.

“At the time, I thought I wouldn’t last much longer than him,” Ernestine Simelane said. “Somehow, I’ve fought on all these years, though I wouldn’t wish such pain on anyone.”

Many of Ernestine Simelane’s relatives spanning generations are buried in an increasingly overcrowded cemetery about a 10-minute drive from her home. Last week, she made the short trip across the formerly “blacks-only” township of Mzinoni for a relative’s burial.

She wants to do the same for her daughter.

“Before I die, all I want is to know where Nokuthula is buried so that I can get her remains and bury them here with the rest of the family,” she said. “That is a final dignity that we both deserve.”

**Swedish museum to return exhumed skulls of 25 Sami people (The Guardian)** By Jon Henley

August 7, 2019

**The skulls of 25 Sami people are to be reburied in the northern Swedish graveyard from which they were exhumed in the 1950s, in a ceremony acknowledging historic injustices suffered by the country’s indigenous community.**

The so-called repatriation ceremony, on Sweden’s indigenous people’s day, on 9 August, will involve the return of the remains to an ancient Sami burial ground, in Lycksele, from the Swedish history museum in Stockholm, where they were taken for research.

“This whole ceremony is about reconciling what has happened, restoring the destiny of these people, returning them to their place of rest, and helping all those relatives affected,” Adriana Aurelius, the event’s organiser, told local media.

The remains of indigenous Sami people, whose homeland covers large parts of northern Sweden, Norway, Finland and Russia, were routinely collected in Sweden through barter, excavations and grave robberies throughout the 19th and early 20th centuries.

Many were used to test controversial scientific theories about the biological differences between races, including at Sweden’s notorious state institute for racial biology, in Uppsala, which carried out government-sponsored research into eugenics and forcibly sterilised thousands of Sami women.

Despite a request in 2007 from the Sami parliament that all remains be returned, 11 Swedish state museums, universities and institutes are known to still retain some Sami bones and skulls in their collections, Mikael Jakobsson, the chair of the Sami parliament’s ethics council, told TT news agency.

“Understanding of the issue has begun to improve, but so far it seems the museums have generally preferred to keep them,” Jakobsson said. “They have been seen as objects, not as the people they once were.”

The issue is particularly sensitive in the Sami community, partly because of beliefs about the dead but also because it echoes centuries of discrimination, repression and human rights violations, including forced conversion to Christianity and segregated schooling.

Campaigners say a national government policy is urgently needed to deal with the issue, which cannot be left to the responsibility of individual museums or funded by Sami communities. “The repatriation issue has been handled far more effectively in North America and in Australia,” Jakobsson said.

Sweden’s national heritage office is due to present a report on the issue next year, with recommendations for museums working with human remains. The government also established a truth and reconciliation commission this year to look at broader historic and ongoing abuses against the Sami people.

“We are politically prepared to address this issue now,” said Helene Öberg, of the culture ministry. “There is international criticism of how Sweden has worked with the repatriation question. We now intend to make good on our responsibility.” Friday’s ceremony, which involves the Swedish church, the Lycksele municipality, the local state museum and the Sami association, is the largest such repatriation operation, according to the national public radio station SR.

Katherine Hauptman, the Swedish history museum’s director, told SR the museum had “clearly failed”, adding that when the skulls were discovered in storage they were sent to the Västerbottens museum, in north-east Sweden, for return to Lycksele. The museum would apologise at the ceremony for how the remains had been treated, she said.

### **Transitional justice process draws global attention (The Himalayan Times)**

August 9, 2019

**Lawmaker of the ruling Nepal Communist Party (NCP) Janardan Sharma today said Nepal’s transitional justice process had drawn global attention, and that the issue should not be neglected.**

He said the government was not serious about appointment of commissioners in the Truth and Reconciliation Commission and the Commission on Investigation of Enforced Disappeared Persons.

“Neglecting the issue will leave incomplete the job of addressing conflict victims’ voices, delivering justice to victims, ascertaining truth, and reconciliation,” he said. “Ultimately, the entire peace process will remain incomplete.”

The two commissions have remained vacant ever since their commissioners retired in April. They have collected more than 63,000 complaints on conflict-era rights violations.

The government had formed the selection panel in the last week of March. The panel has been criticised for postponing its decision making time and again, under various pretexts. Victims have charged that the committee is doing nothing but awaiting political consensus on appointment of commissioners in TRC and CIEDP. The committee has collected 57 applications for the post of chairpersons and members of the commissions.

Political parties, especially the NCP, has been embroiled in internal factional feuds, resulting in delay in reaching a consensus. Leaders involved in cross-party talks have said the situation is so worse that dialogue on the matter has come to a grinding halt and they do not see headway anytime soon.

The victims, on the other hand, have demanded that the Transitional Justice Act be amended first in line with Supreme Court’s verdicts, and a fresh and transparent process to appoint commissioners be initiated by reconstituting the selection committee. Four international rights organisations— Amnesty International, International Commission of Jurists, Human Rights Watch, TRIAL International—recently called on the government to suspend the current process of appointment of commissioners in two transitional justice bodies, and initiate a new consultative and transparent process for the same.

They also urged the government to follow through on commitments to amend the Transitional Justice Act in line with Nepal’s international human rights standards and the Supreme Court’s rulings, and adopt and publicise a plan for taking the transitional justice process forward.

According to the apex court’s ruling there should not be amnesty for grave human rights violations such as extra-judicial killing, enforced disappearance, torture, rape and other acts of sexual violence; the statute of limitations for grave offences must be removed; cases recommended by the TRC and the CIEDP must be prosecuted; torture and enforced disappearance must be criminalised through the enactment of laws; cases before court cannot be transferred to the TRC or the CIEDP; dignified and respectable reparation for victims; and reconciliation cannot be made without the consent of victims.

The government has maintained that amendment will be done on the basis of six factors—the Comprehensive Peace Accord; Nepal’s national and international obligations related to human rights; fundamental principles of the transitional justice; decisions and orders of the Supreme Court; sentiments of conflict victims; and Nepal’s legal and political processes.

However, the process has been completely halted now.

## **Commission begins work to confront history of lynching in Md. (WTOP)** By Danielle E. Gaines

August 13, 2019

### **A Maryland commission set to examine the state's dark history of racially motivated lynchings met for the first time Monday to begin the work of suggesting how the state should document and honor the lives of those victimized by systemic racism.**

At least 40 African Americans are believed to have been killed by lynch mobs in the state between 1854 and 1933, Del. Joseline Peña-Melnyk (D-Prince George's and Anne Arundel) said Monday. She was the chief sponsor of House Bill 307, which was passed unanimously by the General Assembly this year to create the Maryland Lynching Truth and Reconciliation Commission.

No person was ever tried, convicted or brought to justice for racially motivated lynchings – and state, county, and local governments colluded and conspired to conceal the identities of the parties involved, according to the bill's preamble.

Peña-Melnyk told the commissioners their work was important in light of hate crimes and racist rhetoric that continue today.

“When you think about what's going on today, it's really sad. Because we have not learned from our history,” Peña-Melnyk said.

The focus of the commission is restorative justice through truth-finding and reconciliation.

“This reckoning with history is long overdue,” said Will Schwarz, president of the Maryland Lynching Memorial Project.

Schwarz testified in favor of the legislation earlier this year in Annapolis. The Lynching Memorial Project has been working with the Equal Justice Initiative to recognize victims of lynching in Maryland, including by collecting soil samples at the sites of killings to be placed at The National Memorial for Peace and Justice in Montgomery, Ala. Thousands of Marylanders were alive when the last known lynching took place in the state. On Oct. 19, 1933, George Armwood, a mentally-ill 23-year-old black man, was killed by a mob in Somerset County.

The commission has the power to subpoena witnesses and will hold public hearings throughout the state near sites of documented lynchings. The commission will also research cases of racially motivated lynchings that are not documented but are brought to the group's attention. The panel is expected to file a final report in December 2021.

At an organizational meeting in Annapolis, the commission decided to seek applications for four additional public members.

The commission will meet next on Sept. 12 at the University of Baltimore School of Law, which is holding a public event with the Maryland Lynching Memorial Project featuring presentations from Sherrilyn Ifill and others.

Ifill, a civil rights lawyer, is president of the NAACP Legal Defense and Educational Fund and the author of “On the Courthouse Lawn,” which examined the lingering effects of racial lynchings in America, including in Maryland.

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## **Terrorism**

### **The Shifting Threat Matrix in West Africa (Global Risk Insights)** By Adam Valavanis

August 11, 2019

**In recent years, West Africa has been considered a relative oasis of stability in sub-Saharan Africa. However, the region faces a multitude of threats that could spell a new era of insecurity. A spike in Islamist terrorism and intercommunal violence has strained governments in the area, pushing them to the brink of collapse. Ongoing issues with drug trafficking and corrupt security forces also threaten to upend the semblance of political stability.**

West Africa has seen a spike in security threats in recent years. The security of West Africa has been challenged in past months, as the nations of Burkina Faso, Mali, and Nigeria have faced a surge in Islamist and intercommunal violence. The



violence is spreading into coastal West Africa, a region that had for years largely been spared from the complex security threats that have characterised dominating the Sahel this decade.

In addition to Islamist terrorism and intercommunal violence, the region has long struggled with drug trafficking and abusive security forces. These issues are increasingly intertwined, resulting in a complex threat matrix that has pushed governments in the region to the brink. The solutions will need to be similarly holistic in scope. Incumbent on the leaders in the area, as well as their international partners, to take a comprehensive view of the region's security threats. Only then will they be able to develop effective solutions and establish a durable atmosphere of peace.

Islamist terrorism Mali has been a haven for terrorist cells in West Africa for years. Groups such as al-Qaeda in the Islamic Maghreb (AQIM) rose to prominence following the Tuareg rebellion in 2012. While the rebellion was ultimately defeated with the help of French forces, the government has been unable to exert control beyond the capital and its surrounding regions. Since the rebellion and resulting insecurity, several groups, including an Islamic State affiliate, have used Mali as a launching ground for attacks in neighbouring states.

Burkina Faso has become a favoured target of such groups. Lethal attacks have become a regular feature in the country since 2015, following the deposition of longtime ruler Blaise Compaoré. Islamist groups such as Ansural Islam have expanded their operations in the country, effectively controlling its northern and eastern regions. The government based in Ouagadougou has long neglected these regions. Attacks frequently target Christian communities, who have for years lived in peaceful harmony with their Muslim neighbours. The mounting successes of Islamist groups forced the prime minister and his cabinet government from power earlier this year. The situation in Burkina Faso has become so grim that neighbours Togo, Ghana, Benin, and Côte d'Ivoire are on high alert and may have already been infiltrated by terrorists.

Continued attacks by Islamist groups have inflamed intercommunal tensions in both Mali and Burkina Faso. Escalating retaliatory attacks between the Dogon and Fulani communities in central Mali have left hundreds dead since the start of this year. Violence between the two communities reached such a fever pitch in Mali that the Prime Minister and his government resigned, citing their failure to disarm the communities.

Islamist groups have helped inflame long-simmering tensions over land disputes between the sedentary Dogon and nomadic Fulani. Members of the Dogon group have accused the Fulani, a predominately Muslim group, of harbouring Islamists. Such violence and insecurity have served to increase the Islamists' leverage by sowing distrust between communities. The Islamists hope to paint themselves as the right defenders of the Fulani. Similar dynamics are unfolding in central Burkina Faso, with clashes between the Fulani and other ethnic groups, such as the Mossi.

While Islamist terrorism and intercommunal violence have dominated headlines in recent months, West Africa continues to struggle with the illegal drug trade. The region has long been the premier hub for drug smuggling from South America and Asia to Europe. Guinea-Bissau deemed a "narco-state" by the United Nations, has acutely been affected by the drug trade. More cocaine has been seized in Guinea-Bissau and Cape Verde this year alone than the total amount taken on the continent between 2013 and 2016. Ghana, one of the most stable democracies on the continent, is a favoured destination for South American producers.

In addition to its innate destabilising influence, the drug trade in West Africa has helped empower and become so profitable that regional terrorist groups are getting in on the action. Though they are not producers, groups such as Boko Haram and AQIM are hired out by drug syndicates to assist in various stages of the trafficking process. Their compensation comes either in the form of cash or weapons.

While much of the insecurity in the region is caused by non-state actors such as terrorist cells, ethnic militias, and criminal syndicates, governments in the area have undermined their legitimacy and regional security thanks to abusive security forces. In Burkina Faso, counter-terrorism forces, in their campaign to reestablish control over the country's northern regions, have committed human rights violations. The same can be said in Nigeria, where the military has allegedly committed war crimes and crimes against humanity in its campaign against Boko Haram.

There have been well-documented abuses committed by the police in Benin and Togo during clashes with pro-democracy protestors. In response to a flawed election held in April, several demonstrators were killed by the police in Benin. These fatalities followed a wave of arbitrary arrests that targeted opposition officials and their supporters.

Earlier this month, the Guinean National Assembly passed a law that effectively allows security forces to shoot anyone deemed an imminent threat with impunity. Human rights advocates worry that the new law will be used to brutally crackdown on future protests against the president's bid to amend the constitution and stand for a third term.

Islamist terrorists, intercommunal violence, narcotrafficking, and abusive security forces are just some of the problems faced by West African governments. Human trafficking and slavery, especially in Mauritania, as well as endemic corruption,

electoral violence, and kidnapping, also present severe threats to stability in the region. Many of these threats pale in comparison to the ever-present danger posed by the ongoing climate crisis, which has contributed to food insecurity in the area. In many states, corruption is lucrative for politicians and other officials, hindering efforts at reform. The same can be said of the drug trade, where the profits from the illegal market far exceed legal business.

So far, the most ambitious attempt at restoring security to the region has been the G5 Sahel Joint Force. The G5 is a military alliance between Burkina Faso, Chad, Mali, Mauritania, and Niger. It is tasked with tackling terrorist and criminal networks that criss-cross the region. Recently, it has taken up the cause of clamping down on intercommunal violence. Unfortunately, the G5 has faced chronic funding shortages and other delays, hampering efforts at rooting out these dangerous threats. Without political will and properly functioning democratic institutions, the security situation in West Africa will likely continue to deteriorate for the foreseeable future.

### **Trump's Warning to Europe Accentuates Need for Countries to Repatriate ISIS Detainees (Homeland Security Today)** By Anne Speckhard and Ardian Shajkocvi

August 13, 2019

**"We have thousands of ISIS fighters that we want Europe to take, and let's see if they take them," President Trump told reporters at the beginning of the month. "If they don't take them, we'll probably have to release them to Europe."**

At a policy level, the U.S. government remains critical of European governments' reluctance to repatriate captive ISIS fighters and their family members in Iraq and Syria[i] while European policy-makers express concerns that ISIS returnees constitute a long-term danger to their home countries. Many European governments fear that they will not be able to successfully prosecute ISIS cadres and family members upon their return, in particular when given significant challenges that many governments face in obtaining and presenting court-admissible evidence collected in the battlefields in Iraq and Syria. Even in the event of successful prosecutions, the concern remains that many may receive short sentences and be released without being rehabilitated and may also serve as radicalizing and recruiting forces during prison time.

Perhaps such concerns are legitimate, given that European partners have suffered so much terrorism from ISIS cadres on their home soil, including returnees from Syria and Iraq. As noted above, in addressing Europe's reluctance to take their citizens home, President Trump warned Islamic State fighters held by U.S.-backed forces could be released to Europe if their home countries fail to take them back.[ii] In an earlier statement, reflecting his concern that the SDF may ultimately have to release Europeans held in their custody, he had added that "the U.S. does not want to watch as these ISIS fighters permeate Europe, which is where they are expected to go. We do so much and spend so much. Time for others to step up and do the job they are capable of doing." [iii]

A sudden, uncontrolled release of ISIS fighters and their family members currently held in prisons and camps by the Syrian Democratic Forces (SDF) is highly unlikely to occur, though some members of the SDF have highlighted to ICSVE researchers both material and technical difficulties associated with long-term detainment of such individuals. However, most of the SDF leaders interviewed by ICSVE have repeatedly reassured that they are responsible in regard to controlling their captured ISIS prisoners and have no intention to ever release any of the fighters held by them, except to their relevant country authorities.

Yet there have been riots and escapes from the SDF-run facilities, in both the prisons and the camps, making circumstances challenging for their SDF captors. Likewise, with almost weekly ISIS attacks happening in SDF-controlled territory, as well as Turkey threatening to invade – that threat felt to be very realistic given the recent Turkish incursion and takeover of the Kurdish city of Afrin – the SDF faces continued conflicts and distractions in the way of fighting ISIS. In this regard, SDF leaders rightly point out that its forces could be distracted by fighting other foes and could be placed in the untenable situation of being unable to adequately staff and guard their prisons and camps currently holding ISIS cadres and their family members. In addition, the SDF leaders we spoke to have stated that since the fall and roundup of thousands of ISIS fighters and family members, they are facing severely overcrowded prisons and camps and need financial and technical assistance to expand their prison-holding capacities as well as additional training in terrorist-holding procedures.

The SDF have also in the past six months begun floating the idea of hosting an international tribunal in their territory to try ISIS prisoners there. They have garnered some European support despite the UN's objections that it could only legitimately be formed under the auspices of the UN or the International Criminal Court in the Hague, with neither being likely to undertake such an expensive and time-consuming task.[iv] Military forces are allowed under domestic laws to hold "enemy combatants" indefinitely and without charge, as it is the case in the United States under the Law of Armed Conflict Detention and 2001 Authorization for Use of Military Force. For instance, in deciding a Guantanamo case, Department of Justice lawyers recently argued that the U.S. government can indefinitely detain anyone – even U.S. citizens. [v] Comparatively speaking, as a non-state actor, the issue of detainment creates an additional layer of challenge for the SDF in terms of having a legal right to hold the ISIS detainees and in the way of administration of justice. However, this is not to say that international law does not recognize the role of non-state actors in lawmaking and administration of justice, which are often considered not a rule but

rather “ad hoc exceptions.”[vi] Even the U.S. backer and coalition countries involvement with the SDF might stretch this point. Thus far, none of the foreign fighters held under the SDF jurisdiction have been formally charged, while Syrians they hold have been charged in courts acting within SDF-governed territory.

The aforementioned legal issues remain increasingly pressing as time passes with over 800 European male ISIS foreign fighters and hundreds of European ISIS wives, children, and family members being held in the detention camps. Yet, nearly all European countries remain adamant about their immediate return, with some remaining hostile about return at all, often citing politics and public opinion as the steady force in resisting their return. Some countries, like the UK, have resorted to stripping citizenship of those who hold, or are judged as eligible to hold, dual citizenship to prevent their return home, though the UK has allowed return and prosecuted at least 40 individuals who have returned to the UK from the battlefields in Iraq and Syria.[vii] The practice of citizenship removal becomes thorny for cases like the UK passport holder Shamima Begum, who was claimed by UK politicians to be able to apply for Bangladeshi citizenship, given her parents’ Bangladeshi heritage, while the government of Bangladesh itself made it clear she would not receive a Bangladeshi passport on the grounds that “she is not a Bangladeshi citizen and has never applied for dual nationality with Bangladesh.” [viii] It also made for thorny issues regarding the birth of her child, recently deceased in the camp, which by British law should have been considered eligible for UK citizenship. In other words, while revocation of citizenship obtained through naturalization is permissible and more easily achievable under certain circumstances (e.g. national security threat), Shamima’s then-newborn child was eligible for British citizenship having not committed any crime. In addition, Riedijk, Shamima’s ISIS Dutch foreign fighter husband and the father of the child, could have paved the way to the child’s Dutch nationality, though it remains debatable as to whether the underage ISIS-ordained marriage between him and Shamima (15 at the time of marriage) would have been considered legal by the Dutch authorities.[ix] The newborn, however, was not given any protection whatsoever by either the UK or Dutch government, with the UK politicians refusing to bring him home for medical care (citing that it was too dangerous to retrieve him) before he died some weeks after being born sickly.

In contrast to European reluctance to repatriate its ISIS citizenry, the recent U.S. position in dealing with ISIS sympathizers and travelers to Iraq and Syria has been to take them home rather swiftly after they are captured.[1] In that regard, two women and six minors were recently repatriated from Syria and resettled at unknown locations in the United States.[x] Similarly, a Texas teacher caught in Syria was recently repatriated to the United States and charged with trying to provide material support to ISIS.[xi] An American ISIS sniper was also recently transferred into U.S. custody from Syria and charged with providing material support to ISIS.[xii] Others are being processed for possible return. This follows a steady stream of repatriations of captured Americans who joined ISIS, as well as robust convictions of those who tried to travel to join.[2] The Department of Justice has already successfully tried some of these ISIS returnees in U.S. courts as well as shown commitment to resettle, rehabilitate and release some of those who did not fight or were minors taken to or born inside ISIS territory.[xiii]

While the U.S. has recently repatriated its captured ISIS cadres rather quickly, not all American ISIS detainees have been repatriated as quickly, as some Americans still wait for decisions on their cases. Samantha Elhassani and her four children (all under the age of 12, two holding U.S. passports), for example, resided in Camp Roj for over a year. Samantha’s family member claimed that during her time in detention, the FBI was using her as a convenient intelligence source. Indeed, federal prosecutors admitted to having had her as a source for the FBI before she and her husband left to Syria, but said that their engagement with Samantha at that time “was not a part of terrorism investigation.”[xiv] Whether or not she was used as an informer while in Camp Roj is not publicly known.

On another note, it is not uncommon to hold detainees away from home to learn if they will confess while being held outside the country. As Robin Write found in her interviews, “Americans who want to leave [camps in Syria] are primarily, if not entirely, at the U.S. government officials’ mercy for relief. Such a grasp on one’s fate presents profound leverage when it comes to extracting confessions to be used in a criminal prosecution.” [xv] In this regard, the home governments of ISIS detainees held by the SDF may rightly or wrongly, depending on the perspective, utilize a profound leverage when it comes to extracting confessions, or taking statements of evidence on others, from those held in SDF territory for long periods of time without charges, to be later used in criminal prosecution. That being said, as was the case of Samantha Elhassani, the delays in repatriating her two American passport-holding children and two U.S.-eligible children may cause considerable risk of harm and danger from disease, illness, and additional psychological harm without adequate care for their psychological traumas endured while living under ISIS and also while waiting to be returned home.

Others who left for ISIS from the U.S. and who were not promptly returned include Hoda Muthana, whose American citizenship is under dispute. Waiting for her case to be resolved, Muthana, along with her sickly toddler son, also currently languishes in Camp Roj, where she fears her young son could die of a respiratory failure. He also is separated from his American greencard holding grandparents.[xvi] An American with dual American-Saudi citizenship was also picked up in Syria by the SDF and held in Iraq by the U.S. forces. Initially, he was held on strong suspicions that he had fought for ISIS. He was freed after being in U.S. custody for more than a year. [xvii] Such is the current U.S. legal landscape.

There are more European than U.S. foreign fighters in the SDF custody. Some are known or suspected to have carried out

heinous crimes. This could potentially be problematic in the case of European countries with less robust counter-terrorism laws. Likewise, women who went as wives and mothers have been impossible to prosecute under existing domestic or EU laws in some countries, and many men have also managed to return home to the EU without being prosecuted, which raises fear levels among Europeans of an ISIS detainee immediate comeback. Some countries, like Germany, have found a way around some of these challenges by prosecuting some of these women who might otherwise not be prosecutable, for having lived in homes taken from Syrians by ISIS or for the crime of having held a Yazidi slave. [xviii]

While Belgium has recently shown resolve to repatriate its nationals, namely by repatriating six parentless children of ISIS fighters from Syria,[xix] four other Belgian children have died in the camps, one dying shortly after birth just last week. ICSVE researchers also talked to a Belgian mother who was terrified her child detained with her in an SDF-run camp would die under frequent asthma attacks, citing numerous incidents where her small child's lips turned blue as he struggled to breathe the dusty air. The mother was willing to send her child home to live with family members in Belgium but has not received permission from Belgium to send him out. Another 8-year-old girl born in Belgium and holding Belgian citizenship told ICSVE researchers that she wished to return home to attend school. Innocent of any crime, but held in the camps, she is deprived of her education.[xx]

While the fates of these children of ISIS parents are at times quite dire, their parents' European countries appear to be doing little to nothing to bring them home. Meanwhile, legal issues mount over whether ISIS fighters and their family members can be held indefinitely and without formal charge by a non-state armed group, or even without entering some legal proceeding in SDF territory or elsewhere.

While there are no easy solutions to these complex challenges, the SDF appears to remain resolute and organized to keep the detainees for the foreseeable future. The U.S. and Coalition troop presence are also still there to ensure that ISIS prisons are not overrun, as they were in Iraq some years back, resulting in the release of many terrorists and terrorist suspects. Likewise, an international tribunal established in SDF territory is also unlikely to materialize – at least not under UN or ICC auspices for reasons discussed above. Advocating for it may buy Europeans more time, but the reality is that a UN-dictated tribunal would only address serious international crimes (e.g. war crimes, genocide, crime against humanity) and it would also need to address more than just ISIS criminal acts. In addition, they could only be set up with that government's agreement. Given that the Assad regime carried out more killings and war crimes than ISIS, the Assad regime is unlikely to agree to an international tribunal. Neighboring Iraq is also unlikely to agree to an external court operating on its territory, as it would require constitutional changes and approval, and if it were to be established, additional issues would be raised concerning crimes carried out by the Iraqi state and by the Shia militias. Problematic would also be the question of whether the tribunal would endorse the death sentence as Iraq currently does, highly improbable given the UN's anti-death penalty stance, and if it would also allow convictions based on [often forced] confessions weighing as strongly as actual evidence presented to the court, as is currently the practice in Iraqi courts.

Any of the to-date proposed tribunal alternatives are thus unlikely to resolve the pressing issues of how long ISIS prisoners can be held without charges by an armed non-state actor such as the SDF. On the SDF side, their hope is for recognition as a semi-independent state within Syria, although that process, if it is ever to occur, will also take considerable time and political bargaining. Repatriation of ISIS foreign fighters and their family members thus remains the most likely way to observe the rule of law by those countries whose citizens joined ISIS and are now being held by the SDF in Syria. Repatriation and prosecution at home is at the same time likely to minimize the risk for wider societal radicalization, namely by diminishing grievances with ISIS cadres' family members and wider social circles. This should be a hopeful solution given that Europe's robust socialized medicine and now burgeoning de-radicalization/disengagement sector could engage these former ISIS members in rehabilitation and reintegration efforts following successful prosecutions.

Many European countries face the additional challenge of their refusal to deal with the SDF due to its alleged dominance by the YPG, a group known to have ties and history with the PKK, which is a group designated by both the EU and the U.S. as a terrorist organization. Given the reluctance by many European governments to deal with the SDF, they would likely benefit from additional and expanded networks of those already engaged in the field and doing research on ISIS and the recent conflicts in Iraq and Syria, such as the U.S. government or other entities (or a combination of all) to eliminate political, legal, and public opinion related obstacles to help with the repatriation.

Likewise, given concerns by EU countries over prosecution, both the SDF and the UN's International, Impartial, and Independent Mechanism (IIIM), with the latter only recently after a year's work having been set up in Syria, need to become more active helping EU country prosecutors gather evidence to ensure successful prosecutions. In this case, the SDF could further strengthen information-sharing with IIIM on ISIS detainees and ISIS victims to be used in trials. A recent case in Germany serves as a success story on how countries and NGOs working together were able to bring a Yazidi mother to testify in court against the ISIS "owners" of her child, who was allegedly killed by them.[xxi]

ICSVE is also able to offer some assistance in this regard, as we have now interviewed a significant portion of the Europeans held by the SDF and understand well the many nuanced issues involved in the histories of many of these ISIS cadres that can

be helpful in trying to both prosecute and rehabilitate them. We are also able to offer information to country authorities from our research interviews that may be useful in deciding whether or not to bring a detainee home. Currently, our practice is to ask each detainee held by the SDF at the end of their in-depth interview, lasting about 1.5 hours, if they would like the notes from their interview passed to their country's justice authority. Most have answered positively (on video) saying they wish to be prosecuted at home. As researchers, we have omitted any incriminating evidence as to potential crimes involved, other than their admitting to having lived and served the so-called Islamic State which is usually obvious in the manner in which they were arrested or in their surrender. Some of these appear to have deradicalized and are now repentant, while others simply want to return and face justice at home. Most also appear fearful of being turned over to the Iraqi or Syrian government, where many would likely receive death sentences or life imprisonment and could potentially suffer torture. They prefer returning to their home countries and facing justice there. At present, the detainees interviewed by ICSVE researchers tell us the SDF does not engage in torture or mistreatment.

Having interviewed over 160 ISIS cadres and their family members in Iraq, Syria and elsewhere, and given our presence in the region, we are actively engaged in the process of removing legal, political, risk-related, public opinion-related, and logistical challenges that are often cited as main obstacles to successful repatriation of ISIS fighters and their families in Iraq and Syria. For instance, we are currently working with some European governments to bring their citizens back when we are able to offer information from our research interviews (with the detainees full permission) of many of these ISIS cadres, that can be helpful in trying to help them face justice and rehabilitate them upon return. Emphasis in our work is placed on both ethical and legal safeguards that ensure nothing is shared without permission and that there is careful handling of their sensitive information and responsible transfer of detainees to their respective countries. We are also engaged in preliminary detainee psychological assessments to determine tendency for continued extremist behavior both while in the camps and in the event of their release and repatriation. While we are only a small think tank, we also see the U.S. government having a responsibility to continue to assist in such efforts given the president's demand for these ISIS cadres to be repatriated.

Although repatriation is a complex process, we must continue to highlight responsibility on the part of the public and the governments to repatriate their citizens. Despite the U.S. and some other European governments' willingness to address and focus on the issue, security concerns in the SDF-run prisons, the prospect of the Assad regime, or even Turkey, overtaking the territory acquired by SDF, and the ever-shifting policy on the U.S. presence in Syria render the issue of repatriation rather urgent. All of our governments need to do more in this regard.

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## Piracy

**Sailors may end up in Hormuz (Korea Joongang Daily)** By Sarah Kim  
August 14, 2019

### **The Korean Navy sent off a new batch of pirate-fighting troops to the Gulf of Aden Tuesday amid uncertainty whether they will end up being ordered to partake in the U.S.-led coalition to protect the Strait of Hormuz.**

The 300-strong Cheonghae Unit departed from Busan on the 4,400-ton Kang Gam Chan, a DDH-979 Yi Sun-shin class destroyer, for a month-long voyage to the Somalian coast. The 30th batch will take over from the current group in the Gulf of Aden and will be deployed in the area for six months to combat piracy, protect Korean vessels and, when needed, support other countries' ships in nearby waters.

However - if ordered - the Navy destroyer could end up steering toward the Strait of Hormuz, strategically located between the Persian Gulf and the Gulf of Oman.

Somali pirate activities in the Gulf of Aden have been under control recently. The Strait of Hormuz is only around four days away by boat.

Washington has stressed the importance of the freedom of navigation in the Strait of Hormuz and has been calling for allies, including Korea, Japan and Australia, to support the U.S. coalition to protect the waters.

U.S. Secretary of Defense Mark Esper raised the issue during talks with his Korean counterpart, Minister of National Defense Jeong Kyeong-doo, in Seoul last Friday as he made his first tour of Asia since he became Pentagon chief. While Esper stopped short of officially requesting Seoul to dispatch troops to the waters, his remarks requesting cooperation could be construed as

indirectly asking for such a deployment by Korea.

After Iran allegedly attacked Japanese and Danish tankers off Oman in June and seized a British oil tanker traveling through the Strait of Hormuz on July 19, the United States is trying to rally allies to safeguard the strategic waterway, where 20 percent of the global oil supply flows. It is also the route for some 70 percent of Korea's oil imports.

Korean officials have expressed support for the U.S.-led initiative to protect the waters both during Esper's visit last week and a trip by John Bolton, the White House national security adviser, at the end of last month.

However, Choi Hyun-soo, spokesperson of the Korean Defense Ministry, said in a briefing Tuesday, "as of now, the Kang Gam Chan will sail to the Gulf of Aden to carry out its existing missions."

When asked if any decision has been reached by the Korean government on the dispatching of troops to Hormuz, Choi only replied, "As we have said many times before, we are reviewing various methods of protecting our vessels," without denying the possibility of such a deployment.

She said that there has been no working-level talks with Washington on the deployment of troops to the strait.

Military officials have indicated that the Kang Gam Chan has bolstered its defense capabilities in seeming consideration of a potential sudden change in its mission.

Choi, addressing reports that the destroyer's weapons capabilities has been bolstered, said, "that is something that can be done depending on the necessity at the location." She added that "there hasn't been any big change," however.

Korea will have a lot to consider if it ultimately decides to deploy troops to Hormuz, taking into consideration its alliance with the United States. Such an action could make Korean vessels a target of the Iranian military. Thus, there has been an internal review of such a deployment since June.

"In June, following the attack of two large-size oil tankers and heightened tensions in Strait of Hormuz, we have considered methods on how to protect our vessels," a Korean military official told the JoongAng Ilbo Tuesday, adding this was "before any request from the United States."

Seoul was also put in an awkward position in its diplomatic and economic relations with Tehran when U.S. President Donald Trump in May 2018 decided to withdraw from the Iran nuclear deal signed by China, France, Russia, United Kingdom, the United States and Germany in 2015.

Iran's Foreign Ministry has urged Seoul to remain "neutral" especially taking into account its economic partnership.

The Cheonghae Unit, first deployed in 2009, is best known for its heroic rescue of the Samho Jewelry, a Korean freighter hijacked by Somali pirates in the Arabian Sea January 2011. In the Operation Dawn of Gulf of Aden mission, the Korean commandos on a 4,500 destroyer rescued all 21 crew member held hostage by the pirates. The anti-piracy unit marked its 10th anniversary this year.

### **Foreign sailors abducted by pirates off Cameroon (Xinhua)**

August 16, 2019

#### **An unknown number of foreign sailors were kidnapped by armed pirates off the southern Cameroonian port city of Douala on Thursday morning, according to a source at the Cameroonian Navy.**

The sailors were aboard a vessel in the Gulf of Guinea when the pirates attacked them. "We do not know the exact number of those who have been kidnapped. We don't also know their nationalities yet," a senior official at the Douala port, who asked to remain anonymous, told Xinhua.

The attackers "are likely Nigerian pirates" known to haunt the Gulf of Guinea, the official said.

"We are putting in place all efforts to secure their safe release. The navy is currently conducting the search," the source said.

Piracy has become rampant in the Gulf of Guinea located in the northeasternmost part of the tropical Atlantic Ocean.

According to the International Maritime Bureau, 62 seafarers were taken hostage or abducted in the area in the first half of 2019.

In July, 10 Turkish sailors were kidnapped by pirates in the Gulf of Guinea while they were sailing from Douala to Abidjan, the

economic capital of Ivory Coast, according to the Turkish shipping company Kadioglu Denizcilik.

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## **Gender-Based Violence**

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## **WORTH READING**

### **Lessons from Rwanda: Post-Genocide Law and Policy**

Zachary D. Kaufman

Stanford Law & Policy Review Online, 2019

August 5, 2019

**This year marks the 25th anniversary of the Genocide against the Tutsi in Rwanda. During one hundred days in 1994, Hutu extremists slaughtered over one million people, primarily Tutsi as well as Hutu and others who opposed the genocide. With a murder rate that some commentators estimate to have been three to five times faster than that of the Holocaust, the Genocide against the Tutsi has been characterized as “the most efficient mass killing since the atomic bombings of Hiroshima and Nagasaki” or, indeed, at any time in the twentieth century.**

Learning from the Genocide against the Tutsi provides crucial insight into averting conflict and fostering more inclusive communities. The current era of deep political, racial, class, and gender division in the United States as well as ongoing “atrocious crimes” abroad compel reflection. Ten lessons from Rwanda for the world generally and the United States specifically are especially pertinent to preventing further bloodshed and building more representative societies.

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