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AFRICA

NORTH AFRICA

Libya

Thugs and Extremists Join Battle for Tripoli, Complicating Libyan Fray (The New York Times) By

David D. Kirkpatrick

April 12, 2019

A week after an aspiring strongman launched a surprise attack on the Libyan capital, an assortment of criminal gangs and extremists are rushing into the fight against him, raising new questions for the United States and other Western powers that have condemned his attack.

A coalition of militias from around the region has stymied the assault by Gen. Khalifa Hifter, frustrating his predictions of an easy march into the capital, Tripoli, and forcing him to rely on long and circuitous supply lines through the desert to the south.

By Friday his opponents were claiming that his tanks and armored vehicles were running out of fuel.

But an increasingly unsavory cast has joined the coalition against him, including a group closely tied to a militia sanctioned as a terrorist organization by the United States and the United Nations; an extremist warlord sanctioned for undermining Libya's stability; and other militia leaders sanctioned for migrant trafficking. That mix so alarms Western powers that some may deem General Hifter the lesser evil.

His portrayal of his fight as a battle against extremists and criminals "becomes a self-fulfilling prophecy," argued Frederic Wehrey, a scholar at the Carnegie Endowment for International Peace.

Their emergence "gives Hifter and his supporters the narrative they want, so it plays into their hands," Mr. Wehrey said Friday.

The assault on Tripoli that began last week has threatened to plunge Libya back into full-scale civil war.

United Nations officials said Friday that the week of fighting on the outskirts of the city had killed over 75 people, including seven civilians, and wounded more than 320. Over 9,000 people have been displaced from their homes or have fled the city, they said.

"Our major worry is increasing airstrikes by both sides and the use of heavy artillery," Syed Jaffar Hussain, the United Nations health organization's representative in Tripoli, told journalists by phone. "We strongly believe the peak of the crisis is yet to come."

Libya is one of the world's largest oil producers, and the head of Libya's national oil company said Friday that the fighting could "wipe out production." World oil prices have already surged because of the fighting.

General Hifter, who loosely controls much of eastern Libya, has vowed for years to seize the capital and unite the country, which has been divided since the overthrow of Col. Muammar el-Qaddafi in the Arab Spring uprising in 2011.

Tripoli is the seat of an almost powerless unity government created by the United Nations and publicly backed by most Western governments, including the United States.

Those governments have so far almost universally condemned General Hifter's effort to take the capital.

General Hifter has depended heavily on foreign backers — primarily the United Arab Emirates and Egypt but more recently on Russia and France, with at least tacit and possibly financial support from Saudi Arabia as well.

Analysts said that chorus of condemnation would make it awkward for the United Arab Emirates and Egypt to intervene overtly to try to help him, as both countries have done in the past.

But on Friday there were signs that the increasingly motley alliance of fighters defending Tripoli might be causing some in the West to hesitate about urging a retreat by the general.

A statement issued Thursday night by the European Union said its member countries "express their concern at the involvement of terrorist and criminal elements in the fighting, including individuals listed by the U.N. Security Council."

The power vacuum in Libya since Colonel el-Qaddafi's ouster has allowed regional, Islamist and criminal militias to carve out patches of territory, including for a time a bastion of the Islamic State. The chaos has opened Libya's borders to migrants and militants, periodically crippled its oil production and drained much of its sovereign wealth fund.

Armed groups on both sides of the current fight for Tripoli have extensive records of abusing civilians, Human Rights Watch said in a statement.

General Hifter's forces have looted and burned homes, and carried out summary executions. One of his commanders, Mahmoud al-Werfalli, has been indicted by the International Criminal Court for war crimes. Other units in the general's forces are dominated by Saudi-style ultraconservative Islamists who are hostile to democracy.

The forces defending Tripoli, on the other hand, include four major militias that have ruled the city as a kind of mafia under the ostensible rule of the United Nations-backed government. At least one of them, the Special Deterrence Brigade, is also composed primarily of Saudi-style hard-line Islamists who oppose democracy and sometimes act as vigilante morality police.

All four of the Tripoli militias have profited by extorting protection money from banks and government ministries, according to United Nations experts and an authoritative study by Wolfram Lacher of the German Institute for International and Security Affairs.

The largest is headed by Haitham al-Tajouri, believed to be in his early 30s, who cruises the city in a white G-class Mercedes and posts photos on Facebook of his vacations in Dubai. His habit of wearing labels like Versace or Dolce & Gabbana to the front lines of the battle has become a running joke on Libyan social media. ("Fashionista militia," one poster called his brigade. "I call dibs on Haitham al-Tajouri's wardrobe," said another.)

Those four brigades have been bolstered by the return of more potent militias from the nearby cities of Misurata and Zintan that led the fight to oust Colonel el-Qaddafi in 2011 and have remobilized to stop General Hifter.

They were also joined by Salah Badi, a hard-line Islamist commander from Misurata who had all but receded from public life after he was sanctioned by the United Nations last year for repeatedly undermining Libya's stability, including in the assault that destroyed the Tripoli International Airport in 2014.

Alongside those forces are notorious migrant traffickers, including Abdul Rahman al-Milad, also sanctioned by the United Nations.

Several hard-line Islamists previously based in the eastern city of Benghazi who had scattered after General Hifter took over the city in 2017 have also returned in Tripoli, talking openly about revenge against him.

One of them, the Benghazi Defense Brigade, had included the militia designated by the United States as a terrorist organization after it played a role in the attack that killed Ambassador J. Christopher Stevens. The brigade's leader, Mustapha al-Sharkasi, has compared the fight against General Hifter to the start of the uprising against Colonel el-Qaddafi in February and March 2011.

"There is unity and the spirit of February is back," he said in an online video.

Mohamed Bayou, a former adviser to an earlier Islamist-allied coalition of militias that previously dominated Tripoli, said in a television interview that many of the fighters now battling General Hifter did not support the United Nations-backed government either.

"We do not trust them, but today we are in the same trench," he said, adding that the militias now entering the battle fight only "for their religion, their freedom and their country."

The dynamic in Tripoli in some ways resembles what happened when General Hifter first sought to control Benghazi in 2014.

Some hard-line militant groups had been active in Benghazi before he arrived, but General Hifter's attack on the city prompted other militias to embrace the extremists as partners.

As the extremists grew in prominence, France sent teams of special forces with expertise in urban warfare to help advise him and by 2017 the French had finally helped him take over what was left of Benghazi.

"As happened in Benghazi," said Mary Fitzgerald, an independent researcher who studies Libya, "Hifter's offensive on Tripoli is likely to rally radical elements and then his supporters will say, 'they are all terrorists.'"

Libya: Heavy shelling and civilian deaths 'blatant violation' of international law – UN envoy (UN News)

April 17, 2019

"Horrible night of random shelling of residential areas", tweeted UN Special Representative Ghassan Salame on Wednesday, after the Abu Salim district was hit.

"For the sake of 3 million civilians living in Greater Tripoli, these attacks should stop. NOW!"

Khalifa Haftar, leader of the self-styled Libyan National Army (LNA), which controls much of eastern and southern Libya, has waged a two-week military campaign to take Tripoli from fighters loyal to the UN-recognized Government.

According to initial medical reports, civilian casualties from the overnight attack, include women and children injured, and one family where the mother, daughter and grand-daughter were all killed.

"The use of indiscriminate, explosive weapons in civilian areas constitutes a war crime," Mr. Salame, who also heads the UN Support Mission (UNSMIL), said in a statement. He extended "with great sadness", his "deepest condolences" to the victim's families and wished the injured a speedy recovery.

His statement pointed out that as of yesterday, there have been 54 confirmed civilian casualties, including 14 dead and 40 wounded, four of whom were health workers.

"Liability for such actions lies not only with the individuals who committed the indiscriminate attacks, but also potentially with those who ordered them", stressed the Special Representative.

International humanitarian and human rights laws must be fully respected and all possible measures to protect civilians and civilian infrastructure must be taken, he added.

Grave statistics

As sustained fighting continues in and around Tripoli, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that displacement is currently at its highest level since the current crisis started.

With more than 4,500 people newly on the move, the total of number of internally displaced people (IDPs) stands at 25,000.

According to OCHA, many civilians trapped in conflict areas face the dilemma of not knowing whether to remain in their homes or leave and face the uncertainty of clashes and shelling. This is further exacerbated as food and other essential items in some neighborhoods are running low.

The UN's humanitarian wing sets the current conflict against a backdrop of years of conflict that have driven a socio-economic crisis in Libya and left public services deficient and people vulnerable.

At least 820,000 people, including some 250,000 children, are currently in dire need of humanitarian assistance.

Meanwhile, OCHA has transferred defenseless migrants and refugees from Abusliem detention centre in the conflict area and says that the humanitarian community is maintaining efforts to ensure safe passage for civilians and medical supplies and services.

As of 16 April, OCHA reported apart from the 25,000 people internally displaced by ongoing hostilities, 6,000 have received some form of humanitarian assistance since the crisis began; and the 2019 Humanitarian Response Programme is facing a \$190 million funding gap.

Libyan government deplores inhuman acts of Haftar's armed groups (The Libyan Observer) By Safa Alharathy
April 23, 2019

The Government of National Accord (GNA) accused warlord Khalifa Haftar's forces of inhumane behaviour and criminality in dealing with prisoners, saying that this proves that it is far from the doctrine of the army, which was found to protect the homeland and not to bomb civilians.

"The acts of mutilation of bodies committed by the forces of Haftar are a blatant violation of all religions and laws," the GNA stated, asserting that such acts put the perpetrators under indictment as war criminals.

The statement stressed that actions regarding the punishment of these offenders will be taken immediately, calling on the pro-Haftar media to stop falsifying facts and refrain from broadcasting speeches of incitement.

Gunmen attack migrant detention center in Libya's Tripoli (The Washington Post) By Joseph Krauss
April 24, 2019

Gunmen attacked a detention center holding hundreds of migrants in Libya's capital, where fighting has raged between rival militias since a military commander launched an offensive earlier this month, a rights group said Wednesday.

Amnesty International said armed men raided the Qasr Ben Ghashir detention facility, some 20 kilometers (12.5 miles) south of Tripoli's city center, on Tuesday. It said video footage of the aftermath of the attack shows three people with apparent gunshot wounds and others lying wounded on the ground with bloody bandages.

It was not immediately clear who was behind the attack or what motivated it.

Stephane Dujarric, a spokesman for the U.N. secretary-general, said Tuesday that the U.N. aid agency had received reports that the detention center, holding some 890 refugees and migrants, was "breached by armed actors."

The U.N. says some 3,600 refugees and migrants are held in facilities near the front lines of fighting between the self-styled Libyan National Army and other heavily-armed militias. Five detention centers are in areas already engulfed by fighting, while six more are in close proximity to the clashes.

"The situation in these detention centres is increasingly desperate, with reports of guards abandoning their posts and leaving people trapped inside," Dujarric said, adding that one facility has been without drinking water for days.

Libya became a major conduit for African migrants and refugees fleeing to Europe after the uprising that toppled and killed long-ruling dictator Moammar Gadhafi in 2011. Thousands have been detained by armed groups and smugglers, who often subject them to brutal treatment and extortion.

"These refugees and migrants should not even be detained in the first place," said Magdalena Mughrabi, deputy Middle East and North Africa director at Amnesty. "This incident demonstrates the urgent need for all refugees and migrants to be immediately released from these horrific detention centres where they are held arbitrarily in inhuman conditions and routinely subjected to abuse."

The latest fighting in Libya pits the LNA, led by Field Marshal Khalifa Hifter, against rival militias allied with a weak, U.N.-supported government. The World Health Organization says the fighting has killed more than 270 people, including civilians, and wounded nearly 1,300. It says more than 30,000 people have been displaced.

Hifter is allied with a rival government and in recent years has been battling Islamic extremists and other militias across eastern Libya. Egypt, the United Arab Emirates, Russia and France have supported his efforts there.

But on Wednesday, Russia's Deputy Foreign Minister Sergei Vershinin said Moscow wants Hifter's forces to halt their advance on the capital. He told Russian news agencies that Moscow is asking the LNA to cease fire and "restore a dialogue and political efforts" promoted by the United Nations.

Russia has also maintained ties with the U.N.-recognized government in Tripoli, but has recently been seen as favoring Hifter. Khairi al-Tamimi, a top official in Hifter's administration, was visiting Moscow on Wednesday.

He said the operation to retake Tripoli would require no more than two or three more weeks. In an interview with the Russian state-owned RIA Novosti news agency, he said the LNA supports the idea of a national election but that such a vote can only be held after the capital is "liberated."

Al-Tamimi was attending a conference organized by the Russian Defense Ministry in Moscow.

Hifter, who served as a senior military officer under Gadhafi but defected in the 1980s, portrays himself as a strong hand who can stabilize Libya after years of chaos. His opponents view him as an aspiring dictator and fear the return of one-man rule.

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CENTRAL AFRICA

Central African Republic

Central African Republic: Six armed groups sign peace agreement in Bria (Relief Web)

April 11, 2019

Six armed groups (the UPC, MPC, RPRC, MLCJ, Anti-Balaka (Mokom faction) and the FPRC)* signed an important peace agreement Tuesday 9 April in Bria, in the Central African Republic (CAR), which is expected to put an end to more than six years of violent conflict in the eastern region of Haute-Kotto.

The Accord is the result of talks convened by the Centre for Humanitarian Dialogue (HD) between the groups from 1-9 April 2019 in Bria. It also marks the culmination of months of intensive local mediation efforts led by HD to bring an end to violence across the Haute-Kotto region. Repeated attacks by the groups in the area since 2013 have led to the loss of many lives, widespread destruction of property and the displacement of thousands of people. The violence has also increased the divide between the Christian and Muslim communities which has been instrumentalised by the armed groups.

The Bria Agreement builds on the Accord for Peace and Reconciliation in the CAR (APPR), which was signed on 6 February 2019 between the Government and fourteen armed groups, including the six Bria Agreement signatories.

Under the terms of the Bria Accord, the parties have committed to: Putting an end to violence; Ensuring peace and security throughout the region; Resolving grievances peacefully; Refusing the instrumentalisation of differences based on politics, ethnicity or religion; Ensuring the safe return of refugees and internally displaced persons; and, Guaranteeing the free movement of persons, goods and services, and humanitarian personnel.

The follow-up committee set up under the APPR will be in charge of monitoring implementation of the Bria Accord.

“This Agreement represents an important step in strengthening the APPR and turning Central African people’s hope for peace and reconciliation into reality.” said Freddy Nkurikiye, HD’s Special Representative for Central and West Africa.

HD has been working in support of peace in the CAR since 2007, assisting both the country’s National Political Dialogue and community-based mediation efforts. HD played a key role in the 2008 Inclusive Political Dialogue, the 2015 Bangui Forum, the 2016 electoral process and more recently, the 2019 APPR process. The organisation has also been involved in the facilitation of local agreements such as the 2017 Bouar Agreement between the 3R and anti-Balakas armed groups which enabled the stabilization of parts of the Nana Mambéré province.

HD would like to thank the parties, the United Nations Multi-dimensional, integrated and stabilization Mission (MINUSCA) as well as the local administrative, traditional and religious leaders for their support to the mediation process which led to the Bria Agreement. The organization would also like to express its gratitude to the European Union for its financial support which has enabled HD to support peace efforts in CAR since 2014.

Without Justice in the Central African Republic, ‘Everything Else is Wrecked (Human Rights Watch) By Elise Keppler

April 18, 2019

“Our brothers, who have attacked us, must be brought to justice,” a victim of the violence in the Central African Republic told me last week in the country’s capital Bangui.

“Justice counteracts this culture of violence... It can change the behavior, not only of criminals, but also of the state,” a human rights defender also told us.

Other victims, activists, and lawyers echoed these sentiments during my week in Bangui, along with deeply held concerns that vague provisions on accountability in the recent peace agreement could be used to sideline the delivery of justice for atrocities committed in the country.

Victims’ calls for accountability have been constant since national consultations, called the Bangui Forum, were held in 2015. These calls have been bolstered by the creation of a new Special Criminal Court that is, at last, gaining long-sought momentum.

The Special Criminal Court is unique in the Central African Republic as it has, in the words of one local activist, “a national

jurisdiction, with an international dimension.” It has a combination of international and domestic judges, prosecutors, and other staff, and operates with significant United Nations logistical and other kinds of support.

The law creating the court passed in 2015, but legal, administrative, and bureaucratic obstacles delayed its official launch of operations until October 2018.

But investigations have opened at last. And outreach about the court to the country’s largely non-literate population, including through radio, theater, and cartoons, is underway. “We can finally see the beginning of the work of the Special Criminal Court,” one human rights defender told us.

Conducting investigations and protecting witnesses where armed groups control some 80 percent of the country will be an uphill battle. The court also lacks secure funding and is operating with a weak and limited infrastructure. But the court is the country’s best chance to render accountability for the horrific crimes that have been committed, especially since 2013. The Central African Republic government and its international partners should firmly back the Special Criminal Court. The victims and activists I spoke to told me the future of the country depends on justice. As one human rights defender explained: “Without justice, everything else is wrecked.”

Central African Republic: Don’t Reward Warlords (Human Rights Watch)

April 24, 2019

Prosecutors in the Central African Republic should investigate militia leaders recently awarded government positions.

On March 24, a presidential decree named the armed groups leaders Ali Darassa, leader of the Union for Peace in the Central African Republic (Unité pour la paix en Centrafrique, UPC), Mahamat Al Khatim, leader of the Central African Patriotic Movement (Mouvement patriotique pour la Centrafrique, MPC), and Sidiki Abass (also known as Bi Sidi Souleymane), commander of a group called Return, Reclamation, Rehabilitation, or 3R, as special military advisers to the prime minister’s office. All three have led armed groups responsible for widespread atrocities in recent years, including war crimes and possible crimes against humanity. These posts were granted as a concession to the armed groups under a peace accord signed in February 2019 in Khartoum, Sudan.

“Ali Darassa’s appointment as a military adviser for the area where his men may have committed war crimes should not be used to give him immunity from investigation into the UPC’s abuses,” said Lewis Mudge, Central Africa director at Human Rights Watch. “Against this backdrop, senior United Nations and African Union officials should make clear to all the victims of UPC abuses that there can be no lasting peace without justice for those heinous crimes.”

On April 15, in Bambari, Darassa participated in a ceremony presenting future members of special mixed units. The units will incorporate both national military and rebel fighters. This ceremony was attended by the UN Under-Secretary General of Peace Operations, Jean-Pierre Lacroix; the AU’s Commissioner for Peace and Security, Smail Chergui; and the country’s prime minister, Firmin Ngrebada. Human Rights Watch has documented serious abuses by the UPC since 2014, when the group took control of the town of Bambari, in the center of the country, including targeted killings of civilians, extrajudicial executions, attacks on displacement camps, and rape.

Fighters under Al Khatim’s command have committed war crimes, including attacks on civilians, since 2015 when his group, which controls territory in the center of the country, was created. He was named military adviser for special mixed units in the center north zone. Abass’s 3R group has killed civilians, raped, and caused large-scale displacement in the northwest zone since 2015. Abass was named military adviser to special mixed units in the northwest zone.

The appointments were made in line with a peace accord, negotiated by the AU during 18 months of talks with 14 armed groups and the central government, often while the groups continued their brutal attacks on civilians. The accord seeks to “definitively eliminate” the causes of the conflict and promote national reconciliation and calls for some fighters from armed groups to be incorporated into “special mixed security units,” which would also include members of the country’s national security forces. Armed group leaders promised to end “all hostilities and forms of violence.”

The accord is vague on steps needed to ensure post-conflict justice and does not mention specific judicial processes, or recent efforts to promote justice in the country, though it recognizes the role impunity has played in entrenching violence. The Special Criminal Court, a new court in the domestic system mandated to try war crimes and crimes against humanity, was established in recognition of the cycles of impunity that have driven conflict in the country and formally began operations in 2018. The court has significant support from the UN, including the international peacekeeping force on the ground since September 2014, known as MINUSCA.

Activists and victims have expressed deep concern that the agreement will be used to sideline justice for past crimes.

In 2014, the International Criminal Court (ICC) opened investigations into crimes committed in the Central African Republic since August 2012. The court arrested two leaders of the anti-balaka militias that were parties to the conflict, Alfred Yékatom and Patrice Edouard Ngaissona, in late 2018.

The current crisis began in late 2012, when mainly Muslim Seleka rebels ousted President François Bozizé and seized power through a campaign of violence and terror. In response, anti-balaka groups were formed and began carrying out reprisal attacks on Muslim civilians in mid-2013.

Victims of crimes committed by the UPC, MPC, and 3R have expressed anger and frustration to Human Rights Watch since the new posts were announced.

“How could the government and the international community dare to nominate and install this man as an official?” a 30-year-old survivor of a rape by a UPC fighter told Human Rights Watch.

“How could they promote and validate someone whose men killed, raped, burned villages, and tortured the population? I have lost the strength and hope to try to seek justice because Darassa is now charged by the state with my security.”

A 45-year old man from Ngakobo, an area that has seen repeated UPC attacks on civilians at a displacement camp, told Human Rights Watch that UPC fighters had threatened civilians in the Boykotta area in the last two weeks. “We were always told Darassa would face justice, but now the person whose men killed us is charged with our security?” he said. “It is not logical.”

In February 2017, Darassa and the UPC left Bambari in response to a MINUSCA request. UPC fighters are alleged to have shot at UN peacekeepers in 2015, which may constitute a war crime under international law. Fighting broke out between peacekeepers and UPC fighters in January 2019, when UPC fighters killed two policemen outside of Bambari ahead of a visit by the country’s president. The fighting resulted in a UN attack on a large UPC base at Bokolobo, 60 kilometers south of Bambari.

On April 19, the Central African government and MINUSCA issued a news release stating that although Darassa is a special adviser, he has not been given an official security role for the town of Bambari. The news release also states that the mixed units, when operational, will be under the command of the national army.

MPC fighters participated in an egregious attack in October 2016, when they killed at least 37 civilians, wounded 57, and forced thousands to flee a camp for displaced people in Kaga-Bandoro, where some 7,000 people were living, after being displaced by fighting in the region. Fighters destroyed at least 175 homes in the neighborhoods around the displacement camp and destroyed at least 435 huts in the camp itself.

In 2016, Human Rights Watch documented the killing of scores of civilians and received reports that 3R fighters raped at least 23 women and girls in Kouï sub-prefectures in Ouham Pendé province. Attacks on civilians and nongovernmental organizations continued into at least 2017.

The installation of Darassa in his official capacity in Bambari and the appointments of Al Khatim and Sidiki is difficult to reconcile with the principles of the Bangui Forum, the conclusions of national consultations held in May 2015, Human Rights Watch said. Its declaration states that “no amnesty” would be tolerated for those responsible for and acting as accomplices in international crimes. The forum brought together more than 800 representatives of community and other nongovernmental organizations, political parties, and armed groups from across the country. It recognized that the lack of justice in the Central African Republic since 2003 was one of the main causes of successive crises.

“The Bangui Forum made it clear that the way forward for peace in the Central African Republic is to say no to impunity, and that should be respected,” Mudge said. “These militia leaders should be investigated with the intent to prosecute based on the evidence, and the national government, the UN, and the AU should strongly support efforts to hold key figures responsible for these crimes to account and make justice a reality for victims.”

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Sudan & South Sudan

Could Sudan Now be Moving to a Civilian Transitional Council? (Albawaba News)

April 21, 2019

Leading protest organisers in Sudan will announce a civilian transitional council tasked with combating the country's long-running economic crisis and multiple conflicts later on Sunday.

The Alliance for Freedom and Change (AFC) has been in negotiations for a civilian handover with the country's governing military transitional council since last week.

Sudan's military seized power in a coup earlier this month, overthrowing former president Omar al-Bashir after months of mass protests calling for his ousting.

Organisers are expected to announce the composition of a civilian council they want to replace the military junta on Sunday evening.

The organisers hope the announcement will enable them to "exert more pressure" on the ruling military, Mohammed Naji al-Asam of the Sudanese Professionals Association (SPA) told AP.

The SPA has been the leading organiser of Sudan's protest movement since demonstrations erupted in mid-December and is a key component of the negotiating AFC.

"We are ready with a clear plan for a transition with qualified names," Asam, a 28-year-old doctor and one of the negotiators, said.

Protesters have been demanding a transitional government led by technocrats rather than politicians for around four months.

They are also demanding the arrest of additional members of Bashir's regime.

Bashir is currently imprisoned in the capital Khartoum, where the military council has said it will not extradite the former leader to the International Criminal Court (ICC), where he is wanted for alleged war crimes and genocide in Darfur.

Several other regime figures have been arrested. Activists fear others will remain free from punishment on accusations of corruption and human rights abuses.

The military council was becoming more powerful every day, and "this is dangerous to the revolution", said Asam.

Although the military junta has promised a smooth transition to civilian government in two years time, as well as the prosecution of members of the security services and other forces accused of killing protesters, activists are wary of the military's true loyalties.

The SPA has repeatedly called on protesters not to leave a mass sit-in outside the Army General Command in Khartoum, now in its sixteenth day, until all of their demands are met.

The AFC on Saturday published a snapshot of its transitional plan.

"Poison gas does not just disappear once it stops being pumped out," the AFC said in a statement published by the SPA. "This is the legacy of the former regime."

The protest organisers and lead negotiators stressed that it would be necessary for Sudanese protesters to be patient during the transitional process, as change would be "gradual" due to the legacy of the regime and the "critical economic situation".

The two most urgent tasks a civilian transition body will face are working towards an economic recovery and an "end to war and armed conflicts", the alliance said.

Realising human rights denied to many under Bashir's rule and giving compensation to the "victims... [of] injustice and extreme violence" would be key in ending those conflicts, it added.

The Sudanese state has continued to be involved in civil conflicts with rebel groups in the country's south since the secession of South Sudan in 2011.

Government forces, including the paramilitary Rapid Support Forces (RSF) led by the now-deputy leader of the military transitional council, have been accused of attacks on civilians and human rights abuses in the conflict zones of Darfur, Blue Nile and South Kordofan.

The AFC also warned that some "unpopular" decisions would need to be made by a civilian transitional council in order to guide Sudan into economic recovery.

Medium- and long-term aims include reforming the country's healthcare and education systems, raising wages, improving workers' rights, and land reform.

The political calculations of Sudan's military regime (Al Jazeera) By Ahmed H Adam
April 20, 2019

On April 11, after 30 years in power, the longstanding dictator, General Omar al-Bashir, was forced out of power by his right-hand man, defence minister and vice president, General Ahmed Awad Ibn Auf.

Al-Bashir's ouster was welcomed as a major victory by Sudanese protesters who had been out in the streets of Khartoum and other major cities since December. However, many remain wary of the dubious transition of power that Sudan's military leadership has undertaken.

In his April 11 statement, with which he declared the removal of al-Bashir, Ibn Auf also announced the suspension of the Constitution, the imposition of a state of emergency and the formation of a transitional military council headed by him.

But just two days later, after mass protests continued to call for the whole regime to step down, Ibn Auf resigned along with his deputy, General Kamal Abdelmarouf al-Mahi. General Abdel Fattah al-Burhan was appointed his place as the head of the council and General Mohamed Hamdan Daglo, also known as Hemedti, as the deputy chair. Meanwhile, General Salah Abdallah Saleh, also known as Gosh, resigned as the head of the notorious National Intelligence and Security Services (NISS).

So what do all these reshuffles in the Sudanese regime mean and how will they affect the Sudanese struggle for democratic civilian rule?

Over the past few years, it became increasingly clear that al-Bashir was doing everything to consolidate his power and prevent any possible conspiracy against his presidency.

On the foreign policy front, he was trying to reach out to anyone who could guarantee the security of his regime. When the US eased the sanctions in October 2017 but made it clear that they still demand that he step down, al-Bashir went on a visit to Russia to seek the backing of the Kremlin. He also continued to deal with the UAE and Saudi Arabia, on one side, and Qatar and Turkey, on the other, hoping to secure their support.

On the home front, al-Bashir undertook a number of reshuffles in the past few years, plagued by suspicions of conspiracies against him. In the process, he managed to alienate a number of different factions within the Sudanese regime and important commanders within the security sector and the militias. He also angered members of his ruling National Congress Party (NCP) when he declared he was a national figure that stood above all political parties in Sudan.

Most importantly, al-Bashir alienated his own people. For a long time, he had been playing the ethnic card, trying to divide the Sudanese people and justify his destructive wars in Darfur, South

In December, however, public anger once again boiled over and people across Sudan, from all walks of life and ethnic backgrounds, took to the streets to protest against his failing regime which had left the Sudanese economy in tatters and the general population struggling to put bread on the table.

Fearing a coup, al-Bashir kept Ibn Auf, who is on a US sanctions list due to his involvement in the Darfur conflict, and former governor Ahmed Haroun, who is also indicted by the International Criminal Court, close, believing they would not hand him over to the international prosecution. When the Sudanese streets escalated the pressure, Ibn Auf was appointed vice president and Haroun took over the chairmanship of the NCP.

Al-Bashir's fate was sealed once the protesters managed to win over the sympathies of mid and lower-ranking military officers, as well as soldiers. This became apparent when on April 8, NISS security forces attacked the sit-in in front of the Army High Command headquarters in Khartoum, causing some soldiers to intervene and protect the protesters.

The Sudanese president and other loyalists had planned to disperse the sit-in with force, hoping that the violence would keep the protesters away. Fearing an insurrection within the lower army rank and file, the top brass of the military could not go

along with the plan. More importantly, there are speculations that General Gosh, the head of the NISS, also switched sides at that critical juncture and refused to unleash a bloody crackdown.

Gosh, who is widely despised by the Sudanese people, was one of the people al-Bashir had alienated early on. In 2009, he was removed from his position as head of the NISS and made presidential adviser, only to be sacked in 2011. The following year, Gosh, who had been a point of contact in Sudan for US intelligence agencies, was accused of plotting a coup against the president and imprisoned for a year. Although he was politically rehabilitated and reinstated to his former position in 2018, he surely continued to bear a grudge against al-Bashir.

He, along with other generals, saw an opportunity to get rid of al-Bashir and seized it. Their consensus on ousting the president, however, did not mean that they were willing to give up power or that they actually agreed on a clear-cut plan of succession.

As political ambitions clashed and outside forces intervened, General Ibn Auf took over with the intent of securing al-Bashir's exit and maintaining the status quo within the regime.

However, the general lacked charisma and was not well-respected within the ranks of the army. He was also tainted by the role he played in recruiting Janjaweed militia in Darfur and commanding armed forces that committed war crimes in 2007.

It was evident that he was not going to be accepted as a transitional leader neither by the Sudanese people, nor by various international players.

While his resignation could be seen as another victory for Sudan's protest movement, the appointment of General al-Burhan as the head of the military council and General Hemedti as his deputy shows that the deep state and its foreign backers are by far not ready to give in to the demands of the protesters and allow for a smooth transition to civilian rule.

General al-Burhan is the commander of the Sudanese ground forces and is believed to enjoy some popularity within the army's lower ranks. Some opposition groups see him as more acceptable because he is considered not to be an Islamist. Yet, he, too, has a murky past.

As an officer in the ground forces, he had served in both South Darfur and South Sudan. In the 2000s, he was also a mid-ranking commander in the notorious Border Guards, a sub-group of the Janjaweed militia.

In recent days, people in Darfur have expressed their outrage at al-Burhan's appointment as head of the military council, claiming that under his command, the Border Guards committed killings and forced displacement.

He also seems to support the Popular Defence Forces (PDF), which was created in 1989 by al-Bashir as a loyal paramilitary organisation with an Islamist ideology which in the 1990s fought in the war in South Sudan.

Over the past few days, a video from a news broadcast has been widely circulated on social media, which shows General al-Burhan addressing the PDF, calling them the "legitimate sons" of the Sudanese army, and saying that he would never accept their dissolution under any circumstances.

General al-Burhan was also in charge of recruiting Sudanese armed forces and militia to go fight in Yemen along with the Saudi-led coalition and is said to be close to senior military officials in the Gulf.

Al-Burhan's deputy, General Hemedti, also has a similar background. In the mid-2000s, he was a commander of the Fut-8 battalion of the Border Guards in Darfur, where, in 2007, he led a rebellion against the army, which had failed to pay his men salaries. He eventually made up with Khartoum and in 2013 he was appointed head of the paramilitary Rapid Support Forces (RSF), which absorbed former Janjaweed militia. The move was engineered by al-Bashir to punish Janjaweed leader Sheikh Musa Hilal who had started criticising him.

But more recently, not fully trusting Hemedti, al-Bashir began appointing some of his loyalists to the RSF, to ensure the paramilitary force was under tight control. Hemedti was said to have had close ties to Taha al-Hussain, the former director of the president's office, who was dismissed in 2017 and then swiftly appointed as an adviser at the Saudi ministry of foreign affairs after moving to Riyadh.

Since the protests erupted, Hemedti has been careful about his public statements, displaying a great deal of political acumen and opportunism. He distanced himself and his militia from any act of violence against the peaceful protesters and expressed support for the demands of the Sudanese people and respect for human rights.

His appointment as a deputy chair of the transitional council prompted outrage on social media and was widely rejected by people in Darfur, Blue Nile and South Kordofan states, where his militia has been committing crimes against the civilian

population.

Hemedti also appears to be involved with the war effort in Yemen. In fact, in 2017, Sheikh Hilal accused him and al-Bashir's former vice president Hassabo Abdel Rahman of stealing funds Saudi Arabia and the UAE had offered in exchange for the deployment of Sudanese fighters in Yemen.

The fact that the two generals in charge are linked by the major roles they have played in the wars in Darfur and Yemen is not coincidental. The UAE and Saudi Arabia have hastened to recognise the military council, while the African Union and the European Union have both rejected it. General Hemedti, in turn, announced that the Sudanese troops would abide by its commitments to the Saudi-led coalition in Yemen.

No doubt, the overthrow of al-Bashir and his close corrupt and brutal clique out of power is a positive development, but what is currently going on is not a full-fledged revolution, like the ones in October 1964 and April 1985. There is yet to be a break with the old regime.

It is true that General al-Burhan has struck a conciliatory tone and seemingly accepted the popular demands for freedom, peace and justice. He also made some promises about moving away from the old regime by uprooting it, fighting corruption and pursuing justice and accountability.

But there are also plenty of doubts about his true intentions and agenda.

There are real concerns that the new transitional military council is just a puppet of the old regime, which was created to buy time and ensure the continuity of the status quo. To date, it is not clear what the fate of figures of the old regime, including al-Bashir, will be and how the military council will deal with the deep state and its militias, security and financial arms.

At the same time, tensions within the regime itself remain. The appointment of Hemedti, a commander of a militia who did not graduate from a Sudanese military academy to such a high position within the state is a shocking precedent and could play a detrimental role in Sudanese politics.

It shows the weakness of the Sudanese army and the collapse of the Sudanese state institutions. This situation could trigger tensions between different groups in the regime and destabilise the state further.

Meanwhile, there are also real fears that the popular opposition could also fragment along generational, ideological, geographical and ethnic lines. A rift between the youth and traditional political forces has started to appear over how to deal with the military council and what political priorities should be pursued.

Such divisions could be exploited by the military council and the old regime to carry out a full-fledged counterrevolution. Many regional powers are not interested in seeing the foundations of democracy being laid in Sudan and are ready to do whatever it takes to undermine any peaceful democratic transition.

Furthermore, the Sudanese people also fear that their country could descend into chaos and total war, if the change does not come soon.

There are many lessons to be learned from the fate of post-independence of Sudan, the October Revolution of 1964, the April Uprising of 1985 and the separation of South Sudan. The popular protest movement has a unique opportunity not to repeat the mistakes of the past, and seek national unity, equal citizenship for all ethnic groups and reconciliation. Only a strong and united popular front could withstand the counter-revolution the Sudanese generals, the deep state and foreign powers would surely launch in order to undermine the revolutionary movement.

Violence on the rise in Darfur following Sudan military takeover, but UN-AU peacekeeping mission maintains 'robust posture' (UN News)

April 17, 2019

Security across the volatile Darfur region of Sudan has deteriorated since last week's military takeover in Khartoum, the UN Security Council heard on Wednesday, but the peacekeeping mission in Darfur has "remained vigilant" in the face of rising violence.

Jeremiah Mamabolo, Joint Special Representative for the UN-African Union Hybrid mission, UNAMID, updated members on events since the ousting of former president of 30 years, Omar al-Bashir, with news reports suggesting on Wednesday that he had now been transferred to prison.

Mr. Mamabolo said that with one General already forced out of office in the face of continuing protests, the daily curfew has now been lifted, and political detainees are due to be released, with a nationwide ceasefire now in place.

“Yesterday, the Chief Justice and the Attorney General were replaced”, he said, adding that the new military leader, General Abdel Fattah Al-Burnhan, had announced a “military transitional phase” which would last two year at most, before a handover to civilian control.

But protests are continuing he said, noting that some internally-displaced people, or IDPs in Darfur – where military action by the former president against civilians led to war crimes charges against him by the International Criminal Court a decade ago – had “engaged in violent acts” targeting Government locations, and those seen as collaborators with the former regime.

“Let me assure the Council that in the midst of all these developments, UNAMID has remained vigilant, maintaining a robust posture, particularly in the Jebel Marra area of responsibility, which is where we have peacekeeping troops”, he added.

The mission is currently drawing down, but the political landscape “has drastically changed, and has the potential to affect our mandate implementation going forward”, said the top official in Darfur, citing a postponement of a sector headquarters handover that was due to take place on Monday.

“The incidents of violence in Darfur IDP camps in reaction to the events in Khartoum, attest to the fragility of the security situation in Darfur, which had hitherto been increasingly calm and stable”, excepting Jebel Marra, said Mr. Mamabolo.

He urged Council members that the international community now “has an opportunity to initiate and sustain dialogue with the new authorities in Sudan. This would help create a conducive environment for UNAMID’s departure, and the international community’s follow-on engagement in Darfur.

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Democratic Republic of the Congo

Official Website of the International Criminal Court

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

Democratic Republic of Congo Troops Kill 36 Burundi Rebels in East (The Jerusalem Post)

April 12, 2019

Congolese troops killed 36 Burundian rebels in clashes with two armed groups in the east of Democratic Republic of Congo and three soldiers were also killed, the DRC army said on Friday.

The Congolese army mounted a series of operations between April 6 and 8 in the eastern province of South Kivu aimed at regaining territory against the Burundian rebel groups National Liberation Forces (FNL) and the Burundian Republican Forces (FOREBU).

"During the three days of combat, 36 of these rebels have been neutralised," army spokesman Dieudonne Kasereka said.

FNL leader general Aloyse Zabampema was seriously wounded, he said. Several areas formerly under the control of rebels have been recovered by Congolese soldiers, he added.

Reuters was unable to immediately confirm the army report.

The FNL is among several ethnic Hutu rebel groups that rose up to fight Burundi's Tutsi-led military government in the 1993-2005 civil war. Though it officially disarmed in 2009, pockets of FNL fighters remain active in eastern Congo.

Millions were killed in the civil war in Congo between 1998-2003, when foreign armies and allied rebel groups clashed over territory and mineral concessions, mostly in the east. Congo's President Felix Tshisekedi, who took office in January, has pledged to address the militia violence that persists in the region.

Former Rwanda rebel group leader accused of war crimes dies (The Republic)

April 14, 2019

The former head of a Rwandan rebel group has died in Germany while awaiting

retrial on war crimes charges, a court says.

Ignace Murwanashyaka, the former president of the Democratic Forces for the Liberation of Rwanda, was convicted by a Stuttgart court in 2015 of leading a terrorist organization and four counts of being an accessory to war crimes in eastern Congo a decade ago. He was sentenced to 13 years imprisonment, but the verdict was overturned last year and a retrial was pending.

The Stuttgart court said on Wednesday that Murwanashyaka's health deteriorated suddenly on April 11. He was transferred to a hospital, where he later died. The court declined to provide further details, citing patient confidentiality.

The FDLR's vice president, Straton Musoni, was given an eight-year sentence for his role in the group. That verdict wasn't overturned.

Murwanashyaka's lawyers argued during the trial that he had merely been the group's political figurehead and hadn't controlled its military wing.

Prosecutors in Germany, where Murwanashyaka had lived since the 1980s, argued he had issued remotely instructions to FDLR members in Congo by phone, text message and email. The group carried out killings in the Congolese villages of Mianga, Busurungi, Chiriba and Manje in 2009.

The rebel group is made up mostly of Hutu refugees from Rwanda who took shelter in neighboring Congo after the 1994 genocide in which over 800,000 people were killed, most of them ethnic Tutsis but also moderate Hutus.

DR Congo: Warlord's Conviction Reveals Trial Flaws (Relief Web)

April 19, 2019

A Congolese military court's conviction of a warlord for the war crimes of rape and use of child soldiers in eastern Democratic Republic of Congo showed serious shortcomings in the country's military justice system. The 15-year prison sentence for Marcel Habarugira provides a measure of justice for his victims and may serve as a check on other abusive commanders. However, the trial proceedings raised questions about witness protection, the defendant's right to an appeal, and the government's failure to pay reparations to victims.

On February 1, 2019, a military court in Goma, North Kivu province, found Habarugira, a former Congolese army soldier, guilty of three crimes committed while leading a faction of an armed group known as Nyatura ("hit hard" in Kinyarwanda). The group, which received arms and training from the Congolese army, carried out many of its worst attacks in 2012.

"The conviction of a warlord for war crimes is a rare event in Congo, and the vast majority of abusive military commanders remain at large," said Timo Mueller, Congo researcher at Human Rights Watch. "However, the trial of Habarugira for rape and use of child soldiers uncovered serious flaws in Congo's military justice system."

Human Rights Watch worked with a local rights defender to monitor the three-month trial and spoke to survivors of abuses, legal counsel, judicial officers, United Nations officials, and members of domestic and international nongovernmental organizations. Human Rights Watch secured a copy of the written judgment in mid-March. In 2013, Human Rights Watch interviewed victims, Nyatura fighters, and Congolese army personnel during three visits to Masisi, North Kivu.

Lack of protection for victims and witnesses undercut the prosecution's case, Human Rights Watch said. Military justice officials interviewed over 100 victims and witnesses who traveled unobtrusively from villages across North Kivu. Yet many who wanted to testify were unable to travel due to obstruction, threats, and intimidation by Habarugira's fighters and ethnic Hutu youth loyal to the group.

Victims from Katoyi and Ngungu told Human Rights Watch in 2015 that Habarugira's fighters told them they would be killed if they went to testify against him. A year later, Congolese intelligence agents and local Hutu youth in Ngungu beat and detained for several hours a local human rights activist who had facilitated the participation of victims in the trial proceedings. In 2018, groups of Hutu youth blocked the roads to stop victims from Katoyi who attempted to make the trip.

Only seven victims participated in the trial. Notably, no witnesses came forward with respect to the charge of sexual slavery as a war crime, and Habarugira was acquitted on this charge.

"When I arrived in Bweremana to testify, I found Habarugira's collaborators there," said a man who had been forcibly recruited. "I recognized one of them. He approached me and said he would give me money if I didn't testify against Habarugira. I accepted because, if I didn't accept, how would I go back home? These are people who live with us. They're the ones in charge where we live."

A woman who had been raped by Habarugira's fighters said that she knew many other victims who did not come to testify because they had heard that Habarugira's fighters "were waiting for them along the road to do bad things to them."

Four years after his arrest in 2014, Habarugira was tried by a Congolese military court that normally tries soldiers immediately for crimes committed during military operations. It does not allow for the right to appeal, contrary to the Congolese constitution and international fair trial standards.

Seventeen victims and victims' family members filed a civil suit alongside the criminal proceedings and were awarded US\$5,000 each, to be paid for by Habarugira and the Congolese government due to Habarugira's former position in the army. While Congolese courts have often awarded reparations to victims of sexual violence and other serious crimes, these reparations have rarely – if ever – been paid. The Congolese government should immediately pay the reparations ordered from the government in this case and develop an effective and sustainable reparations system for grave international crimes, Human Rights Watch said.

Habarugira's conviction provides an opportunity for Congo's new president, Felix Tshisekedi, and his administration to end the army's practice of supporting armed groups such as the Nyatura by investigating and fairly prosecuting those responsible for serious crimes, Human Rights Watch said.

"To end the bloody cycles of violence and abuse in eastern Congo, armed group commanders responsible for abuses and their backers need to be held to account," Mueller said. "But for justice to be meaningful, victims and witnesses need protection, and the fair trial rights of the accused must be respected."

In the late 1990s, Habarugira was a low-ranking soldier in the Congolese Rally for Democracy (Rassemblement congolais pour la démocratie, RCD), a Rwandan-backed rebel group. He later joined the National Congress for the Defense of the People (Congrès national pour la défense du peuple, CNDP), another Rwandan-backed rebel group.

Habarugira eventually deserted the CNDP and joined the Congolese Patriotic Resistance, (Patriotes Résistants Congolais, or PARECO), a largely Hutu self-defense group. After a March 23, 2009 agreement in which CNDP and PARECO fighters were integrated into the Congolese army, he joined the army.

When many of the Hutu soldiers deserted in 2010 and 2011 in the face of their perceived marginalization by the army, Habarugira was among them. He formed his own fighting group, called Nyatura.

While many of the fighting groups formed by the former Hutu soldiers have their own individual names or are named after their commanders, they are often referred to collectively as the Nyatura. The Nyatura have primarily attacked ethnic Tembo, Nyanga, and Hunde civilians over the years.

Habarugira's troops were responsible for many of the worst attacks on civilians in southern North Kivu and parts of South Kivu provinces in 2012. Together with another Hutu group, the Democratic Forces for the Liberation of Rwanda (FDLR), Nyatura fighters summarily executed civilians, raped scores of women and girls, and burned down hundreds of homes in an apparent effort to "punish" civilians accused of supporting or collaborating with the "enemy."

Many Nyatura groups have also collaborated with the army, including during military operations in 2012 and 2013 against the M23, a rebel group headed by Bosco Ntaganda, a former army commander now on trial in The Hague. According to the UN Group of Experts, the former chief of land forces, Gen. Gabriel Amisi (also known as "Tango Four"), who is currently the deputy chief of staff of the army, ordered army units in the area to work with the Nyatura, and sent them weapons in July 2012. Between September and November 2012, Habarugira, along with hundreds of Nyatura fighters went to a regroupment site in Mushaki, Masisi territory, where they were told they would be integrated into an army unit that would be called "Regiment Tango Four."

Frustrated at the lack of progress, however, at least 600 of these fighters, including Habarugira, left the site about three months later. In an interview with Human Rights Watch in November 2013, Habarugira said he had received weapons – including mortars, rocket-propelled grenades, and bullets – from the army on November 12, 2012. Human Rights Watch saw an army document signed by a brigadier general confirming this.

From early 2012 until the defeat of the M23 in early November 2013, Hutu militia groups operated in many parts of Masisi and Rutshuru territories where Congolese government and military authorities were largely absent. Nyatura leaders often took over administrative structures, displacing by force or sometimes coopting local government officials. Habarugira's Nyatura joined forces with the Congolese army to fight the M23. They committed widespread abuses against civilians in the areas they controlled, including rape, torture, illegal detention, and looting.

Many of the worst attacks by Nyatura fighters took place between April and November 2012 during operations against the Raia Mutomboki, another armed group in the region, and their allies.

A 25-year-old ethnic Tembo woman from Ufamandu I groupement in southern Masisi told Human Rights Watch that she fled her village when Nyatura fighters attacked it on July 15, 2012. “When I was fleeing, I had to jump over the bodies of several people who had been killed – men, women, and children,” she said. “I don’t know how many because I myself was like a dead person.”

The woman took her children to hide into the surrounding forest with another group. “There were eight of us, all women,” she said. “Suddenly, we saw 10 fighters armed with machetes and knives coming toward us. They told us to lie down on the ground. We did, and then they started to rape us. Personally, I was raped by two fighters.”

Another Tembo woman from Ufamandu I in Masisi territory said that five Nyatura fighters raped her in July 2012:

I was asleep with my husband and children when the fighters broke into our home. When they saw me, they immediately started raping me, one after another. When the third one wanted to get on top of me, my husband came out of the corner where he was watching what was happening and shouted, ‘Enough is enough. This time, I’m not going to stand for any more of this!’ Without waiting, the fighters immediately shot him, and my husband died there on the floor in front of me. I was very afraid and started screaming at the top of my lungs. I was crying for my dear husband who was dead. A neighbor heard my screams and came to help, but he too was shot dead. I can’t return home today because we’ve learned that others who have gone back to our village to look for food were attacked again, some women raped, and others were killed.

On August 9, 2012, the Nyatura attacked Kipopo village, killing five civilians and burning dozens of homes. A 25-year-old pregnant mother of five said:

When they came, I was sleeping in my house. It was luck that saved me. My father said: “My daughter, you can save yourself, because I no longer have a way to save myself.” I ran out of the house and lay down in a sugarcane field. When [my father] left the house behind me, he ran into [the Nyatura]. They tied his hands and then locked him in the house and burned it. I heard my father screaming before he died.

During an attack near Buloto village, in Masisi territory, on November 3, 2012, Nyatura fighters killed four women and two children. A 20-year-old woman who witnessed the attack said that a group of Nyatura armed with guns, machetes, spears, and knives, and dressed in civilian trousers and military tops, surprised her, her older sister, and a friend when they were going to their farms. They tried to flee, but the Nyatura shot the woman’s sister and her friend. “When they fell on the ground, they [the Nyatura] came to them and they started cutting them with machetes so they would die,” she said. Overcome with fear, the woman who survived said she passed out and only came to when she heard young people coming to collect the bodies.

A 25-year-old woman and mother of four said that Nyatura attacked her village in Masisi territory on July 25, 2012:

The first thing [they did], was to shoot dead my husband. Then they asked me to choose between death and being raped. I chose to be raped because of my children. They all raped me, one after another. When they finished, they looted my house, they took everything. Then they burned the house and my husband was burned inside. We could not bury him.

Nyatura commanders have forcibly recruited scores of children into their ranks. During screenings of Nyatura members who surrendered in 2012 and 2013, UN child protection officials identified and separated 227 children who were former members of Nyatura armed groups.

A 2013 report by the United Nations Stabilization Mission in Congo (MONUSCO) on child recruitment documented the new recruitment of 185 boys and 5 girls by the Nyatura between January 2012 and August 2013. The UN cited Habarugira as one of the main child recruiters. Thirty-four of the children were under 15, the youngest of them 11, and 33 more were 15. International law prohibits armed groups from recruiting and using children under 18, and deploying children under 15 is a war crime.

The Nyatura recruited children on the road to the market, in the market, on their way home from school, or while the children were farming or walking to their fields. The fighters forced children to participate in military training, and those accused of insubordination were badly beaten or held in underground prisons without food. While some of the children were used for domestic work, many were sent to the battlefield, including younger children. Six child fighters were killed as a result of clashes, witnesses reported, including two boys ages 12 and 13. Re-recruitment was also prevalent. Many children said Nyatura commanders forced them to rejoin the movement after they had been demobilized and reunited with their families.

Habarugira told Human Rights Watch in November 2013 that he had no children in his ranks but admitted that he received four child soldiers from a Nyatura commander, Kapopi, based near Luke in Masisi territory.

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

52 Boko Haram Terrorists Killed By Multinational Joint Task Force In Cross Kauwa, Lake Chad Area (Intelligence Briefs)

April 18, 2019

More than 50 Boko Haram fighters were killed in an attack on the Multinational Joint Task Force in northeastern Nigeria. The altercation came after the militants attempted to attack the MNJTF base at Cross Kauwa in the Lake Chad area of Borno state.

The MNJTF launched Operation Yancin Tafki on February 21, and more than 500 Chadian soldiers have entered Nigeria to battle the insurgents. MNJTF spokesperson, Colonel Timothy Antigha has said the cross-border operation is aimed at “making islands and other settlements in Lake Chad untenable for Boko Haram Terrorists.

Chadian forces have recovered a vehicle equipped with a heavy weapon and several small arms. The Islamic State West Africa Province faction of Boko Haram is the dominant insurgent group in the Lake Chad area.

The attack comes in as many days as close to a hundred Boko Haram terrorists were killed in two separate occasions by Nigerian and Chadian troops in operations against the violent jihadists.

Sudan's Dictator Just Fell: What Comes Next? (Critical Threats) By James Barnett

April 12, 2019

The Sudanese armed forces ousted Sudan’s longtime dictator Omar al Bashir on April 11 after months of massive nationwide anti-regime protests. What happens next in Sudan is critical to U.S. and European national security interests. Illicit networks that run through the under-watched East African country of over 40 million people support groups like al Qaeda and the Islamic State, as well as Hamas and others. The Salafi-jihadi movement, of which al Qaeda and the Islamic State are part, has also recruited many Sudanese. Sudan has played a destabilizing role across Africa and the Arab world, using proxies to undermine neighbors and courting support from U.S. competitors like China and Russia. Sudan faces an internal power struggle that could spark a wider conflict that would challenge key regional states and create opportunities for the Salafi-jihadi movement to grow.

Thirty years of authoritarian rule under Bashir has bankrupted and isolated Sudan, creating the conditions that caused the country’s current crisis. Bashir rose to power in a 1989 military coup and remade Sudan as an Islamist state. He stayed in power by doling out political patronage, playing competing political factions against each other, and brutally suppressing dissent. International sanctions for the Sudanese regime’s support for terrorism and its war crimes in the Darfur conflict and elsewhere crippled Sudan’s economy for years. The 2011 secession of South Sudan—and with it, three-fourths of Sudan’s oil—compounded Sudan’s slowly mounting economic crisis.

The military coup that brought down Bashir followed the largest protests in Sudan's history. The rising price of bread sparked protests in December 2018 that quickly expanded and evolved into calls for regime change. Bashir's concessions to protester demands failed, and days after Algeria's longtime president resigned, protesters began a sit-in at the army headquarters in Khartoum, Sudan's capital. Sudanese security services attempted to disperse the crowd and clashed with army soldiers, who defected to protect the protesters on April 7. Officials in the Sudanese police ordered forces not to act against protesters on April 9. The defection of military and police officials marked a turning point for Bashir, who relied on repressive tactics to hold power. The Sudanese Defense Minister, who has been under U.S. sanctions since 2007, announced Bashir's arrest and the formation of a two-year transitional military government on April 11.

The military's transition plan will not stabilize Sudan and will instead prompt competition between security services. Bashir invested in security institutions parallel to the military and police forces to limit their power. These institutions, such as the National Intelligence and Security Service (NISS) and the RSF militia (created from the notorious Janjaweed militias of Darfur), may have backed the military's coup, but they will seek to protect their own interests against the military and obtain influence in the transitional government. The military will likely move to subordinate, reduce funding for, or disband the NISS and RSF in order to reassert its traditionally dominant role in Sudanese politics. This will likely prompt at minimum a low-level conflict between security services. Such a conflict will spark a wider civil war if rival security services seek exploit tribal or ethnic grievances to rally support from informal militias, a phenomenon that has historically fueled conflict in Sudan. Indicators that Sudan is moving along this trajectory would include the arrest of security officials, insubordination or mutinies among security forces, or the formation of well-armed militias among tribes linked to the NISS or RSF.

The transitional government might simultaneously spark multiple insurgencies from civilian political parties and the wider protest movement. The transitional government has not appeased the protesters, who see little difference between the Defense Minister and Bashir, and will create deadlock between civilian and military institutions in Sudan. No political organization can pressure the military to step aside. The ruling National Congress Party (NCP) is too divided and will splinter further along personal and tribal lines in the aftermath of the coup. The protesters are unlikely to rally behind the NCP, which the military is already persecuting. This will incentivize the various NCP factions to rely on their militias to protect their interests. The participation of controversial rebel groups in the protests provides a pretext for the military to prevent civilian governance and could hinder efforts to unify the opposition. The protesters feel emboldened, however, despite the challenges posed by the lack of a cohesive opposition. If protesters sense that the transitional government is weak from its own internal divisions, it will increase the likelihood that insurgent movements emerge from the opposition and that existing rebel groups renew their efforts to overthrow the regime. The formation of new alliances between rebel groups and political parties would indicate an emerging insurgency in Sudan. So too would additional defections of security forces to the protesters' camp.

Sudan's destabilization might allow Salafi-jihadi groups to reestablish a territorial safe haven as they lose territory elsewhere. Sudan was one of al Qaeda's first havens and remains an attractive refuge for Salafi-jihadi fighters. It is a crucial transit zone between hotspots of Salafi-jihadi activity, including Yemen, the Horn of Africa, Libya, the Sinai, and the Lake Chad Basin. Organizations under US sanctions for their support to al Qaeda continue to operate in Sudan and hundreds if not thousands of Islamic State fighters relocated to Sudan. Sudan-based Salafi-jihadis could mobilize internally in support of the Sudanese people or against a military crackdown on Islamists. The persecution of political Islamists has fed the growth of the Salafi-jihadi movement in other countries, notably Egypt.

A power struggle in Sudan would have outsized regional effects by drawing in regional and extra-regional states seeking to shape the conflict. Sudan is entangled in various geopolitical competitions, including the war in Yemen, a controversial Nile dam project, and a foreign-power competition for military bases in the region. Sudan's northern neighbor, Egypt, would likely intervene to secure its various interests in Sudan, including maintaining control of a disputed territory and supporting proxies to affect government positions on the Nile Waters Agreement. A Salafi-jihadi mobilization in Sudan might also inflame Egypt's terrorism problem, given that Sudan hosted Egyptian terrorist groups in the 1990s. Sudan's eastern neighbor, Ethiopia, is transitioning under a new reformist leader. Ethiopia might intervene to counter Egypt and to limit the spillover effect from Sudan, as mounting ethnic violence already risks undermining Ethiopia's transition. Turkey, the Gulf States, and Russia, all of which have aggressively expanded their presence in East Africa over the past five years, might seize the opportunity to bring Sudan into their own spheres of influence. The UAE and Saudi Arabia might encourage the NISS and RSF, with which they have close ties, to crack down on Qatari-backed Islamist parties like the NCP. This would increase the likelihood of Islamist insurgency in Sudan.

The potential collapse of Sudan compounds the growing strategic risks that Africa poses to the U.S. and its partners. State failure, humanitarian catastrophe, illicit networks, and terrorism are contributing to a wider unraveling across much of Africa. These problems will not remain within Africa. Sudan's collapse would exacerbate Europe's refugee crisis, to take one example. The U.S. and its partners must recognize these risks and the challenges of Sudan's transition as they begin to grapple with a post-Bashir regime.

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Mali

UN chief condemns IED attack against MINUSMA peacekeeper in Mali (Devdiscourse)

April 22, 2019

The Secretary-General condemns this morning's Improvised Explosive Device (IED) attack against a MINUSMA convoy en route between Douentza and Boni, in the Mopti region. A peacekeeper from Egypt was killed and four were wounded. MINUSMA peacekeepers responded, killing an assailant and apprehending eight others.

The Secretary-General expresses his deepest condolences to the family of the victim and to the Government of Egypt. He wishes a speedy recovery to those injured. The Secretary-General recalls that attacks targeting United Nations peacekeepers may constitute war crimes under international law. He calls on the Malian authorities to take swift action to identify the perpetrators of this attack and bring them to justice. The Secretary-General reaffirms that such acts will not diminish the resolve of the United Nations to continue supporting the people and the Government of Mali in their quest for peace and stability.

Attacks targeting peacekeepers may constitute war crimes: UN (Xinhua Net)

April 23, 2019

The UN Security Council on Tuesday condemned "in the strongest terms" the attack on April 20 against a convoy of United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

The attack, which took place between Douentza and Boni, in the Mopti region, resulted in one peacekeeper from Egypt killed and four others injured.^[SEP] In a press statement, the members of the Security Council expressed their deepest condolences and sympathy to the family of the victim, as well as to Egypt and to MINUSMA. They wished a speedy and full recovery to those who were injured.^[SEP] The members of the Security Council called on the government of Mali to swiftly investigate this attack and bring the perpetrators to justice. They also underlined that attacks targeting peacekeepers may constitute war crimes under international law.^[SEP] The council also stressed that involvement in planning, directing, sponsoring or conducting attacks against MINUSMA peacekeepers constitutes a basis for sanctions designations pursuant to United Nations Security Council resolutions.^[SEP] MINUSMA's mandate from the Security Council began after extremist militias seized control of northern Mali in 2012. After a failed coup, they were repulsed by French military action in the following year.^[SEP] A UN-backed peace agreement in 2015 signed between the Mali government and various armed groups failed to stabilize the febrile central and northern regions of the northwest African country. Since 2013 when MINUSMA deployed, more than 190 peacekeepers have died in Mali, including close to 120 killed during hostilities, according to a UN report

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Liberia

War Crimes Court Campaigners Fear Return of Liberia's Dark Days (Liberian Daily Observer) By

Joaquin M. Sendolo

April 19, 2019

Fear has gripped the city of Monrovia since the pronouncement by ex-Generals of defunct warring factions at an organized press conference warning that should Montserrado District #10 Representative, Yekeh Kolubah, fail to turn himself in to those Generals within 72 hours to account for statements allegedly made against President Weah, they will have him apprehended by any means, implying the use of

force.

The Secretariat for the Establishment of a War Crimes Court in Liberia (SEWACCOL) has since become seized of the matter and has reacted accordingly. In a statement issued following the press conference held by the ex-rebel Generals, SEWACCOL said “The loud silence of the Weah-led Government to what appears to be the remobilization of a militia command represents a callous endorsement of the alternative use of militia force against critical voices, and a threat to Liberia’s fragile peace.”

SEWACCOL further declared that the Truth and Reconciliation Commission (TRC) recommendations of 2009 submitted names of warlords and perpetrators who committed horrible crimes during the country’s 14-year civil war, and three of the ex-Generals issuing orders and threats against Yekeh Kolubah and talk show host Henry Costa are named in that report.

The war crimes court campaigners in the statement recalled that: “In 2017, President George Weah campaigned on the platform of change and promised to reconcile the country from its egregious war time experiences, but his immediate non-condemnation of such a blatant act on the part of the ex-warlords, suggests a political alignment, or a nod of approval that encourages the warlords to feel empowered and legitimized,” adding, “Such silence breeds fear of Liberia’s dark past, and questions Mr. Weah’s commitment to unifying Liberians, strengthening the peace, and moving the country forward.”

The campaigners also recalled that the reemergence of ex-Generals of the Liberia United for Reconciliation and Democracy (LURD), Movement for Democracy in Liberia (MODEL), and the National Patriotic Front of Liberia (NPFL) contravenes the rationale of the Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) in 2004 and 2005, which dissolved all warring factions.

The group added that “The ultimatum by ex-militia Generals to Representative Yekeh Kolubah to have him summoned to their command suggests lack of respect for the rule of law and steady decline of Liberia’s nascent democracy to militia rule.”

According to them, the unity of purpose demonstrated by these ex-Generals suggests the existence of a parallel but shadow military command and control structure alongside the newly built Armed Forces of Liberia (AFL), and signs suggest that the CDC led Government appears inclined more likely than not to use this force to sanitize the political environment by clamping down on opposition and other critical voices all to ensure a CDC monopoly on power.

It can be recalled that on April 16, 2018 some ex-Generals of the defunct NPFL, LURD, MODEL and others loyal to the government of convicted and jailed former President Charles Taylor held a press conference, giving an ultimatum to Representative Kolubah to turn himself to their office or face an arrest.

They also issued a stern warning to Henry Costa and other Liberians planning a peaceful protest scheduled for June 7 this year to be careful and abandon the planned protest or face the consequences of whatever that may occur.

One of them, ex-General Ofori Diah, said, “President Sirleaf used to give us presents for seasons, and President Weah doing it for us should not be something that Yekeh Kolubah will go against to demean our character.”

Since the ultimatum was announced by the ex-Generals, Rep. Yekeh Kolubah’s residence in the Old Road Community in Monrovia has been occupied by hundreds of supporters who are also warning that any attempt on the part of ex-Generals to arrest him would be resisted.

Prior to the ex-Generals taking the airwaves for the first time since the end of the war, Minister of State for Presidential Affairs, Nathaniel McGill, according to media reports, had held a meeting with former Generals of defunct warring factions under the guise that they were forming a non-governmental humanitarian organization.

In a live broadcast, Nathaniel McGill is heard saying, “If Yekeh Kolubah feels that my meeting with ex-General is wrong, then, he himself should not be in the Legislature because he is also a rebel. I am the head of this country, and I can meet with anybody and I don’t regret”. Since the pronouncement went viral, the Government is yet to come out with a statement distancing itself. This has given rise to fears that government is using the ex-Generals to scare and intimidate protesters and opposition figures.

And according to observers, this can explain why the streets of Monrovia are virtually empty, almost completely deserted after dark in a city that has been without electricity for years and which has become prone to rising crime and insecurity

“Ex-Rebel Generals’ Proximity to State Power Is Dangerous” (Liberian Daily Observer) By Leroy M. Sonpon, III
April 22, 2019

The emergence of the ex-rebel fighters on the political theatre in recent days, has continued to receive condemnations from the public, the latest being two lawmakers of the 54th Legislature.

On Friday, April 19, 2019, two members of the House Representatives Standing Committees on Good Governance and Government as well as Peace, Religion and Reconciliation, issued a joint statement, condemning “the regrouping of former rebel generals,” who gained notoriety for their respective brutal participation in the Liberian civil war (1989 – 2003) that resulted to the deaths of over 250,000 persons, and mass destruction of properties, and the societal fabrics.

The two lawmakers also criticized the ex-rebel fighters for their public appearance and political utterances and warned against their threatening statement — a clear usurpation of State’s functions — to arrest Montserrado County District #10 Representative Yekeh Kolubah, if he failed to surrender himself in 72 hours to “justice” on Tuesday, April 16, 2019.

The lawmakers believe that the re-grouping of the ex-rebel fighters is unwanted, “because they are non-State actors. So their threat is worrisome, demonstrates a looming crisis reminiscent of the country’s dark days. Their closeness to the powers that be is tantamount to extreme fear and danger.”

In a telephone conversation over the weekend, Nimba County District #8 Representative Larry P. Younquoi told the Daily Observer that the ex-rebel generals should instead put their acts together to get a legal team that would plead on their behalf to exonerate them, whenever they are subsequently arraigned before the pending War and Economic Crimes Court. They should stop usurping power that is already assigned to state security agencies, whose officers are paid by Liberian tax payers’ money.

“I cannot say whether the ultimatum from those so-called ex-rebel fighters, was accidental or orchestrated, but what we can say is that the re-emergence of rebels, to in fact issue ultimatum, is worrisome and condemnable in our fragile peace,” Rep. Younquoi said.

According to Younquoi, Nimba County Senator Prince Y. Johnson, himself an ex-rebel fighter, made similar statement when he vowed to “fight against his arrest if there will be a War and Economic Crimes Court to try him.”

Rep. Younquoi is the chairman of the House Committee on Good Governance and Government, and head of the Liberia delegation to the African Parliamentary Union.

Also, the House chairman on Peace, Religious and Reconciliation, Nimba County District #6 Representative, Dorwohn T. Gleekia, also condemned the ex-rebel generals’ public statement, saying it was an affront to the country’s government and the peace; reminding people of the days when the country was at war with it self.

“Therefore, the government should stop witch-hunting by dissociating itself from former fighters, since the country’s fragile peace prevails,” Rep. Gleekia said.

According to Gleekia, Liberia needs peace and reconciliation not an echo of the dark days where “the rule of jungle justice by rebel fighters from the various so-called factions were against the rule of law.”

He added, “we are proposing a National Peace and Reconciliation Conference, hoping that President George Weah will support the idea.”

For that, authorities at the Ministry of Internal Affairs and the United Nations Peacebuilding Office are being invited to appear before the House Plenary where Dr. Amos C. Sawyer, former Interim President, has expressed support to the proposed Peace Conference.

It can recalled that ex-rebel generals from various defunct factions on Tuesday, April 16, 2019, distanced themselves from an allegation attributed to Rep. Kolubah. But shortly after the Kolubah’s statement, the ex-rebel fighters issued a joint statement threatening to arrest him on behalf of the government.

PACA Calls for Agnes Reeves-Taylor’s Release (Liberian Daily Observer) By William Q. Harmon
April 23, 2019

-Says her rights are being violated

A pro-democracy group, Patriotic Consciousness Association of Liberia (PACA) has called on the government and its British counterpart to release Madam Agnes Reeves-Taylor, who has been incarcerated for close to two years in England. She is the former wife of jailed Ex-President Charles Ghankay Taylor.

The two are currently jailed in British prisons. Taylor was convicted on even counts to include aiding and abetting war crimes and crimes against humanity in the Sierra Leone, while Agnes was on the other hand prosecuted for crimes allegedly

committed during the Liberian crisis. However, her case is being questioned by some Liberians, who believe that she is being falsely accused or is simply “guilty by association.”

According to PACA, the charges of torture and alleged war crimes offenses in Liberia, for which Mrs. Taylor is held, “are unsubstantiated and cannot be proven.”

At a press conference in Monrovia on Monday, April 22, 2019, PACA National Executive Chairman, E. Frederick Baye, called on the Liberian and British governments to free Madam Taylor, “because she is innocent of all charges against her.”

At the time of her arrest, in June 2017, Madam Taylor was a University Lecturer in the United Kingdom. She was arrested by the UK Metropolitan Police War Crimes Unit from her home in Dagenham, East London on charges of torture, and alleged war crimes offenses in Liberia in a law suit initiated by the Swiss-based rights organization, Civitas Maxima backed Global Justice and Research Project (GJRP).

PACA, which had its heydays as a pro-democracy group during the brutal regime of former President Taylor, said the accused has never been a subject of any indictment and/or investigation or person of interest in Liberia’s Truth and Reconciliation Commission (TRC) Report. “Why is the British Government treating Agnes in such manner? She is not one of those implicated by the TRC,” PACA said.

Baye noted that Agnes’ treatment is unfair as she is yet to be accused by any Liberian of wrong; neither charged by the Liberian government. She has also never broken any UK laws. I can only conclude that this is a political “witch hunt” to further persecute family members and associates of former President Taylor,” he said.

PACA added, “She has she had no military orientation, exposure or affiliation in her entire adult life related to human rights abuses or any violation against any Liberian citizen.”

Ironically, Madam Reeves-Taylor’s name is not among the over 200 names of indicted people in the Volume II TRC Consolidated Final Report that is being used to prosecute, globally, those who committed heinous crimes during the war.

In the past few months, a number of ex-warlords, including Mohammed Jabateh, alias, Jungle Jabbah, were recently prosecuted and given long-term prison sentences for lying to immigration officials about their roles in the Liberian crisis.

However, some war crimes court advocates say that Madam Reeves-Taylor could still be hooked by the Universal Jurisdiction Law (UJL), which allows states or international organizations to claim criminal jurisdiction over an accused person regardless of where the alleged crime was committed, and regardless of the accused’s nationality, country of residence, or any other relation with the prosecuting entity. But Mr. Baye said the UJL can only apply when a criminal case has been established—which is not the case here.

Madam Reeves-Taylor’s sister, Laurice Reeves Bright, defended what she considers her sister’s “clean human rights record”, noting, “what is happening to Agnes is unfair, because she has done nothing wrong.”

She said her sister is being held in maximum solitary confinement (Category-A), which is meant for hardcore criminals like terrorists, though she has never been such a person.

What is more baffling for Madam Bright, though she came from the U.S., is that her sister was not indicted by the TRC report, neither was she charged by the Liberian government. She however believed that there are some invisible hands behind the her sister’s indictment.

PACA has therefore written the Ministry of Foreign Affairs, and the British Embassy in Liberia to look into the case, which it says, is direct part of a politically motivated ploy to invoke guilt by association against Madam Taylor on account of her past affiliation as the former wife of Ex- President.

The group is however craving the indulgence of the George Weah administration to directly intercede with UK authorities to effect the immediate and unconditional release from prison and the restoration of the rights and privileges of Madam Reeves Taylor.

PACA frowned on the perpetual silence of the CDC led government in such “a grave case of human rights abuse.”

In the letter address to Foreign Minister Gbehzohngar Findley, PACA said, “we are gravely disappointed over the deafening silence on the part of the Liberian government that has a constitutional duty to protect and safeguard the rights of its citizens wherever they may reside.”

“Mr. Minister, the circle of hatred, vengeance, animosity and marginalization are counterproductive to the efforts at reconciliation and national healing in Liberia,” PACA said.

In the letter addressed to the British Government, Baye said while PACA discount the culture of impunity and remain supportive of the global push for justice for war victims, it cannot countenance, nor entertain the illegal and unwarranted act of injustice against an innocent Liberian squarely based on fabricated lies, innuendos and insinuations.

“There has been no tangible evidence against Madam Taylor, other than hired and programmed witnesses taken from neighboring Guinea and inside Liberia in a concocted scheme to lend credibility to their premeditated case of witch hunt,” the letter said.

He added that the fact that UK judicial system arrogated unto itself the authority to carry-out such unprecedented and wanton act of degradation against an innocent Liberian beats PACA’s imagination, and calls into question the UK’s moral standing on the universal protection of the human person.

Mr. Baye added, “this extra judicial undertaking on the part of UK judiciary leaves us with the conclusion that the UK judicial system is a direct part of a politically motivated ploy to invoke guilt by association against Madam Agnes Reeves Taylor on account of her past affiliation with Charles Taylor.”

The case, he said clearly reflects legal procedural breach and a flagrant abuse of power in British jurisprudence.

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EAST AFRICA

Uganda

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

Uganda Would Consider Giving Omar al-Bashir Asylum (UPI) By Darryl Coote
April 16, 2019

Uganda said Tuesday it would consider giving asylum to deposed Sudanese President Omar al-Bashir if he requested it for his role in brokering a peace deal with South Sudan.

"If Omar al-Bashir applies for asylum in Uganda that is a matter that can be considered by the president of Uganda," Uganda's Foreign Affairs Minister Henry Okello Oryem told reporters following a meeting in parliament.

After 30 years of ruling Sudan, al-Bashir was deposed April 11 in a military coup that was instigated by months of peaceful civil protests demanding democracy and an end to corruption.

Following his deposition, al-Bashir was arrested, Lt. Gen. Abdel Fattah al-Burhan said.

However, it is unknown if the former president would be handed over to the International Criminal Court where he faces five counts of crimes against humanity including murder, torture and rape, two counts of war crimes for directing attacks against a civilian population and pillaging, and three counts of genocide, the ICC said.

The charges stem from a protracted armed conflict in Darfur between Sudan and several groups including the Sudanese Liberation Movement and the Justice and Equity Movement that resulted in some 400,000 deaths.

Oryem said Tuesday Uganda would extend al-Bashir asylum if he requested for mediating a peace deal to end a civil war in South Sudan last, the Daily Monitor reported.

"President Omar Bashir was co-guarantor for the peace agreement of South Sudan. He has played a very critical role which we are very grateful [for] and his asylum in Uganda is something we can consider," the minister said.

The Ugandan minister said his country is closely watching the situation in Sudan and hopes for the peaceful transition of

power, Uganda's SoftPower News reported.

"What is important to Uganda is a resolution of the transition period in Sudan, which is peaceful to the people of Sudan and the neighbors and we hope that Sudan will continue being intact as one country and not fall apart," he said.

Following ICC charges laid against al-Bashir, several African countries have hosted the former Sudanese leader, including Uganda, despite requests for his arrest.

If Uganda hosted al-Bashir, it would go against the Rome Statute of the ICC, which it signed in March 1999 and ratified in June 2002.

Asked in 2015 if he would order al-Bashir's arrest al-Bashir if he'd even enter Uganda, President Yoweri Museveni said, "those are not the way of Africans. I cannot arrest a person I have invited."

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Kenya

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

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

What Have We Learned, 25 Years After the Rwandan Genocide? (The Nation) By Mike Brand and Claude Gatebuke
April 17, 2019

Twenty-five years ago, in a small central African country that most Americans would have trouble finding on a map, one of history's most efficient and rapid genocides took place. Over the course of 100 days in Rwanda in 1994, nearly 1 million people, mostly Tutsis, were murdered by their fellow countrymen and women while the world watched and did nothing.

As the genocide unfolded, US officials discussed what to call it and what action to take. They settled on taking no lifesaving action beyond the rescue of American citizens. The cost of the ensuing humanitarian crisis was high, both in human casualties and monetary costs. The aftermath of the genocide saw a refugee crisis and new conflict in the neighboring Democratic Republic of the Congo, where mass atrocities were committed. A 2010 UN report stated that it was possible that genocide also occurred in the DRC.

Violence in the DRC continued for decades, with millions of people displaced; now the DRC is home to the largest UN peacekeeping mission in the world. The annual cost for the mission is more than \$1 billion, and billions have been spent on humanitarian relief efforts. If preventive steps had been taken before the mass killing in Rwanda, we might have avoided not only the genocide there but the continuing tragedy in the DRC.

This month, commemoration events are taking place around the world to mark the 25th anniversary of the Rwandan genocide. While it is extremely important to remember the lives lost and the lives forever changed, we must also remember the inaction of the international community and the complete failure of the United Nations—save for a few committed peacekeepers who did all in their power to save lives.

It is also important to reflect on what has been done over the past 25 years to make the prevention of genocide and mass atrocities a priority and think critically about why the world continues to ignore the vow of “Never Again.”

The international community has taken several steps to improve its ability to prevent and respond to genocide and mass atrocities. One came during the 2005 World Summit, when heads of state from 191 countries endorsed the Responsibility to Protect doctrine and agreed “to take collective action, in a timely and decisive manner...should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” In other words, states agreed that if a government was unable or unwilling to protect its population from mass atrocities, the world would band together and do something about it. Unfortunately, that hasn’t been the case. From Syria to South Sudan, from the Central African Republic to Myanmar and Yemen to the DRC, genocide and mass atrocities continue to happen while the world watches.

Why has the world become numb to mass atrocities? Is it because of apathy and indifference, or a lack of political will? Partially, but it is also because the international system is structured to protect the perpetrators of genocide and not protect the people. This must change.

In an ideal world, we would have functioning and stable states that participated in and supported intergovernmental institutions. The world would be wholly intolerant to mass atrocities and human-rights violations, and if mass atrocities broke out in one state, neighboring countries would quickly and effectively respond. Perpetrators of mass atrocities would be held accountable for their actions. Bad actors would be isolated from the international community, and no government would dare to ally itself with habitual human-rights abusers. But that doesn’t happen.

Instead, foreign-policy decisions tend to be based on perceived short-term interests and not on values or long-term interests. So we befriend violent dictators whose actions we cannot possibly justify, except on the specious grounds of “national security.” We should have learned from the past support for brutal individuals and dictators such as Osama bin Laden, Saddam Hussein, Augusto Pinochet, and Mobutu Sese Seko that such support is counter to long-term interests. We can change this practice, but it will take a fundamental reimagining of our foreign policy.

We need to convince policymakers to invest in conflict prevention and efforts that target the root causes and drivers of violence. We need to focus on programs that address deep-seated issues, build stable institutions, and support vibrant civil societies that can act as a bulwark against identity-based violence. Our foreign policy must be driven by our values and not short-term interests. And we must recognize that propping up human-rights abusers and perpetrators of mass atrocities is a threat to our security.

Recently, we have had some important wins in this fight. Congress just passed a resolution to end US support for Saudi Arabia’s war in Yemen, a conflict that has been replete with mass atrocities. And, earlier this year, the Elie Wiesel Genocide and Atrocities Prevention Act was passed into law, defining prevention of genocide and other atrocity crimes as a core national security interest and moral responsibility.

New legislation with strong bipartisan support in both the Senate and House has the potential to make the most significant impact on our foreign policy. If passed into law, the Global Fragility Act would create a whole-of-government strategy and policy to prevent and reduce violent conflict and fragility around the world. The Global Fragility Act makes some funding available for this initiative, but if we truly want to see change, we need to invest more money in upstream prevention efforts.

We must put our money where our mouth is. The State Department and the US Agency for International Development (USAID) are woefully underfunded at less than \$50 billion when compared to the Defense Department’s \$700 billion. That \$50 billion covers all of our diplomatic, development, and humanitarian-aid expenditures, of which only a tiny portion is focused on preventing violence. Yet we are surprised when we aren’t successful at preventing atrocities. Budgets reflect our values, and for a long time now our priorities have been misguided.

There has been a lot of reporting on the global displacement crisis, with 68.5 million people forced to flee their homes. The majority of those displaced are fleeing mass atrocities and violent conflict. Research has shown that reactive aid efforts cost far more than preventive measures, yet we keep responding in an ineffective, ad hoc manner instead of investing in prevention. A prevention-focused foreign policy would save lives as well as money and resources.

Let us use the commemoration of the 25th anniversary of the Rwandan genocide to go beyond memory, beyond the tired platitudes of “Never Again,” and support policies and actions that will actually prevent genocide and mass atrocities. And with the 2020 elections around the corner, we should insist that presidential and congressional candidates incorporate a prevention-focused and values-based foreign policy in their platforms.

Looking ahead to the 30th anniversary of the Rwandan genocide in 2024, will we be celebrating the fundamental changes that were made to US foreign policy, or will we still be advocating for those changes? We hope to be celebrating.

Former Rwanda rebel group leader accused of war crimes dies (The Washington Post)

April 18, 2019

The former head of a Rwandan rebel group has died in Germany while awaiting retrial on war crimes charges, a court says.

Ignace Murwanashyaka, the former president of the Democratic Forces for the Liberation of Rwanda, was convicted by a Stuttgart court in 2015 of leading a terrorist organization and four counts of being an accessory to war crimes in eastern Congo a decade ago. He was sentenced to 13 years imprisonment, but the verdict was overturned last year and a retrial was pending.

The Stuttgart court said on Wednesday that Murwanashyaka's health deteriorated suddenly on April 11. He was transferred to a hospital, where he later died. The court declined to provide further details, citing patient confidentiality.

The FDLR's vice president, Straton Musoni, was given an eight-year sentence for his role in the group. That verdict wasn't overturned.

Murwanashyaka's lawyers argued during the trial that he had merely been the group's political figurehead and hadn't controlled its military wing.

Prosecutors in Germany, where Murwanashyaka had lived since the 1980s, argued he had issued remotely instructions to FDLR members in Congo by phone, text message and email. The group carried out killings in the Congolese villages of Mianga, Busurungi, Chiriba and Manje in 2009.

The rebel group is made up mostly of Hutu refugees from Rwanda who took shelter in neighboring Congo after the 1994 genocide in which over 800,000 people were killed, most of them ethnic Tutsis but also moderate Hutus.

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Somalia

US military mission in Somalia could take seven years to complete (CNNPolitics) By Ryan Browne

April 13, 2019

This week President Donald Trump signed an executive order extending a presidential declaration of a national emergency concerning Somalia for another year, calling the Islamist insurgency plaguing that country an "unusual and extraordinary threat" to the US.

But even if that is the last extension of the declaration, US defense officials say the mission in the country is likely to take years to complete.

The fight there hinges on US Special Operations Forces being able to train an elite Somali army unit capable of defeating al Qaeda-linked militants on the ground. The commitment to the East African nation comes after the President has signaled a desire to reduce US troop levels across the globe and as the administration is in the process of withdrawing forces from Syria.

While officials say the effort is making progress, they tell CNN that the US training mission is likely to not be completed until 2026.

For nearly two years, a small team of US Special Operations forces has been embedded with the Somali National Army, assisting in the fight against the militant group Al-Shabaab. As well as advising on airstrikes and ground assaults, the Navy SEAL-led team's primary task is to train and build Somalia its own elite light infantry force.

Named Danab, which in Somali means lightning, the force currently numbers only about 500 soldiers, too few to carry out operations in a country with a coastline almost as long as the east coast of the US. The plan, US defense officials say, is to eventually build Danab into a force of 3,000 soldiers capable of clearing militants from villages and towns across Somalia.

"The plan is to build two companies a year, with the end-state being five battalions and a brigade headquarters element,"

Becky Farmer, a spokesperson for Africa Command which oversees US military operations on the continent, told CNN in a statement.

"We think it's going to take approximately seven years for the Somalis to absorb all of these forces," a defense official familiar with the US counterterrorism strategy in Somalia told CNN.

"If everything works out and however many miracles line up to make this happen it could go faster, and it could go slower," he added.

A quarter century after the events surrounding "Black Hawk Down," the incident that killed 18 US soldiers in Mogadishu, the US military finds itself more actively engaged in Somalia than at any time since. Though the US has higher troop levels in Niger and Djibouti, Somalia is the only place in Africa where the US military is regularly carrying out airstrikes against enemy forces.

The Pentagon has about 500 to 600 personnel in Somalia according to US Africa Command.

While US military advisers have been in Somalia since at least 2013, the effort has gotten a major boost under the Trump Administration, which volunteered to undertake the Danab advisory mission in 2017 in addition to expanding drone strikes, and in December reopened the American diplomatic mission in Mogadishu for the first time since 1991.

Trump authorized the military to carry out precision strikes targeting Al-Shabaab in March 2017. Prior to that the US military was authorized to conduct airstrikes only in defense of advisers on the ground.

So far this year, at least 255 fighters from Al-Shabaab have been killed in 30 airstrikes, according to figures released by US Africa Command. In 2018 the US conducted 47 airstrikes targeting Al-Shabaab, killing about 337 militants. In 2017 the US carried out 35 airstrikes and in 2016 it conducted just 15.

"The bottom line is we're taking formations and fighters and leaders off the battlefield. And that is having effect on the network," Brig. Gen. William West, the deputy director of operations for Africa Command, told CNN in a statement.

The increase in airstrikes though has been criticized by some members of Congress and outside groups like Amnesty International, which has accused the US of killing civilians in Somalia.

While the US military has rejected Amnesty's allegations, US Africa Command announced earlier this month that it had determined that one of its 2018 drone strikes had killed two civilians, the first ever such acknowledgment by the US military in Somalia.

US military officials stress that the airstrikes are only one component of the US military's overall campaign in Somalia.

"Every strike we take, whether it's on the pace that we're on this year or on the pace that we've been on in previous years, is all done in support of the strategy. And the strategy supports the goals of security and stability in Somalia," Maj. Gen. Gregg Olson, the director of operations for US Africa Command said in a statement to CNN.

The administration regards the fight against the militant group Al-Shabaab in Somalia as critical to protecting America's primary strategic allies in the region such as Kenya and Ethiopia which have been hit by Al Shabaab-linked terror attacks in the recent years.

The current strategy is partly a result of a May 2017 conference held in London, where a group of countries including the UK, US, Kenya and Ethiopia along with representatives from the UN, African Union and European Union, met to discuss the future of Somalia.

For years the task of fighting Al-Shabaab in Somalia had fallen to the African Union-led peacekeeping mission, AMISOM. But in the months leading up to the London Conference, Al-Shabaab proved that it was still a potent force on the battlefield with its fighters overrunning three AMISOM bases, seizing weaponry, armored vehicles and ammunition.

In London, a plan was agreed on that called for the creation of a regular army of 18,000 troops and 32,000 federal and state police to eventually replace the African Union-led peacekeeping mission, AMISOM which had spent years fighting Al-Shabaab.

Then-Secretary of Defense Jim Mattis agreed that the US would take responsibility for "training specific numbers of proficient and mobile light infantry capable of defeating Al-Shabaab," referring to the Danab unit.

The rest of Somalia's security forces were to be trained by international advisers from the EU, Turkey and the UAE on a bilateral basis. Coordinating that effort has been a challenge, US officials say, and has led to some less than stellar results.

A State Department official told CNN that while there have been some successes in integrating Somali troops trained by Turkish and UAE advisers into the national army, many of the 6,000 Somali troops trained by the EU did not join the national army and "most of them have gone off to militias and local clans."

"It is a work in progress," he added.

The US military does attempt to coordinate these various efforts while also providing support to AMISOM troops via a military coordination cell that is led by a one star general in Mogadishu.

Despite those previous misfires, US officials are confident that the focus of the US-effort, Danab, will stay loyal to the central government.

"Ultimately, the Danab as a unit fall under the central Somali government and we have no indications of dual loyalty," Farmer, the spokesperson for Africa, told CNN.

US military officials say that in the past Al-Shabaab has exploited local grievances among the many clans that make-up Somalia as a means of gaining power so the US has made a concerted effort to ensure that the forces comprising Danab are representative of the areas where they operate helping to gain the trust of the locals, something that could be contributing to the slow pace of increasing its size.

"The Danab are clan-appropriate and integrated units of the Somali National Army, with one battalion aligned to each Federal Member State, in order to provide locally acceptable and trusted forces of the Somali National Army," Farmer said.

"The indications we've received on the ground are that the Somali people hold the Danab in the highest esteem as a result of these efforts," Farmer added.

American diplomats, military officers, and USAID officials all told CNN that they see progress in Somalia, with many citing increased security in major cities and towns and government reform efforts.

Trump's extension of the emergency declaration came the same day Somalia's Prime Minister Hassan Khayre visited the White House for a meeting with Trump's National Security Adviser John Bolton.

Khayre, who has been praised by American diplomats and USAID officials for his efforts to reform Somalia's economy and security forces, also visited the Pentagon Thursday.

One major success is the town of Kismayo, which was recaptured in 2012 after it was once considered an Al-Shabaab stronghold.

US officials say that the Somali security forces have managed to expand the security bubble around Kismayo out some 25 miles from the town. USAID officials told CNN that at least 1,000 families have returned to Kismayo.

Still, the focus remains on securing the areas around the capital Mogadishu where Al-Shabaab, despite having been driven from the city, can still carry out terror attacks. An attack last month killed dozens.

The hope is that eventually the elite Somali troops will be able to drive Al-Shabaab from strategic corridors and areas near the capital, and keep them from attacking Mogadishu. For now though, the Somalis are still heavily reliant on US forces, particularly for functions like planning and intelligence. "We're still involved in every single operation," a defense official told CNN.

Though American advisers still accompany Somali troops out in the field, officials say they've taken steps to mitigate risks to US personnel.

"We always work to stay no closer than the last line of cover or concealment and we only go outside the wire when we do not think contact is expected or likely," a US defense official familiar with US intelligence in Somalia told CNN.

It can still be a dangerous mission.

Last month the US called in an airstrike in Somalia's Lower Shabelle Region after a Somali-led force that was being advised by US personnel came under attack.

The last US soldier that was killed in Somalia was in June 2018, US Army Sgt. Alexander Conrad was killed and three other soldiers were wounded by "indirect fire" after they came under attack while helping local forces set up the kind of combat outpost the US military sees as critical to its strategy in Somalia.

The US military estimates that Al-Shabaab commands somewhere between 5,000 to 7,000 fighters and still controls about 20% of Somalia's territory.

It's a far cry from Al-Shabaab's heyday when it controlled most of the country including the towns of Kismayo and Baraawe and even some parts of the capital, Mogadishu.

"Folks in the United States, they think Blackhawk Down and things like that," a USAID official told CNN, saying that the country has made major improvements in recent years, thanks largely to the improved relationship between the US and Somali governments since the December re-establishment of the US diplomatic mission in Mogadishu, the first such presence since 1991.

A big part of making sure the military gains against Al-Shabaab are sustained is ensuring that forces are able to hold the recaptured territory. Doing that requires a healthy dose of humanitarian aid.

But the US development aid budget to Somalia is limited, at only about \$60 million according to USAID officials.

"We have a lean operation," one USAID official said.

Things could get even leaner as the Trump administration's 2020 State Department budget request is seeking only \$58 million in "Economic Support and Development Funds for Somalia, a decrease of some \$15 million from the previous year.

The US does also provide hundreds of millions of dollars in humanitarian aid to meet more short term emergency requirements like famine relief.

And even if Al-Shabaab is defeated, officials say other security challenges remain.

"It's not just Al-Shabaab, There are clan grievances here that go back hundreds of years, that has to be sorted out too," one USAID official said.

US airstrike kills ISIS-Somalia's 'second in command' (CNNPolitics) By Ryan Browne
April 15, 2019

The US military conducted an airstrike Sunday that killed Abdulhakim Dhuqub, a high ranking ISIS-Somalia official.

US Africa Command, which oversees US military operations on the continent, said in a statement Monday that the strike targeted a vehicle near Xiriiri, Bari Region.

The statement refers to Dhuqub as the terror affiliate's "second in command," saying he "was responsible for the daily operations of the extremist group, attack planning, and resource procurement."

ISIS' Somalia branch is a relatively small affiliate of the terror group, commanding fewer than 150 fighters according to US defense officials. It is much smaller than the al Qaeda affiliated Al-Shabaab militant group which commands more than 5,000.

"We continue to work with our Somali partners to keep pressure on the al-Shabaab and ISIS-Somalia terror networks," Maj. Gen. Gregg Olson, the US Africa Command director of operations, said in the statement.

American military officers, diplomats and USAID officials all tell CNN that Somalia is making progress in its fight against ISIS and the Al Shabaab insurgency, citing battlefield gains and economic and security sector reforms being made by the country's Prime Minister Hassan Ali Khayre.

Khayre was in Washington last week where he met with National Security Adviser John Bolton and visited the Pentagon to meet with senior defense officials.

Attacked on all sides: Somali civilians bombed by US airstrikes and targeted by al-Shabab (GlobalPost) By Halima Gikandi
April 22, 2019

Three farmers were sleeping under a tree when they were fatally hit by US airstrikes near the rural town of Darusalam, Somalia, in November 2017, according to a new report by Amnesty International.

The farmers were al-Shabab terrorists — according to the United States Africa Command or AFRICOM, which leads US military operations in Somalia.

But Amnesty has argued that overly broad strike criteria are putting young Somali men — some who are farmers living in remote areas — at risk of being indiscriminately targeted by airstrikes.

Under a shroud of secrecy, US military counterterrorism operations in Somalia have surged under Trump administration, along with a lack of transparency in terms of civilian casualties.

The US has killed 800 terrorists and conducted 110 airstrikes in Somalia since June 2017, according to AFRICOM. Many are in the al-Shabab-controlled areas of Lower and Middle Shabelle region of the country.

The new report by Amnesty says the US military could be guilty of war crimes for killing civilians during airstrikes in Somalia. They documented 14 civilian casualties from just five airstrikes conducted between 2017 and 2018. These casualties were not reported by AFRICOM.

They denied any civilian deaths until April 5, when AFRICOM acknowledged at least two civilian casualties in an April 2018 strike after conducting an internal review last month.

"US Africa Command is committed to transparency in its reporting of civilian casualties. While believed to be an isolated occurrence, the reporting error is being addressed," AFRICOM said in the statement.

In an executive order earlier this month, President Donald Trump revoked an Obama-era policy requiring the government to publish statistics on civilian casualties.

"The fact that they say they are not killing civilians in these airstrikes needs to be questioned," said Abdullahi Hassan, a researcher on Somalia at Amnesty International.

Analysts like Hassan worry that the increased airstrikes and lack of transparency about the civilian cost are having unintended consequences on the humanitarian and security situation in Somalia, exacerbating internal displacement and creating the conditions for radicalizing Somali youth.

Despite the rapidly increasing airstrikes, al-Shabab continues to orchestrate deadly attacks in the region.

Between March 21 and March 28, over 40 people were killed in nine explosions in Somalia's capital of Mogadishu.

Amnesty has called on the US to investigate the claims, but the military has rejected their findings.

The report has brought intense scrutiny to the growing secrecy of US airstrikes in Somalia that have almost tripled since 2017, when President Donald Trump began rolling back Obama-era regulations on airstrikes that were created to protect civilians.

Hours after the US airstrike in Darusalam killed three farmers, staged photos of the victims were uploaded onto a known pro-al-Shabab website.

While smartphones have long been banned in areas controlled by al-Shabab, pictures of civilians allegedly killed in airstrikes are shared on social media by the terrorist group, often accompanied by text decrying the deaths of Somalis by foreign actors.

This has worried some analysts, who expect the propaganda could be used as a tool for recruitment and radicalization in the future.

"Al-Shabab can use this grievance," said Roselyne Omondi, the associate director of research at the HORN Institute in Nairobi. Omondi noted how al-Shabab often presents itself as defending Somalia against foreign intruders. "If this continues, we can expect more radicalization."

Similarities have also been drawn to how US airstrikes in Iraq and Afghanistan were used by militant groups to radicalize and spread anti-American sentiments.

"It is in the interest of the terrorist group al-Shabab to untruthfully claim civilian casualties," AFRICOM said in a press statement.

Abdihakim Bare Hassan says he is not surprised that al-Shabab is turning civilian casualties from US airstrikes into online propaganda. The 27-year-old Somali Kenyan works for the media company Eastleighwood, which uses media and art to counter youth radicalization in Kenya and Somalia.

Located in the predominantly Somali Eastleigh neighborhood in Nairobi, known as "Little Mogadishu," the group trains youth who have been or are currently at risk of gang recruitment or extremist radicalization.

They receive referrals from police or local administrators who link the organization with youth identified as at-risk. Eastleighwood has worked with over 6,000 youth since the group started in 2011 — the same year Kenya entered Somalia.

Bare Hassan says that at the end of the day, civilian casualties from airstrikes pales in comparison to those caused by al-Shabab.

Between 2016 and 2017, the UN documented 4,585 civilians casualties in Somalia. Sixty percent were attributed to the terrorist group.

“Now they post dead bodies from US airstrikes?” Bare Hassan said incredulously. “What do you take them for? They kill hundreds of people every month.”

While Bare Hassan is hopeful in the US military and Somali government, he is skeptical that airstrikes alone will defeat the terrorist group. “I don’t think airstrikes will end this.”

In the past two decades, a combination of prolonged civil war, deadly terrorist attacks, and recurring drought in Somalia has led to over 2 million internally displaced people in the country. Researchers now note that foreign-led airstrikes, including those from Kenya, are now contributing to the problem.

“We are alarmed that the number of airstrikes in Somalia has sharply escalated this year,” said the Norwegian Refugee Council in a statement. “More airstrikes and fighting mean more families will flee their homes, and more civilian lives will be at risk.”

According to a United Nations High Commissioner for Refugees report from November 2017, aerial bombardment and ground fighting in Lower and Middle Shabelle regions caused more than 10,000 people to flee their homes.

That number has reached a four-year high, outnumbering those fleeing drought, according to the NRC.

Many of the people interviewed for the Amnesty report lived in Internally Displaced Persons, or IDP camps, and were displaced multiple times, including due to air strikes.

“They fled their villages, they fled their hamlets, they fled their farms. They decided to go to the IDP camps outside of Mogadishu because they think that’s safer,” Hassan said.

The Somali economy remains primarily agricultural, and livestock accounts for an estimated 40 percent of the country’s gross domestic product. While vicious cycles of drought and famine have plagued the country for years, the areas targeted by US airstrikes are some of the most fertile areas in the country.

Some researchers are concerned about the long-term impact of strikes on farming and food security. Especially since those killed are often the breadwinners for their families.

The United Nations has also recorded how foreign airstrikes have destroyed livestock and displaced pastoralists.

“Even the animals, the goats, the sheep, they are also dying because of the strikes,” said Abdiwahab Sheikh Abdisamad, a Horn of Africa analyst in Nairobi.

“...The farmers fear the air strikes. They can’t even cultivate because they are not sure what will happen if they go out to the fields,” Abdisamad said.

Somalis who flee to IDP camps have already faced a number of abuses.

“These people are victimized twice,” Hassan from Amnesty said. “They fear al-Shabab, and at the same time they fear the drone strikes.”

Amnesty sees AFRICOM’s admission of error as further proof of the need for more investigations into civilian casualties in US airstrikes in Somalia.

“Now they know that these kinds of mistakes were made by their staff,” Hassan said. “Now they need to take all the allegations seriously and investigate properly.”

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb wrongly calls Srebrenica massacre a 'myth' (Kanas City Star) April 13, 2019

A Bosnian Serb leader has wrongly called the 1995 Srebrenica massacre, where over 8,000 Muslim men and boys were killed by Bosnian Serb troops, "a fabricated myth." The comments defy international court rulings that say genocide was committed in the eastern Bosnian enclave.

Both the International Court of Justice and the U.N. war crimes court for the former Yugoslavia in The Hague, Netherlands, have ruled that the killings in Srebrenica were genocide.

The Bosnian Serb wartime political and military leaders, Radovan Karadzic and Ratko Mladic, have been sentenced to life in prison for the Srebrenica genocide and other war crimes during Bosnia's 1992-95 war, which killed over 100,000 people and made millions homeless.

But Milorad Dodik, who now heads Bosnia's multi-ethnic joint presidency, has told a conference discussing war crimes during the Bosnian conflict that the Srebrenica massacre was "something that does not exist."

"(Bosnian Muslims) did not have a myth, so they decided to construct one around Srebrenica," Dodik said Friday.

Dodik has repeatedly downplayed the Srebrenica massacre, along with other Bosnian Serb politicians and the authorities in neighboring Serbia, who deny that genocide was committed. Bosnian Serbs have also announced a special commission tasked with establishing the "truth" on Srebrenica.

Dodik's comments have drawn condemnation from Muslims in Bosnia.

"Srebrenica is a court-proven fact, just as is a court-proven fact that the military and political leadership of the Bosnian Serbs have been convicted of a joint criminal enterprise and genocide," said Ramiz Salkic, a Bosnian Muslim official.

"Those are historic facts, not a myth. And that is what Dodik should tell his people," said Salkic. The Srebrenica massacre was one of the bloodiest slaughters in Europe since World War II. Some 8,000 Muslim men and boys were killed and their bodies dumped in numerous mass graves in the days after Bosnian Serb forces captured the eastern town of Srebrenica on July 11, 1995.

Over 6,600 Srebrenica victims have been identified but experts are still excavating the victims' bodies from hidden mass graves. Many of the remains were torn apart. Experts have used DNA analysis to put bodies back together from bones found in locations miles from each other after the perpetrators tried to hide their war crimes.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Domestic Prosecutions In The Former Yugoslavia

Sarajevo to Pay €358,000 for War Crime Suspects' Defence (Balkan Insight) By: Albina Sorguc
April 10, 2019

In its budget for this year, the Ministry of Veterans' Affairs of Sarajevo Canton has allocated 450,000 Bosnian marks (230,000 euros) to assist in paying war crimes defendants' lawyers, while 250,000 Bosnian marks (128,000 euros) has been set aside for financing non-governmental organisations involved in projects providing legal assistance to accused ex-soldiers of the Army of Bosnia and Herzegovina and former officers of the Ministry of Internal Affairs of Bosnia and Herzegovina.

The Ministry of Veterans' Affairs told BIRN that the allocation of a total of around 358,000 euros to assist defendants did not mean that Sarajevo Canton justified crimes committed by members of the armed forces.

"We consider that everyone should be tried for their actions, but we want to help the accused and their families to defend themselves from accusations in a dignified manner and prevent revisions and distortion of historical facts about the aggression against Bosnia and Herzegovina, which was also established by the Hague Tribunal," the ministry said.

Lawyers dealing with war crime cases before the Bosnian state court said that the money was needed and welcomed the decision by the authorities in Sarajevo Canton, which is one of 10 cantons that make up the country's Bosniak- and Croat-dominated Federation entity.

Vasvija Vidovic, a lawyer who has represented former Bosnian Army soldiers at the International Criminal Tribunal for the Former Yugoslavia and the Bosnian state court, argued that defendants find themselves difficult financial situations because trials are long-running and very expensive.

"Hardly anyone, even if they are in a good financial situation, would have enough money to pay for the defence," Vidovic said.

She also argued that Croatia, Serbia and Bosnia's Serb-dominated Republika Srpska entity had been allocating resources for the defence of their citizens at war crimes trials for years.

"Of course the state should help as it can," Vidovic said.

During the trials of former Bosnian Serb political and military leaders Radovan Karadzic and Ratko Mladic, the government of Republika Srpska allocated around 5,100 euros per year for their defence, while Serbia and Croatia also partially financed the defence of some of their war crimes suspects.

Former judge Vehid Sehic, of the Forum of Tuzla Citizens, said that he also sees nothing wrong with Sarajevo Canton's decision to assist war crime defendants, given that Croatia, Serbia and Republika Srpska have done the same.

"Helping them is a humane act. Now, the amounts and cases to which it should be applied should be regulated under certain decisions by both legislative and executive powers, because we can see that proceedings last a very long time," Sehic said.

But Aleksandra Letic of the Helsinki Committee for Human Rights in Republika Srpska entity argued that decision is disputable because the financial aid is only intended for former soldiers of the Bosniak-led Army of Bosnia and Herzegovina. She also said that the money could be better spent on more socially-necessary projects.

"It should definitely be reconsidered. There are a series of other activities which governments should support financially. At this moment, citizens need those activities much more than the defence or legal representation of people who were members of certain military formations," Letic said.

The Ministry for Veterans' Affairs said that around 289,000 euros was also allocated in the 2018 budget and spent on 41 individuals who were on trial for war crimes.

In 2017 and 2018, further financial assistance was offered through foundations registered for the purpose of offering legal aid and other types of assistance to former soldiers of the Armed Forces of Bosnia and Herzegovina suspected or accused in war crime cases and their family members. In 2017, 138,000 euros was allocated for this purpose, and around 128,000 euros in 2018.

The Ministry said that the number of beneficiaries and the level of the financial assistance depended on the number of requests received, as well as the scope of the indictment, and whether the specific case referred to command or personal responsibility for crimes, as well as the defendant's financial status.

Proceedings against more than 50 former soldiers of the Army of Bosnia and Herzegovina and former officers of the Ministry of Internal Affairs of Bosnia and Herzegovina, including former generals and commanders like Atif Dudakovic, Ramiz Drekovic, Ahmet Sejdic, Sakib Mahmuljin, Himzo Selimovic and Dragan Vikić, are currently underway at the state court in Sarajevo.

The Ministry said that the allocation of financial aid was important due to "the increasing number of indictments" against former Bosnian Army troops and Bosniak police officers.

It claimed that judicial officials were making an "obvious effort to make a balance" between the number of charges filed against Bosniaks and Serbs by indicting Bosniaks for smaller-scale crimes.

As an example, the Ministry said that an indictment against former general Ramiz Drekovic was filed last year for a shelling that resulted in one death, but no indictments have ever been filed to the Bosnian state court for the long-term shelling of Sarajevo by Bosnian Serb forces.

Last year 24 indictments were confirmed by the state court, charging 92 individuals with wartime crimes. More than 50 of them were ex-soldiers of the Army of Bosnia and Herzegovina or former officers of the Ministry of Internal Affairs of Bosnia and Herzegovina.

Serbia Sentences Ex-Officer to 15 Years for Kosovo Massacre (Balkan Insight) By Filip Rudic
April 16, 2019

Belgrade Higher Court on Tuesday sentenced former Yugoslav Army officer Rajko Kozlina to 15 years in prison for the murders of Kosovo Albanian civilians in the village of Trnje/Terrne on March 25, 1999, while acquitting his superior, Pavle Gavrilovic.

Judge Mirjana Ilic said at the sentencing that Kozlina led his unit into the village, where at least 31 Albanian civilians were killed, but added that it was not proven that Gavrilovic issued an order that "there should be no survivors".

"The court finds that [the charges against Gavrilovic] are not backed by evidence," Ilic said while reading out the verdict.

The trial chamber ruled that the order to leave no survivors "could not have been issued" and acquitted Gavrilovic, then battalion commander in the 549th Motorised Brigade of the Yugoslav Army.

Kozlina was sentenced for shooting civilians Maliq Voci and Nexhat Bytyqi, who survived, and of ordering his soldiers to fire on other civilians in the village, causing the deaths of 15 people. The first-instance verdict can be appealed.

Among the victims in Trnje/Terrne were elderly people and a four-year-old boy.

The indictment had alleged that Gavrilovic, a commander of a unit in the Yugoslav Army's 549th Brigade, ordered the attack.

He was alleged to have split his men up into three groups, with co-defendant Kozlina in one of them, and ordered them to enter the village and ethnically cleanse the area.

Serbia Convicts Bosnian Serb Ex-Soldier of War Crimes By Filip Rudic
April 24, 2019

Belgrade Higher Court on Wednesday sentenced Milan Dragisic, a former soldier in the Bosnian Serb Army, to four years in prison for killing a Bosniak civilian and attempting to murder two others on September 20, 1992 during the war in Bosnia and Herzegovina.

According to the verdict, Dragisic killed a civilian named Asim Kavaz, then tried to kill his son Muhamed and another man, Asmir Lemes, in the western Bosnian town of Bosanski Petrovac.

He was acquitted of two more murders and one attempted murder.

The indictment had alleged that Dragisic shot Kavaz and two other Bosniak civilians dead and attempted to kill three others.

The prosecution claimed that he went on a rampage after seeing the dead body of his brother Dragan, who was killed in battle in Bihac in north-west Bosnia.

He pleaded not guilty in June 2015.

The first-instance verdict can be appealed.

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Turkey

Turkey's Killing Fields (New York Times) By Bruce Clark
April 23, 2019

Using the word "genocide" to describe an episode of mass killing has consequences. If the horrors are unfolding now, it invites other countries to intervene and punish the perpetrators. If the unspeakable events are in the past, the word's use can affect the way they are discussed, by historians or ordinary people. Once the term "genocide" has been established, it can seem tasteless or morally impossible to talk in much detail about the context in which mass murder occurred. Any speculation about precise motives or catalysts can sound like making excuses.

But one merit of "The Thirty-Year Genocide," about the agonies suffered by Christian subjects of the Ottoman Empire immediately before and after its collapse, is that the authors overcome that problem. Their narrative offers a subtle diagnosis of why, at particular moments over a span of three decades, Ottoman rulers and their successors unleashed torrents of suffering.

The book examines three episodes: first, the massacre of perhaps 200,000 Ottoman Armenians that took place between 1894 and 1896; then the much larger deportation and slaughter of Armenians that began in 1915 and has been widely recognized as genocide; and third, the destruction or deportation of the remaining Christians (mostly Greeks) during and after the conflict of 1919-22, which Turks call their War of Independence. The fate of Assyrian Christians, of whom 250,000 or more may have perished, is also examined, in less detail.

The authors are distinguished Israeli historians. Benny Morris, a chronicler of the fighting that attended Israel's birth, has written bluntly about incidents in which Arabs were killed or expelled. He also argues (contentiously) that it would have been better if the result had been total separation between Jew and Arab. His co-author, Dror Ze'evi, is a fellow professor at Ben-Gurion University of the Negev.

Each of their chosen episodes occurred at a particular historical moment. The first unfolded in an Ottoman Empire that was at once modernizing and crumbling, while in chronic rivalry with the Russians. The second took place when the Turks were at war with three Christian powers (Britain, France and Russia) and were concerned about being overrun from west and east. During the third, Greek expeditionary forces had occupied the port of Izmir, with approval from their Western allies, and then marched inland.

An impressive chapter explains the buildup to the 1894-96 massacres. It describes the strain imposed on rural Anatolia by newcomers fleeing Russia's march through the Caucasus, and the transformation of the Armenians from a religious minority into a political community feared by the Ottomans.

This story is told with a feeling for shading and nuance. Yet there is a paradox about the book. As diligent historians, Morris and Ze'evi acknowledge many differences between the three phases of history they recount. (For example, different regimes were involved: in the first case, the old guard of the empire; in the second, a shadowy clique of autocrats; in the third, a secular republic.)

But their self-imposed mission is to emphasize continuity. As they argue, the Armenian death marches of 1915-16 are by now well documented, and their status as a genocidal crime, with one million or more victims, well established. By contrast, they feel, things that happened at the beginning and end of their chosen 30 years need to be better known, so that all the travails of the Ottoman Christians over that time can be seen as a single sequence.

Between 1894 and 1924, they write, between 1.5 million and 2.5 million Ottoman Christians perished; greater accuracy is impossible. Whatever the shifts in regime, all these killings were instigated by Muslim Turks who drew in other Muslims and invoked Islamic solidarity. As a result the Christian share of Anatolia's population fell from 20 percent to 2 percent.

Well, all those statements are accurate as far as they go, and they reflect one aspect of the multiple tragedies that attended the region's lurch toward modernity. Yet it remains difficult to express the authors' core case in a single true-or-false proposition. Are they suggesting that Islam is intrinsically violent? No, they reject that view. Are they implying that a 30-year plan was formulated and then implemented, albeit by different regimes? At times, they hint at something like that. But their skill as historians holds them back from saying anything so crude.

In one of their best passages, Morris and Ze'evi carefully discuss possible interpretations of the 1915-16 blood bath, and offer comparisons with debates about Hitler's Holocaust. As they note, historians have disputed how far in advance the mass annihilation of Jews was dreamed up. Regarding the Armenians, they say, there is no doubt that the death marches that began in April 1915 were centrally coordinated. But there have been reasonable arguments over how long in advance they were planned, and whether it was always intended that most victims would die.

Sifting the evidence, Morris and Ze'evi conclude that the Ottoman inner circle began planning deadly mass deportations soon after a Russian victory in January 1915. However, Ottoman policy was also shaped and hardened by the battle of Van, in which Russians and Armenians fought successfully, starting in April 1915. These conclusions rest on careful analysis.

But they are less confident about the fate of the Greek Orthodox subjects of the Ottoman Empire from 1919 to 1922. They document many horrifying incidents but these do not add up to a fluent story.

Morris and Ze'evi vigorously challenge the Turkish argument that after World War I Greek separatism in the Black Sea region posed a danger to the emerging Turkish state requiring deportation. The authors maintain that agitation for a state on the Black Sea was never serious, and that Greeks in that region never offered much resistance to the Turkish regime. Neither of those statements is completely accurate. Greek Orthodox guerrillas held out in the Black Sea hinterland with tenacity.

What is more, by challenging the Turkish justification for the Black Sea deportations, Morris and Ze'evi almost imply that if there had been a military threat in that region, the marches and deportations might have been morally right. This leads to a wider point about the book as a whole.

The reader is left wondering what the authors ultimately feel about the treatment of civilians in situations of total war. Nothing in the United Nations conventions implies that military expediency can justify the removal, whether by ethnic cleansing, killing or both, of populations whose presence is inconvenient. But by weighing up arguments for and against certain acts of expulsion, Morris and Ze'evi seem at times to be taking a less purist view.

There is no doubt that during the Ottoman collapse, millions of Christians died or suffered because humanitarian principles were grossly violated. But they were not the only victims. Consider the wars that drove most Muslims out of the Balkans, starting in the early 19th century and arguably culminating in the genocidal acts suffered by some Bosnian Muslims in 1995. Hundreds of thousands of Islam's followers were killed and millions displaced, often finding refuge in Turkey. If the era that gave birth to homogeneous post-Ottoman states is to be told as a single narrative, it must surely look on both sides of the mirror.

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MIDDLE-EAST

Iraq

Iraq: Torture Persists in Mosul Jail (Human Rights Watch)

April 18, 2019

Iraqi officers have committed torture at a detention facility in Mosul at least through early 2019, months after Human Rights Watch reported on the abuses and shared information about those responsible, Human Rights Watch said today. The Iraqi government did not respond to two Human Rights Watch letters requesting an update on steps taken to investigate the allegations.

“If the Iraqi government ignores credible reports of torture, it’s no wonder that the abuses persist,” said Lama Fakih, deputy Middle East director at Human Rights Watch. “What will it take for the authorities to take torture allegations seriously.”

In August 2018, Human Rights Watch published a report alleging the use of torture in three facilities under the Interior Ministry in and around Mosul. It was based on statements from two former detainees and the father of a man who died during interrogation. One former detainee, who was held at the Faisaliya detention facility for four months, provided Human Rights Watch with the names of four interior ministry officers whom he said he saw torturing detainees.

Before publishing its report, Human Rights Watch sent detailed allegations including the names of the four officers implicated to the human rights adviser in the Prime Minister’s Advisory Commission. In February, Human Rights Watch wrote to Foreign Minister Mohamed Alhakim and the Interior Ministry Inspector General, Jamal al-Asadi, asking whether the government had investigated the Human Rights Watch allegations. Human Rights Watch received no reply to either letter.

A former prisoner, whose name and identifying details have been withheld for his security, described what he saw at Faisaliya detention facility in early 2019.

He said that guards took him to a section behind a metal door cut off from the rest of the cells on the evening he arrived. His description matched that of other former detainees who spoke to Human Rights Watch.

He said he saw eight detainees standing naked. Four guards were throwing water at them from a bucket, after which they pushed the detainees to the floor one by one, lifted their legs, and placed their feet through two rope loops attached to a wooden stick to keep the feet in place. He said he watched as the guards took turns beating each of the detainees on their feet with plastic piping for about 15 minutes nonstop. He said that after the beatings, six of the detainees confessed to being affiliated with the Islamic State (ISIS), with each negotiating the length of their membership they would confess.

The guards used a form of “waterboarding,” referred to as al-safina (“boat” in Arabic) on the two detainees who had not confessed, he said. Five guards and an officer strapped each detainee in turn, still naked, onto an orange gurney and tipped it backward, so that the detainee’s feet were raised above his head and covered his face with a towel. For about five minutes, they beat each one with plastic piping while pouring water over his mouth.

He said that the guards then bound the men’s hands behind their backs and suspended them from the ceiling using a hook and pulley, in a position referred to as bazooona (the word for cat in Iraqi dialect) for about one hour. He said the men had all confessed by around 2 a.m. and were taken back to their cell.

An hour later, he said, when he and the 12 other detainees were in the group cell he shared lying down, three or four guards came in and stamped on them with their boots, while singing a well-known ISIS song.

He named three of the four Interior Ministry officers overseeing that section of the detention facility, whom Human Rights Watch had identified in its August report. He also gave the name of another officer he said had overseen the torture. He said that all four officers directly participated in the torture.

Iraqi judges, despite the extensive credible reports of torture in detention, routinely fail to investigate torture allegations. On April 1, 2019, Iraq’s High Judicial Council replied to a Human Rights Watch inquiry into the judiciary’s response to torture allegations, stating that a range of Iraqi courts had investigated 275 complaints against investigative officers by the end of 2018. The High Judicial Council stated that 176 of the cases have been “resolved” while 99 were still being addressed. The council did not indicate how many of the 176 cases were being further investigated or had been dismissed.

Inspector General Jamal al-Asadi should promptly investigate the allegations at Faisaliya detention facility, including the officers implicated in past Human Rights Watch reporting.

Iraq's High Judicial Council should issue guidelines on the steps judges are obliged to take when a defendant alleges torture. Judges should investigate all credible allegations of torture and the security forces responsible, and order transfers of detainees to different facilities immediately after they allege torture or ill-treatment, to protect them from retaliation. Parliament should pass the draft Anti-Torture Law, which would require judges to order a medical examination of any detainee alleging torture within 24 hours of learning of the allegation.

Iraq's foreign minister should also urge parliament to ratify the Optional Protocol to the Convention Against Torture, which would allow prison visits by the United Nations Subcommittee on Prevention. Pending ratification, the government should commit to setting up a national unit to prevent torture, known as a national prevention mechanism, with the authority to inspect all detention centers in Iraq and to set up an effective complaint systems for authorities and facilities involved in detention and interrogations.

The heads of the federal intelligence agency, NSS, and the new interior minister, once appointed, should issue statements to their subordinates prohibiting the use of torture and other ill-treatment, and making clear that they will punish those responsible. Prime Minister Adil Abdul-Mahdi should publicly condemn the use of torture by all law enforcement, security, and military personnel.

"Prime Minister Abdul-Mahdi's government should demonstrate to the Iraqi people that it is serious about ending torture in Iraq's detention facilities," Fakih said. "Strong actions are needed."

ISIS resurgence reportedly gains momentum in Syria and Iraq (The New York Post) By Bob Fredricks
April 19, 2019

Despite losing its caliphate to US-backed forces last month, ISIS' resurgence continues to gain momentum across Iraq and Syria, a new report said Friday.

"ISIS is expanding its support zones and scaling up its attack campaign in key cities including Ar-Raqqa City, Mosul, and Fallujah as well as rear areas in Northern Syria and Iraqi Kurdistan," said the report from the Institute for the Study of War, a non-partisan DC-based think tank that analyzes defense issues.

The Syrian Democratic Forces seized the last terrain controlled by ISIS in Syria on March 23 — an area that included a network of caves and tunnels housing tens of thousands of suspected fighters, their families and others, the report said.

The SDF transferred more than 55,000 women and children captured in the operation to the Al-Hawl Internally Displaced Persons Camp in Northern Syria near the Syrian and Iraqi Border, the report said.

"ISIS likely intended to exploit this displacement to infiltrate, destabilize, and recruit from the camps in order to create opportunities for its resurgence," it said.

"Hardcore female followers have attacked guards and other displaced persons and burned the tents of less committed families since entering the Al-Hawl IDP Camp. ISW has thus mapped the camp as both an attack and support zone."

ISIS has also ramped up its campaign targeting the rear areas of the SDF in Northern Syria.

In Iraq ISIS is reestablishing "a support zone" near Baghdad to hook up its operations in Anbar Province to Baghdad and Southern Iraq.

"ISIS is working to rebuild its networks in Northern Babil Province. ISIS will likely use this zone to project force into Baghdad and south towards soft targets in the holy cities of Karbala and Najaf," the report said.

When the last territory controlled by the terrorists was liberated in March, President Trump declared that their territory the US-backed forces had "liberated all ISIS-controlled territory in Syria and Iraq—100 Percent of the caliphate."

But military brass and national security officials, while hailing the recapture of the occupied territory, warned that the ISIS would regroup and remained a potent worldwide threat.

Iraq court sentences four to death for joining IS (Reuters) By Ahmed Rasheed
April 21, 2019

An Iraqi court has sentenced four people to death by hanging for belonging to the Islamic State militant group and committing terrorist crimes in Iraq and Syria, a judiciary statement said on Sunday.

The four men, wanted by Iraqi authorities, were handed to Iraq by the U.S.-backed Syrian Democratic Forces (SDF), the

statement said.

A Baghdad criminal court convicted them for joining IS and "carrying out criminal operations that targeted innocent civilians with the aim of undermining peace and stability in Iraq and Syria".

A judicial source said the four men were Iraqi.

In February, Iraq's military said the SDF had handed 280 Iraqi and foreign detainees to Baghdad.

Thousands of foreigners have fought on behalf of Islamic State in Iraq and Syria since at least 2014. Many foreign women came - or were brought - from overseas to join the militants.

Iraqi courts are relying on counter terrorism laws to prosecute thousands of suspects, including foreign fighters, for joining the ultra-hardline jihadist group.

Human rights groups have accused Iraqi and other regional forces of inconsistencies in the judicial process and flawed trials leading to unfair convictions.

Islamic State captured a third of Iraq in 2014 but was largely defeated both there and in neighboring Syria where U.S.-backed forces proclaimed last month the capture of Islamic State's last territory, eliminating its rule over a self-proclaimed "caliphate".

Defense Department announces deaths of US service members in Iraq and Qatar (CNN) By Kate Sullivan and Kevin Bohn
April 22, 2019

The US Department of Defense over the weekend identified two US service members killed in non-combat related incidents in Iraq and Qatar.

Army Spc. Ryan Dennis Orin Riley, 22, of Richmond, Kentucky, died Saturday in Ninawa Province in Iraq.

Riley was supporting the effort against ISIS as part of Operation Inherent Resolve, according to a department statement. Officials identified Riley on Sunday and did not disclose further details about the incident, which is under investigation.

Riley was assigned to 2nd Battalion, 32nd Field Artillery Regiment, 1st Brigade Combat Team, 101st Airborne Division at Fort Campbell, Kentucky, according to the Defense Department.

On Saturday, the department identified an airman killed as part of Operation Freedom Sentinel, the global coalition effort against al Qaeda.

Staff Sgt. Albert J. Miller, 24, of Richmond, New Hampshire, died Friday at Al Udeid Air Base in Qatar. Officials said the incident is under investigation.

Miller was assigned to the 736th Aircraft Maintenance Squadron at Dover Air Force Base in Delaware, according to the Defense Department.

CORRECTION: This story has been updated to reflect Operation Inherent Resolve is combating ISIS.

Iraq Proposes "Pay-To-Prosecute" For IS Foreign Fighters (Lobe Log) By Joe Stork
April 23, 2019

Somewhere between 800 and 900 Islamic State (ISIS or IS) fighters captured in Syria are reportedly neither Syrian nor Iraqi, and the question of what to do with them has become something of a political football. The Kurdish-led Syrian Democratic Forces (SDF) now detaining them says that it doesn't have the resources or the jurisdiction to try these foreign fighters or detain them indefinitely. In the words of UN spokesperson Stephane Dujarric, international efforts to address the issue have been "a bit of a mess."

Few of the IS captives' 50-odd countries of origin have been willing to accept them. Some of these countries have claimed that they would not have evidence to convict the detainees but are unwilling to see them go free. The SDF has called for establishing an international tribunal, but it's a proposal with little traction. Lichtenstein's UN envoy, for instance, dismissed the possibility as "politically difficult, financially costly, and a clumsy and cumbersome process to set up." In addition, an international tribunal would ideally address war crimes and other atrocities by all parties to the conflict, not only IS.

Iraq has tried thousands of IS suspects—including hundreds of non-Iraqis—captured inside Iraq itself. It recently started a trial of nearly 900 Iraqis transferred from SDF custody. The SDF also transferred to Iraqi custody a number of European nationals, including at least a dozen French nationals and one German, apparently with the agreement of those countries. Independent trial observers in Baghdad have said that several foreign suspects in recent trials have testified that they were captured in Syria and then transferred to Iraq. Some alleged that they were subjected to torture in Iraq.

The Trump administration is unlikely to favor an international tribunal, given its fierce hostility to the International Criminal Court but has publicly pushed U.S. allies to repatriate their nationals, numbering in the hundreds. In the words of a February 16 presidential tweet, “we captured [them]” and “we will be forced to release them.” In fact, the United States has reportedly transferred “many” foreign IS suspects captured in Syria to Iraqi security services.

Iraqi leaders initially indicated that the country’s courts have only taken up cases of foreign fighters who had been responsible for crimes in Iraq or against Iraqis. Now, according to several reports, Iraq is proposing to the United States and several European states that it prosecute and sentence foreign nationals captured by the SDF if the United States and others cover the costs, which one Iraqi official told AFP would be \$2 million per suspect per year. Another Iraqi official said that Iraq had requested \$2 billion and could ask for “more money to cover the cost of their detention.” “These countries have a problem, here is a solution,” the first official said. AFP said that the United States had not responded to its request for comment.

The German news channel ZDF reported in late March that Iraq would prosecute the foreign fighters in exchange for European countries and the United States paying the costs. Those in favor of trials in Iraq argue that European standards of evidence make convictions in the countries of origin more difficult. “Europe and especially Germany with its way of life are unable to deal with such cases,” Iraqi presidential adviser Hussein al-Honanien told ZDF. “Germans need to understand we expect economic, political, and social support.”

What should put an immediate stop to the proposal is precisely how much easier Iraqi court convictions would be. Convictions are often based solely on confessions, many of which are coerced under torture. Trials lasting no longer than 10 minutes are not unusual. Two New York Times reporters who sat in on an April 2018 court session described Iraq’s “assembly line” judicial process: inside of two hours, they wrote, the judge convicted 14 Turkish women, one after another, and sentenced them to die. Convictions under Iraq’s counterterrorism law are not for the worst crimes, or even specific crimes, but solely for alleged affiliation with IS, or “support” in the loosest sense. “Cooks, medical workers, everyone is given the death penalty,” Human Rights Watch researcher Belkis Wille told the Times.

Iraq has detained an estimated 20,000 persons in connection with IS since 2014, most of them since 2017, and half of that number have at least started judicial proceedings. “People familiar with the court” told the Times that the conviction rate was around 98 percent. At the same time, there is little effort to investigate and bring to justice the worst perpetrators of atrocities.

The steep price tag associated with the purported Iraqi proposal—\$2 million per suspect per year—may be enough to ensure that such a deal does not proceed. (AFP’s Iraqi sources said that figure is “based on estimate operational costs of a detainee in U.S.-run Guantanamo.”) “This may be the silver lining,” Wille, the Human Rights Watch researcher who is a frequent visitor to Iraq, told me. “Some diplomats here worry that Iraq may stretch out the process to maximize cash flow, and that might make governments seriously reconsider their reluctance to take their nationals back home to face justice.”

Joe Stork is chair of the advisory board of the Gulf Center for Human Rights and former deputy director of Human Rights Watch’s Middle East division.

Iraq reiterates its rejection of siege on Qatar (Middle East Monitor)

April 23, 2019

Iraq has reiterated its rejection of the blockade imposed by Saudi Arabia, the United Arab Emirates and Bahrain on Qatar since June 2017, stressing on the need to resolve the crisis through negotiations.

The Charge d’Affaires of the Iraqi Embassy in Doha, Abdulsattar Al-Janabi, said his country rejects the embargo imposed on Qatar, pointing out that Baghdad was one of the first countries that opened its airspace and ports to Qatar following the blockade.

Al-Janabi said in an interview with Al Jazeera that Iraq had called on the Gulf parties to negotiate, resolve the crisis peacefully and support the Kuwaiti initiative in this regard.

He added that Iraq has worked to ease tension between the Gulf states through the Arab League, especially as Baghdad maintains good relations with all of them.

Soon after Saudi Arabia, Bahrain, the United Arab Emirates and Egypt announced the blockade on Qatar in June 2017, Iraqi Prime Minister Haider Al-Abadi rejected the decision, explaining that Iraq opposes sieges against any country.

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Syria

Qatar-initiated move aims to bring accountability in Syria (Gulf Times) By Joseph Varghese
April 14, 2019

A mechanism initiated by Qatar and some other countries for a fact-finding mission in Syria, has resulted in equipping the international community better to achieve accountability, a senior official has said.

Catherine Marchi-Uhel, head of the International Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for serious crimes in Syria, was speaking to Gulf Times on Sunday.

She is attending the 'International Conference on National, Regional and International Mechanisms to Combat Impunity and Ensure Accountability under International Law' organised by National Human Rights Committee.

Marchi-Uhel noted that on several occasions there were attempts to have a resolution at the UN Security Council to refer the situation of Syria to the International Criminal Court (ICC).

"This was blocked politically as some states vetoed the proposal in the UN Security Council. It was at this time, Qatar, Liechtenstein and a small group of countries started to think out of the box," said Marchi-Uhel.

"They thought that they could do something without referring the matter to the ICC. They figured that apart from a public report on the atrocities, there would be a possibility of preserving the evidence and analysing it and supporting prosecution by building cases, by sharing information and evidence with those prosecutors who are working on those cases," explained Marchi-Uhel.

The official said that Qatar was part of this initiative which resulted in the adoption of the proposal by the UN General Assembly, establishing a mechanism for Syria.

"This initiative has led to another one for establishing a mechanism for the situation of Rohingyas in Myanmar" she noted.

"I was appointed in August 2017 and the mechanism became operational from May 2018. We are not reporting publicly on the substantive aspects. We have already collected over a million of records, an equivalent of four terabytes of data- information and pieces of evidence" she described.

"We are working extensively to document those records and we receive request for assistance from prosecutors and we are helping them. We have the mandate to look at the most serious crimes committed from all sides during the conflict," highlighted the official.

"It is getting tighter now for many of the people who are accused. You have now international arrest warrants issued against some of them," added the official.

Global meet on combating impunity begins today (The Peninsula)
April 14, 2019

Under the patronage of Prime Minister and Interior Minister H E Sheikh Abdullah bin Nasser bin Khalifa Al Thani and with the participation of over 250 organisations, the largest international conference themed "National, Regional and International Mechanisms to Combat Impunity and Ensure Accountability under international law" will begin today at the Ritz-Carlton Doha.

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Doha conference seeks to address impunity for war crimes: More than 200 attendees look for solutions to hold states and individuals accountable for human rights violations. (Al Jazeera) By Ali

Younes

April 15, 2019

Seeking to find ways to hold individuals and countries accountable for war crimes and human rights violations around the world, speakers at a conference in the Qatari capital have recommended the establishment of an international mechanism to combat impunity and the disregard of international law by powerful nations.

The problem is particularly acute in the Arab world, where devastating atrocities during civil wars and widespread human rights abuses are committed by regimes and armed groups alike, the speakers said on Monday.

A lack of regional legislation and mechanisms to deter such violations bring the problems to crisis levels, with hundreds of thousands killed in Syria, Yemen going through the world's worst humanitarian crisis, and Libya witnessing a burgeoning conflict.

The international conference on "national, regional, and international mechanisms to combat impunity and ensure accountability under international law" was sponsored by Qatar's National Human Rights Committee (NHRC).

The NHRC chief, Ali bin Samikh al-Marri, noted the lack of a proper criminal justice system in the Arab world to deal with war crimes and rights abuses, and said the road to addressing violations must come through "fostering national, regional and international criminal justice mechanisms".

'Lack of action'

But critics argue the international community and the UN organisations have "failed" to act against those who committed war crimes and human rights violations in the region.

"The people of Syria are very frustrated with the lack of action by the international community to hold the regime of President Bashar al-Assad accountable for its war crimes against the Syrian people," said Fadel Abdul Ghani of the Syrian Network for Human Rights.

The Syrian government stands accused of committing chemical attacks against civilians and other war crimes during eight years of war.

Abdul Ghani said the international community has failed and that "Syria is a huge example of this failure".

Qatari lawyer Abdullah Taher raised concern the United States and other world powers are not held accountable for their misdeeds in the Arab world and elsewhere.

Only developing countries and poor ones are "held to account by the international organisations", he said.

"We want solutions for holding those responsible for committing war crimes in the region held to account."

'Unexpected and deeply flawed'

On April 12, the International Criminal Court (ICC) in The Hague turned down a request by its chief prosecutor to open a war crimes probe in Afghanistan, which could have looked into the possible role of US forces in wrongdoing, saying it "would not serve the interests of justice".

The rejection came in part because of the US refusal to cooperate with any inquiry, including a decision in March to deny ICC personnel visas and revoking an entry visa for the chief prosecutor.

"I strongly doubt that the judges would have adopted such an unexpected and deeply flawed interpretation of the 'interests of justice' had the US not so aggressively pressured the court to reject the Afghanistan investigation," said Kevin Jon Heller, a professor of international law at the Australia National University and the University of Amsterdam.

The ICC decision reinforced a perception in Arab nations and developing countries that such international organisations cannot make independent decisions in the interest of justice, the participants said.

Heller said the ICC's decision not to investigate the alleged US war crimes in Afghanistan will provide a "road map" to encourage other powerful states such as Russia to act with impunity and disregard international law.

As a result, Heller argued, the ICC will now likely only focus on investigating abuses committed by weak states, rebel groups or deposed heads of state.

"Those are the only crimes where the ICC can expect significant state cooperation," said Heller.

Ending impunity

Panellists also questioned why the US is allowed to support the illegal Israeli occupation of the Palestinian West Bank and recognise Israeli sovereignty over the Syrian Golan Heights.

"How could you fight impunity here when the world's most powerful country, the US, sets the example to other countries that powerful states are above international law," said Dawod Kuttub, a Jordanian writer and human rights activist.

Mona Rishmawi, the chief of the rule of law, equality and non-discrimination branch at the UN high commission for human rights, said there is a wide gulf between powerful Western nations that call for international law and justice while not necessarily adhering to it and Arab governments that violate their people's human rights.

"Every state is looking after its own interests and not necessarily the interests of human rights or the rule of law," she told Al Jazeera.

"We in the Arab world should listen to our people who are on the streets in Sudan, Algeria and elsewhere demanding dignity, justice and an end to corruption by the ruling regimes."

The two-day conference concluded with a lengthy list of recommendations for nation states, civil society and national, international and regional mechanisms to help end impunity.

St. Petersburg conference on countering int'l terrorism concludes activities with participation of Syria (Syrian Arab News Agency)

April 19, 2019

Conference on countering international terrorism , which kicked off in the Russian city of St. Petersburg, concluded activities on Friday with the participation of Syria.

The participants stressed the necessity of unifying efforts to eliminate terrorism and curb its spread in the world.

They discussed the role of international bodies in the fight against terrorism and mechanisms to prevent the use of Internet technologies to spread extremist ideas, as well as ways to develop legislations related to pursuing terrorists and combating terrorism financing.

Earlier, in an interposition during the conference, Head of delegation of Syria's People's Assembly, Sanaa Abu Zaid, talked about the war being waged against Syria, stressing that it is the fiercest terrorist war in history.

She referred to the role of international institutions in building strategies to fight terrorism and the illegal use of modern technologies and the necessity to double efforts to combat the financing of terrorism and ways of recruiting foreign terrorists.

In turn, MP Dr. Hussein Abbas, pointed out that Syria's invitation to participate in the conference is an international recognition that it is fighting terrorism on behalf of the world as a whole.

"The conference formed a window through which the Syrian delegation managed to convey the concerns and sufferings of the Syrian people due to terrorism, its backers and financers." He said

MP Dr. Khair-Eddin al-Sayyed, depicted as "international terrorism" the US President Donald Trump's declaration on the occupied Syrian Golan, clarifying that the US administration is practicing terrorism against peoples.

The conference was organized by the Inter-parliamentary Assembly of the Commonwealth of Independent States, Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE), the Parliamentary Assembly of the Mediterranean, Parliamentary Assembly of the Collective Security Treaty Organization, the Inter-Parliamentary Union (IPU) and the United Nations Office of Counter-Terrorism.

Iraq Court Sentences Four to Death for Joining IS (U.S. News) By Ahmed Rasheed
April 21, 2019

AN Iraqi court has sentenced four people to death by hanging for belonging to the Islamic State militant group and committing terrorist crimes in Iraq and Syria, a judiciary statement said on Sunday.

The four men, wanted by Iraqi authorities, were handed to Iraq by the U.S.-backed Syrian Democratic Forces (SDF), the statement said.

A Baghdad criminal court convicted them for joining IS and "carrying out criminal operations that targeted innocent civilians with the aim of undermining peace and stability in Iraq and Syria".

A judicial source said the four men were Iraqi.

In February, Iraq's military said the SDF had handed 280 Iraqi and foreign detainees to Baghdad.

Thousands of foreigners have fought on behalf of Islamic State in Iraq and Syria since at least 2014. Many foreign women came - or were brought - from overseas to join the militants.

Iraqi courts are relying on counter terrorism laws to prosecute thousands of suspects, including foreign fighters, for joining the ultra-hardline jihadist group.

Human rights groups have accused Iraqi and other regional forces of inconsistencies in the judicial process and flawed trials leading to unfair convictions.

Islamic State captured a third of Iraq in 2014 but was largely defeated both there and in neighboring Syria where U.S.-backed forces proclaimed last month the capture of Islamic State's last territory, eliminating its rule over a self-proclaimed "caliphate".

Int'l investigative mechanism for Syria gathering large volumes of information: official (China.org.cn)
April 23, 2019

An international investigative mechanism for crimes committed in the Syrian civil war is gathering large volumes of information, said head of the mechanism on Tuesday.

Operational since May 2018, the International, Impartial and Independent Mechanism (IIIM) has collected over 1 million records and the collection is growing exponentially with the ingestion of whole databases, Catherine Marchi-Uhel, head of the mechanism, told the UN General Assembly in her annual speech.

"We see opportunities to reserve new resources for filling in gaps in the existing evidence through targeted investigations."

The IIIM model can assist domestic criminal justice actors in their effort to prosecute individuals for crimes committed in the Syrian civil war, by providing them with evidence, structural analysis, expertise and peer-to-peer engagement, she said.

Reflecting the potential of an integrated approach between international and national actors, the mechanism has received a total of 23 requests for assistance from war crimes units and national judiciaries, said Marchi-Uhel, noting that the rate of receipt will increase.

She saw the IIIM model as an opportunity to help address some of the weaknesses in the existing international criminal law framework. "We see opportunities to bridge the divide between, on the one hand, fact-finding missions as well as commissions of inquiry and, on the other hand, international courts and tribunals. We see opportunities to aggregate and centralize large volumes of information and evidence from civil society, international organizations, states and individuals and to vet, process and analyze it according to international criminal law standards and with high-tech capabilities."

She cautioned that the work of the mechanism will take a long time and asked for international support.

"To gather and prepare the evidence that proves guilt beyond a reasonable doubt, especially for complex large-scale crimes, takes time."

Following the commencement of the process by the UN secretary-general to include the IIIM in the 2020 UN regular budget, sustainable funding will be ensured in the years to come, she said, calling on states to continue supporting the transition of the mechanism to the regular budget.

The mechanism is a novel model with significant potential, she said.

The IIIM was established by the UN General Assembly in December 2016 mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in Syria since March 2011.

A Joint Investigative Mechanism endorsed by the UN Security Council to determine the perpetrators of chemical weapons use in Syria ceased to be in November 2017 after Russia vetoed the extension of its mandate.

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Yemen

Plan for troop pullback 'now accepted' by rival forces around key Yemen port, but fighting intensifying elsewhere, Security Council warned (UN Report)

April 15, 2019

Martin Griffiths said that after a "long and difficult process" agreeing the details of a UN-backed plan, which the warring parties signed up to in Sweden last December to de-escalate fighting around Hudaydah, as the start of a process to hopefully end the fighting nationwide, "both parties have now accepted the detailed redeployment plan for phase one", and the UN was now "moving with all speed towards resolving the final outstanding issues".

He said the breakthrough would mark the "first voluntary withdrawals of forces in this long conflict", noting that violence had "significantly reduced" around the Red Sea port city, which is the entry point for the vast majority of aid and goods for the whole country, since the fragile ceasefire began.

Mr. Griffiths told Council members he was committed to helping facilitate a political solution to end the war: "My primary responsibility in the next few weeks will be to winnow down differences between the parties so that when they meet they can, in all efficiency, be asked to answer precise questions about the nature of the arrangements to end the war", he said.

"I seek the support of this Council for this approach. I ask you to put your faith in the desperate need for peace which is the daily prayer of the millions of Yemenis who still believe in its prospect.

Without more support 'the end is nigh' for Yemenis: Lowcock

UN Affairs Chief, Mark Lowcock, was next to brief the chamber, also via video-link, picking up Martin Griffith's passionate plea for the international community to act now, to save countless Yemeni lives.

He reiterated his earlier call for a nationwide ceasefire, adding that "all the men with guns and bombs need to stop the violence. We again remind the parties that international humanitarian law binds them in all locations and at all times."

But bullets are not the only risk to life and limb he warned, citing that so far this year, 200,000 suspected cases of deadly cholera had been reported, almost three times the same period last year.

"We see the consequences of the destruction of the health system elsewhere too. More than 3,300 cases of diphtheria have been reported since 2018 - the first outbreak in Yemen since 1982. Earlier this year, new measles cases surged to nearly twice the levels reported at the same time in 2018".

Looming over everything, the risk of famine continues, he warned, saying that the World Food Programme (WFP) was upping the reach of support for the world's largest aid operation, from nine million a month, to 12 million "in the coming months".

Access to the vulnerable remains a key challenge he said, making clear that grain that could feed 3.7 million hungry Yemenis in Hudaydah's Red Sea Mills, remained trapped due to conflict. Secondly, money was running out to save lives, he said, with only \$267 million received so far, out of \$2.6 billion pledged.

WHO, he said, "projects that 60 per cent of diarrhoea treatment centres could close in the coming weeks, and services at 50 per cent of secondary care facilities, could be disrupted."

"We remain keenly aware that a sustainable peace - as Martin has said many times - would be the most effective remedy for the humanitarian crisis in Yemen", Mr. Lowcock concluded. "Without peace, we will simply go on treating the symptoms of this crisis, instead addressing the cause."

"Let me summarize. Violence has again increased. The relief operation is running out of money. Barring changes, the end is nigh."

Level of violence, abuse against children 'simply unacceptable': Gamba

The UN's Special Representative for Children and Armed Conflict, Virginia Gamba, focussed on how Yemen's most vulnerable had borne the brunt of war with a "staggering" figure of more than 3,000 children "verified as recruited and used", while more than 7,500 were killed and maimed, with over 800 cases of humanitarian access denied, during nearly five years of fighting.

Almost half of those killed and maimed, she said, were victims of airstrikes, for which the Saudi-led coalition supporting the Government, "bears the main responsibility".

On the ground however, "the Houthis were responsible for the majority" of casualties, predominantly through shelling, mortar and small arms fire.

Ms. Gamba said she had secured agreements with both warring parties during her time in office, to strengthen the protection of child lives, and to cut down on the recruitment of children as part of the war effort.

"The violence Yemeni children have been subjected to - and still are - is simply unacceptable. I urge all parties to the conflict to take immediate measures to ensure that their military operations are conducted in full compliance with international law, including through respecting the principles of distinction, proportionality and precaution."

She too, called on the international community to prioritize funding for Yemen, "in order to provide children with a chance to survive, learn, and construct the Yemen of the future".

The Stockholm Agreement had provided hope, "yet as fighting continues and intensifies in parts of the country", said the Special Representative, "I urge the parties to swiftly implement the commitments made. The tragedy of Yemeni children and their role in the Yemen of tomorrow emphasizes the need to put them at the heart of the peace process.

Investigative website says French arms used in Yemen's war (The Washington Post)

April 15, 2019

PARIS — A French investigative website said Monday that weapons made in France "may have been used to commit war crimes" in Yemen by Saudi Arabia and the

United Arab Emirates.

Disclose based its report on a classified note from France's military intelligence service saying that French-made weapons, including artillery, tanks, ships and fighter-bomber jets, "may have been used to commit war crimes."

The French media nonprofit said the report was given to President Emmanuel Macron during a meeting of a restricted defense committee held at the presidential office in October.

Entitled "Yemen: security situation," it details the positioning of French-made weapons in the conflict. "It demonstrates that hundreds of thousands of civilians live under the threat of these arms, and provides information that allows us to demonstrate that some of these weapons may have been used to commit war crimes," Disclose said. "The French government is today aware of the risk of this," it added.

The Saudi-led coalition has fought Yemen's Houthi rebels since 2015 in a conflict that has killed tens of thousands of people.

The French government did not immediately respond to an email seeking comment. France previously said its weapons were only used defensively.

Reacting to the report, Amnesty International urged France "to immediately suspend all arms transfers that could be used by any of the warring parties in Yemen - once and for all."

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Hundreds killed and injured by Houthi landmines in Yemen, as war death toll soars past 70,000 (The Independent) By Bel Trew

April 23, 2019

The death toll from the war in Yemen has soared past 70,000, as rights groups warned landmines strewn across the country have caused hundreds of casualties and blocked aid.

In the past five months alone 10,000 people have been killed, nudging the death toll past 70,000, a report by the Armed Conflict Location and Event Data Project (Acled) has reported.

The global mapping project added that of the total deaths, more than 7,000 civilians had been killed in direct attacks, with a Gulf-led coalition responsible for the highest number of civilian deaths. The figure of 70,000 also includes an unspecified number of collateral civilian deaths.

The United Nations refugee body said, in August 2018, that there had been more than 17,000 civilian casualties, including 6,500 killed. In 2017, the UN had said around 10,000 had been killed – without specifying whether this was a civilian death toll or an overall figure.

Human Rights Watch, meanwhile, warned that the "widespread use" of landmines by the Houthi rebel group, which is fighting the Yemeni government and the Gulf alliance, had killed and injured hundreds of people in Yemen and prevented aid groups reaching vulnerable communities.

The New York-based watchdog said that landmines had been laid in farmlands, villages, wetlands and roads, killing at least 140 civilians, including 19 children in the flashpoint governorates of Hodeidah and Taiz alone.

“Houthi-laid landmines have not only killed and maimed numerous civilians, but they have prevented vulnerable Yemenis from harvesting crops and drawing clean water desperately needed for survival,” said Priyanka Motaparthy, acting emergencies director at Human Rights Watch.

“Mines have also prevented aid groups from bringing food and health care to increasingly hungry and ill Yemeni civilians,” she added.

Yemen has been ripped apart by a ruinous four-year war that has sparked the world’s worst humanitarian crisis and pushed the country to the brink of famine.

The conflict erupted in late 2014 when the Iran-backed Houthis swept control of the country eventually forcing recognised president Abedrabbo Mansour Hadi to flee.

In the spring of 2015 Saudi Arabia and its Gulf allies launched a bombing campaign to reinstate their ally. Four years on there is little hope of an end to the conflict.

The United Nations has accused both sides of committing possible war crimes. UN experts said the Saudi-led alliance had bombed civilian homes, funerals, weddings and market places while the Houthis have indiscriminately shelled civilian neighbourhoods.

The coalition, led by Saudi Arabia and the United Arab Emirates, has admitted to causing civilian casualties in the past, but has attributed the deaths to “unintentional mistakes”, and says it is committed to upholding international law.

HRW said in a report released on Monday that the Houthis’ widespread use of landmines along Yemen’s western coast had not only killed people but deprived areas of water and food resources.

The watchdog said it found evidence that in addition to laying anti-personnel landmines, Houthi forces had planted anti-vehicle mines in civilian areas, modified anti-vehicle mines to detonate from a person’s weight, and “disguised improvised explosive devices as rocks or parts of tree trunks”.

They had also used naval mines, despite the risk to fishing and aid vessels and planted mines in water facilities, HRW said.

Humanitarian groups were also unable to reach areas in desperate need of aid because the roads or areas were riddled with the explosives, HRW added.

It called on the rebel group to immediately cease using these weapons.

The United Nations hopes a fragile truce brokered in the Red Sea port of Hodeidah will see a long-lasting peace agreement that might end the conflict. Hodeidah, which is the country’s main hub for aid and commercial imports, had become the heart of the front line until recent months.

On Monday night the Houthis warned that they had long-range missiles trained on Riyadh, Dubai and Abu Dhabi ready to fire should the ceasefire falter.

The rebel group has repeatedly fired on Saudi Arabia with its missiles reaching as far as the capital Riyadh.

“Our missiles are capable of reaching Riyadh and beyond Riyadh, to Dubai and Abu Dhabi,” Abdul Malik al-Houthi told Houthi-run Masirah TV.

“It is possible to target strategic, vital, sensitive and influential targets in the event of any escalation in Hodeidah,” he said. “We are able to strongly shake the Emirati economy.”

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Special Tribunal for Lebanon

STL Judges amend the Rules of Procedure and Evidence (STL Press Release)

April 18, 2019

The Judges of the Special Tribunal for Lebanon (STL) approved six proposed rule amendments to the STL's Rules of Procedure and Evidence (RPE) at a plenary meeting held last week.

The RPE are regularly updated to improve and streamline the STL's procedures. The following is a summary of the most significant changes adopted.

The Judges adopted an amendment to Rule 188 (C) concerning the Judgement on Appeal, adding another safeguard in relation to convicted person's appellate rights. The Rule now states that where only the convicted person has filed an appeal, the Appeals Chamber may not increase the sentence.

Changes were also made to Rules 168 (B), 171 (E) and 188 (B) – which concern Judgement, Sentencing Procedure and Judgement on Appeal, respectively – to align them with the provisions of Article 23 and the STL Statute, by clarifying that Trial, Sentencing and Appeals Judgments shall be “rendered by a majority of the Judges and accompanied by a reasoned opinion, in writing, to which any separate or dissenting opinion shall be appended”.

Finally, Rules 50 (B) (iii) and 50 (D) relating to the Victims and Witnesses Unit (VWU) were amended to better reflect the practice of the VWU and the duty of care towards witnesses and victims participating in the proceedings.

In accordance with Rule 5 (H) of the RPE, amendments enter into force seven days after their issuance on 18 April 2019.

The updated RPE are now available on STL website. A summary of the adopted and rejected amendments will follow shortly.

Background:

How the Rules of Procedure and Evidence are amended

The Rules of Procedure and Evidence (RPE) govern the various stages of the proceedings before the STL. The rules reflect the highest standards of international criminal justice.

The RPE were adopted on 20 March 2009 and have since been revised on ten occasions. They protect the rights of a suspect, an accused or of a convicted or acquitted person. Amendments to the RPE are intended to enhance the efficiency, effectiveness and integrity of the STL's proceedings.

Rule 5 of the RPE defines the process for the amendment of the rules.

The STL Judges, the Prosecutor, the Head of the Defence Office and the Registrar may propose amendments to the RPE. Such proposals are then reviewed by the Rules Committee, presided by the Vice-President, and composed also of two other Judges designated by the President, as well as the Prosecutor, the Head of Defence Office and the Registrar or their representatives as non-voting representatives.

In order for amendments to be adopted, they require unanimous approval of the Judges or the vote of at least seven Judges at a plenary meeting of the Tribunal. Amendments come into force one week after their adoption. There is no limit to the number of times the RPE may be amended.

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Israel and Palestine

15-year-old Gazan Killed by Live Israeli Gunfire in Border Protests, Palestinians Report (Haaretz) By Jack Khoury
April 12, 2019

A 15-year-old Palestinian was killed Friday after being shot in the stomach by live Israeli gunfire during border protests along the border with Gaza, the health ministry in the Strip said.

Eight more Palestinians reportedly sustained gunshot wounds in clashes east of Jabalya in the northern Gaza Strip.

Last week some 10,500 Palestinians gathered along the border east of Gaza City, marching and throwing stones. One Palestinian was seriously injured by live fire and the ministry also reported that 63 demonstrators were wounded, some by live fire.

This comes two weeks after the one year anniversary of the March of Return and tense negotiations between Israel and Hamas, mediated by Egypt. The organizing committee behind the weekly demonstrations agreed to freeze some of its activities and work to prevent mass gatherings near the border during Friday's march, as Egypt negotiates a long-term calm.

Committee member Talal Abu Zarifa told Haaretz that organizers decided to support the Egyptian mediation efforts for implementing understandings between Israel and Hamas.

"We've made it clear on several occasions that the intensity of the protest will depend on the implementation" of the agreements, which include easing some of the restrictions Israel imposes on Gaza," he said.

Israel expanded the approved fishing zone for Gazans to 15 nautical miles (equivalent to 28.8 kilometers from the shoreline) two weeks ago, the maximum fishing range allowed in the Gaza Strip since the signing of the Oslo Accords in 1993.

Fishermen in Gaza say the 15-mile range is partial, only applying to waters off the southern part of the Strip.

Netanyahu: It's absurd for ICC to put U.S. or Israeli soldiers on trial (The Jerusalem Post) By Tovah Lazaroff
April 14, 2019

Prime Minister Benjamin Netanyahu lauded the decision of the International Criminal Court to reject a request to investigate US forces for possible war crimes in Afghanistan.

"To come and put on trial US or Israeli soldiers, or the State of Israel or the US, is absurd. It is the opposite of the original goal of the international court," Netanyahu said as he spoke to the weekly government meeting.

The ICC is also weighing whether to accept a war crimes suite by the Palestinian Authority against Israelis for war crimes both in its action in Gaza and for West Bank settlement construction.

The UN Human Rights Council has compiled a secret data base of Israeli soldiers and IDF commanders that it believes has committed war crimes in the handling of Palestinian riots along the Gaza border.

Neither the US or Israel have ratified their signatures to the Rome Statute, under which the ICC operates.

Netanyahu said the ICC decision "was a very important development for the State of Israel and the international community."

He added, "This blocked a move that would have upended the original goal of establishing the international court. It was

mainly established after the outrages of the pogroms, genocide and other problems that arose over the years in order to deal with countries and regions that have no true legal system.”

Netanyahu continued, “They harass the US and Israel, democracies, which by the way are not members of the international court. But, without doubt, we have one of the best legal systems in the world, which is not a given because there are very few of these.”

The ICC’s decision not to pursue US soldiers “corrects an injustice and will have far-reaching implications for the functioning of the international system regarding the State of Israel,” Netanyahu said.

“I commend the US, President Trump and the Trump administration for their strong stand alongside the citizens of Israel and the soldiers of the IDF. As on previous occasions, it has been proven that Israel has no better friend than the US and we very much appreciate the support in this field as well,” Netanyahu said.

On Friday Trump said the ICC's decision was a "major international victory, not only for these patriots, but for the rule of law. We welcome this decision and reiterate our position that the United States holds American citizens to the highest legal and ethical standards," Trump said.

Netanyahu spoke with the government, as it convened for the first time since the Likud’s victory in the April 9th election that has likely tasked Netanyahu with forming a new government.

Israel's President Reuven Rivlin will hold consultations with all the parties that secured seats in the 21st Knesset, before empowering Netanyahu to form a coalition that will then change the make up of the government.

Netanyahu thanked the ministers for their work on behalf of the state over the last four years.

“I would like to commend the members of the government on four full years of action and many accomplishments. The accomplishments are very many. This found expression in the public’s decision to renew our mandate as a result of considerable action in all of the fields that are represented around this table – in very clear and successful action by government ministers. We will continue to do so in the next government and with G-d’s help, we will do and we will succeed,” Netanyahu said.

He also gave the proclamation he received from Trump during his trip last month to Washington that recognized Israeli sovereignty on the Golan.

Lastly, he spoke of Israel’s failed attempt to successfully land on the moon the unmanned, privately funded spacecraft named Beresheet.

“Over the weekend, the State of Israel made history. It became one of the seven countries to reach lunar orbit and of the four countries to land on the moon, although not in the optimal way,” Netanyahu said. “This is a tremendous achievement for the consortium of SpaceIL, Israel Aerospace Industries and the State of Israel in support,” he added.

Netanyahu pledged that Israel would launch a second spaceship to the moon, named Beresheet II.

“I hope that this time will be successful. In that case, we will indeed be the fourth country to land successfully on the moon,” Netanyahu said.

“This proves, first of all, our abilities, our aspirations and the fact that we are not stymied by failures. The difference between winners and losers is that we do not give up,” Netanyahu said.

“We will try again and again until we succeed. I estimate that we will have a better chance of succeeding the second time. According to what I have heard and the mishaps that I saw there – people will evaluate the problem and are also capable of dealing with it,” he added.

Shot fired at Israeli troops from Gaza; IDF strikes Hamas posts in response (The Times of Israel) By Judah Ari Gross
April 19, 2019

A gunshot was reportedly fired at Israeli troops serving along the Gaza border on Friday, prompting a number of retaliatory strikes against nearby Hamas positions, the Israel Defense Forces said.

No injuries were reported on either side in the exchange of fire.

The IDF said the soldiers were targeted while at the security fence. According to outlets in the Gaza Strip, the incident occurred east of the Gazan city Deir al-Balah.

A short time later, an Israeli tank and aircraft targeted two Hamas observation posts along the Gaza border, the army said.

“An IDF aircraft and tank attacked two military positions belonging to the Hamas terror group in the Gaza Strip in response to a shot that was fired a short time ago at troops near the security fence,” the IDF said.

The fire came as troops were gearing up for the weekly protests and riots along the Gaza border that have been held almost every Friday for more than a year.

Several thousand Palestinians took part in the protests later Friday, with some rioting along the border, throwing rocks and explosive devices at soldiers who responded with tear gas and occasional live fire.

The Hamas-run Gaza health ministry said 12 people were wounded by live fire.

The exchange also came amid ongoing efforts to implement a ceasefire agreement between Israel and Hamas.

On Thursday, senior Hamas official Khalil al-Hayya said Israel had agreed to lift restrictions on importing many “dual-use” goods into Gaza as a part of the understandings with terror groups there.

For the past several years Israel has heavily restricted the entry of products that it labels “dual-use,” meaning that they can be used for both civilian and military purposes. Palestinians in Gaza have long been required to receive special permits to import goods that Israel categorizes as dual-use.

“We extracted from the occupation the lifting of the restrictions and the ban...on 30 percent of these materials,” Hayya told the Hamas-affiliated Al-Aqsa TV in a long interview late Wednesday.

The Coordinator of Government Activities in the Territories, a Defense Ministry body responsible for liaising with Palestinians, declined to confirm or deny Hayya’s comments.

“We do not respond to foreign reports,” COGAT said in an email.

The Prime Minister’s Office declined to respond to a request for comment.

According to a World Bank report that was issued on Wednesday, there are 118 goods that Israel classifies as dual-use in relation to Gaza and 56 to the West Bank. Those pertaining to Gaza include several chemicals, machinery including drilling equipment, jet skis and many other materials and products.

The report said World Bank estimates found that “easing dual-use restrictions could bring additional 6 percent growth in the West Bank economy and 11% in Gaza by 2025, compared to a scenario with continued restrictions.”

Hayya also warned that if Israel did not abide by the recent ceasefire understandings, Palestinians in Gaza would renew launching incendiary and explosive-laden balloons into the Jewish state, nighttime protests in the border region between the Jewish state and the coastal enclave, and other measures.

“[Israel] not abiding....would mean the rough tools would return. Everything and more than the rough tools would return,” he said. “We say that we will not accept the siege staying in place.”

“Rough tools” refer to the launching of incendiary and explosive-laden balloons into Israel and other activities along the border, which have included setting off small explosions, lighting tires on fire and pointing lasers at IDF soldiers.

Since early April, the launching of balloons and nighttime protests have essentially been halted.

Egypt, the United Nations and Qatar recently brokered ceasefire understandings between Israel and Hamas, which Hebrew media reports have said include an end to violence emanating from the Gaza in exchange for the Jewish state easing some of its restrictions on the movement of people and goods into and out of the coastal enclave.

Israeli Soldiers Shoot Bound, Blindfolded Palestinian Teen Trying to Flee (Haaretz) By Yotam Berger
April 21, 2019

Israeli soldiers shot on Thursday a restrained Palestinian teenager they had detained for suspected stone-throwing as he was attempting to flee, although he was blindfolded and handcuffed.

The soldiers pursued the detainee near the Palestinian village of Tekoa in the West Bank. At the time of the shooting, the suspect was blindfolded and handcuffed, while he made an attempt to flee.

The suspect was kept detained at the scene even after he had been shot, however, after clashes between soldiers and Palestinians at the scene, the Palestinians evacuated the suspect to receive medical treatment.

According to the Palestinians who were present at the scene, the wounded man is being treated at a clinic Beit Jala near Bethlehem and is not under Israeli military supervision.

The Israeli army confirmed the event and said that the Palestinian was shot while attempting to flee, adding that the incident will be investigated. A military source confirmed that the suspect was handcuffed at the time of the shooting, and said that he was evacuated "jointly" by the army and the Palestinians.

A video filmed by Palestinians immediately after the incident, however, shows two soldiers in commando uniforms, one holding a sniper rifle, clashing with a large group of Palestinians, including several women, who were attempting to evacuate the wounded man.

One of the soldiers, an officer, is seen dressing the detainee's wounds with the help of two Palestinian women while another soldier threatens other Palestinians in the area not to come closer or "they'll get a bullet, I'm not kidding." The soldier issuing threats holds a sniper rifle and aims a handgun at a Palestinian man standing near him.

The soldier says "[medical] treatment is coming," while continuing to aim his handgun at a nearby Palestinian. The wounded Palestinian is then taken away by two other Palestinians.

At first, the soldier appears to struggle with the Palestinians attempting to evacuate the wounded man while they hold him in their arms. At the end of the video, the soldiers give in and the Palestinians manage to evacuate the wounded man. The man appears to be bandaged in the groin, where he was shot.

A witness who was present at the scene, Musa Hamid, age 50, said he arrived about 15 minutes after the boy was shot. According to Hamid, the boy is 15 years old. "I told them that we have to help him or else he'll die," he said. "Me and another guy took the boy, and others began shooting in the air, we walked about 150 meters toward the IDF forces... They started throwing stones at the soldiers, and the soldiers ran away. We stayed with the boy, and some guys came and took him to get medical treatment. He was seriously wounded in the leg," he added.

According to the Israeli army spokesperson: "Disturbances have occurred recently involving Israeli cars on the road near the Arab Tekoa," referring to the Palestinian village, as opposed to the nearby Israeli settlement of Tekoa.

"On Thursday there was an incident, which included massive stone-throwing near IDF forces and Israeli cars on the road, risking the lives of civilians and soldiers. The soldiers responded with riot dispersal methods and arrested one of the demonstrators, who tried to flee after his arrest," the statement said. "He was detained nearby and shortly thereafter he began to flee from the squad again. The squad immediately began a pursuit, during which the detainee was shot in the lower body. The squad offered the Palestinian first aid immediately. The incident will be investigated," they added.

However, the Palestinian was in cuffs while he attempted to flee. Thus the procedure of "pursuit" is unclear. Moreover, the footage from the scene shows that he was also blindfolded. A military official confirmed that the Palestinian was cuffed and said he had been evacuated for treatment "jointly" by the army and Palestinians. It is unclear what "joint evacuation" means, since the video shows that he was evacuated by Palestinians over the protests of the soldiers.

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Gulf Region

French-made tanks and howitzer canons used in Yemeni war: Disclose (Reuters) By Richard Lough,
John Irish
April 15, 2019

French arms including tanks and laser-guided missile systems sold to Saudi Arabia and the United Arab Emirates are being used in the Yemeni war against civilians, leaked intelligence published by investigative website Disclose showed.

Entitled “Yemen: security situation”, a 15-page classified report written by France’s DRM military intelligence agency includes maps that detail the positioning of French-made weapons inside Yemen and on the Saudi side of the border.

It demonstrates that swathes of Yemen’s population lives under the threat of the French-made arms, according to Disclose.

The leaked report will be awkward for President Emmanuel Macron and his government, which has said that as far as it knows French-made arms sold to Saudi Arabia are used solely for defensive purposes on the border.

The intelligence document states that Caesar cannons, manufactured by French company Nexter and deployed along the Saudi-Yemeni frontier, conduct defensive shelling of Houthi forces as well as back up “loyalist troops and Saudi armed forces in their progression into Yemeni territory”.

The intelligence dossier is dated September 25, 2018. It was presented to Macron and Prime Minister Edouard Philippe, as well as France’s defense and foreign ministers.

The Disclose report was part of an investigation carried out with Mediapart, Konbini, France Inter radio, Arte television and U.S.-based The Intercept.

France is a signatory of the U.N. Arms Trade Treaty that regulates the international trade of conventional weapons and bans the sale of weapons that fuel human rights violations or war crimes.

U.N. experts have said all sides in the Yemeni conflict may have committed war crimes.

Philippe’s office said in a statement that France adopted rigorous safeguards when issuing export licenses and supported United Nations’ efforts to broker peace in Yemen.

“As far as we know, French arms possessed by coalition forces are placed for the most part in defensive positions, outside of Yemeni territory or under coalition control, but not on the front line,” the statement said.

It did not question the authenticity of the documents and neither confirmed nor denied the Disclose report, adding that France was not aware of Yemeni civilians being killed by French arms.

The defense ministry, which oversees the DRM, did not respond to a request for comment.

The Saudi and UAE government communication offices and a spokesman for the Saudi-led coalition in Yemen did not respond immediately to a request for comment.

The four-year conflict in Yemen has shattered its economy and created one of the world’s worst humanitarian crises, the U.N. says. More than 10,000 civilians have been killed and some 10 million people have been driven to the brink of famine.

A second, six-page DRM intelligence report distributed more widely, according to Disclose, showed that French-made tanks were deployed in defensive positions in bases including Mocha, Aden, al-Khawkhah along the coast and Ma’rib.

Disclose said its study of satellite images, video and photographs taken by civilians revealed some Leclerc tanks bought by the UAE had taken part in coalition offensives, including the campaign for control of the rebel-held port of Hodeidah.

The six-page report also said that UAE Mirage fighter jets were equipped with a laser-guided system made by Thales known as Damocles which it said were possibly being used in Yemen.

Germany has imposed an embargo on arms exports to Saudi Arabia over the killing of Saudi journalist Jamal Khashoggi and amid concerns over Riyadh’s role in the Yemen war, drawing criticism from the arms industry and from allies France and Britain, which say the move has put joint projects at risk.

Doha conference seeks to address impunity for war crimes (Al Jazeera) By Ali Younes
April 15, 2019

Seeking to find ways to hold individuals and countries accountable for war crimes and human rights violations around the world, speakers at a conference in the Qatari capital have recommended the establishment of an international mechanism to combat impunity and the disregard of international law by powerful nations.

The problem is particularly acute in the Arab world, where devastating atrocities during civil wars and widespread human rights abuses are committed by regimes and armed groups alike, the speakers said on Monday.

A lack of regional legislation and mechanisms to deter such violations bring the problems to crisis levels, with hundreds of thousands killed in Syria, Yemen going through the world's worst humanitarian crisis, and Libya witnessing a burgeoning conflict.

The international conference on "national, regional, and international mechanisms to combat impunity and ensure accountability under international law" was sponsored by Qatar's National Human Rights Committee (NHRC).

The NHRC chief, Ali bin Samikh al-Marri, noted the lack of a proper criminal justice system in the Arab world to deal with war crimes and rights abuses, and said the road to addressing violations must come through "fostering national, regional and international criminal justice mechanisms".

But critics argue the international community and the UN organisations have "failed" to act against those who committed war crimes and human rights violations in the region.

"The people of Syria are very frustrated with the lack of action by the international community to hold the regime of President Bashar al-Assad accountable for its war crimes against the Syrian people," said Fadel Abdul Ghani of the Syrian Network for Human Rights.

The Syrian government stands accused of committing chemical attacks against civilians and other war crimes during eight years of war.

Abdul Ghani said the international community has failed and that "Syria is a huge example of this failure".

Qatari lawyer Abdullah Taher raised concern the United States and other world powers are not held accountable for their misdeeds in the Arab world and elsewhere.

Only developing countries and poor ones are "held to account by the international organisations", he said.

"We want solutions for holding those responsible for committing war crimes in the region held to account."

On April 12, the International Criminal Court (ICC) in The Hague turned down a request by its chief prosecutor to open a war crimes probe in Afghanistan, which could have looked into the possible role of US forces in wrongdoing, saying it "would not serve the interests of justice".

The rejection came in part because of the US refusal to cooperate with any inquiry, including a decision in March to deny ICC personnel visas and revoking an entry visa for the chief prosecutor.

"I strongly doubt that the judges would have adopted such an unexpected and deeply flawed interpretation of the 'interests of justice' had the US not so aggressively pressured the court to reject the Afghanistan investigation," said Kevin Jon Heller, a professor of international law at the Australia National University and the University of Amsterdam.

The ICC decision reinforced a perception in Arab nations and developing countries that such international organisations cannot make independent decisions in the interest of justice, the participants said.

Heller said the ICC's decision not to investigate the alleged US war crimes in Afghanistan will provide a "road map" to encourage other powerful states such as Russia to act with impunity and disregard international law.

As a result, Heller argued, the ICC will now likely only focus on investigating abuses committed by weak states, rebel groups or deposed heads of state.

"Those are the only crimes where the ICC can expect significant state cooperation," said Heller.

Panellists also questioned why the US is allowed to support the illegal Israeli occupation of the Palestinian West Bank and recognise Israeli sovereignty over the Syrian Golan Heights.

"How could you fight impunity here when the world's most powerful country, the US, sets the example to other countries that powerful states are above international law," said Dawod Kuttub, a Jordanian writer and human rights activist.

Mona Rishmawi, the chief of the rule of law, equality and non-discrimination branch at the UN high commission for human rights, said there is a wide gulf between powerful Western nations that call for international law and justice while not necessarily adhering to it and Arab governments that violate their people's human rights.

"Every state is looking after its own interests and not necessarily the interests of human rights or the rule of law," she told Al Jazeera.

"We in the Arab world should listen to our people who are on the streets in Sudan, Algeria and elsewhere demanding dignity, justice and an end to corruption by the ruling regimes."

The two-day conference concluded with a lengthy list of recommendations for nation states, civil society and national, international and regional mechanisms to help end impunity.

Yemen war: Trump vetoes bill to end US support for Saudi-led coalition (BBC)

April 17, 2019

US President Donald Trump has vetoed a bill passed by Congress to end support for the Saudi-led war in Yemen.

Mr Trump described the resolution as an "unnecessary" and "dangerous" attempt to weaken his constitutional powers.

It is only the second time Mr Trump has used his presidential veto since he took office in 2017.

Opposition in Congress to his policy on Yemen grew last year after Saudi agents killed the journalist Jamal Khashoggi at the Saudi consulate in Istanbul.

The resolution passed the House of Representatives in April and the Senate in March, the first time both chambers had supported a War Powers resolution, which limits the president's ability to send troops into action.

"This resolution is an unnecessary, dangerous attempt to weaken my constitutional authorities, endangering the lives of American citizens and brave service members, both today and in the future," Mr Trump said in the veto message.

The House Speaker, Democrat Nancy Pelosi, was among those to condemn President Trump for the move.

Yemen has been devastated by a conflict that escalated in March 2015, when the rebel Houthi movement seized control of much of the west of the country and forced President Abdrabbuh Mansour Hadi to flee abroad.

Alarmed by the rise of a group they believed to be backed militarily by regional Shia power Iran, Saudi Arabia and eight other mostly Sunni Arab states began an air campaign aimed at restoring Mr Hadi's government.

The US has provided billions of dollars of weapons and intelligence to the coalition.

The UN says at least 7,000 civilians have been killed in the country, with 65% of the deaths attributed to air strikes by the Saudi-led coalition.

US senators have accused Saudi Crown Prince Mohammed bin Salman of ordering the murder of Mr Khashoggi, but Saudi prosecutors have insisted it was a "rogue operation" and that the agents were not acting on his orders.

President Trump first used his veto last month after Congress voted to block his declaration of a national emergency on the US southern border in order to secure funding for his border wall.

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ASIA

Afghanistan

Facing hurdles from U.S., war crimes judges reject Afghan probe (Reuters) By Toby Sterling and Stephanie van den Berg

April 12, 2019

Just days after the United States' government revoked the visa of the International Criminal Court's prosecutor, judges at the ICC on Friday rejected her request to open an investigation into alleged atrocities in the war in Afghanistan, citing practical reasons.

The decision, which prosecutor Fatou Bensouda may appeal, angered human rights groups and means that the Taliban, the Afghan government and the United States will not face any investigation at the ICC for their alleged crimes, which dated mostly from 2003-04.

U.S. President Donald Trump called the decision "a major international victory," and denounced the international court for its "broad, unaccountable, prosecutorial powers," as well as for what he considers its threat to American sovereignty.

"Any attempt to target American, Israeli or allied personnel for prosecution will be met with a swift and vigorous response," Trump said.

White House National Security Advisor John Bolton, a sharp critic of the ICC, called the ruling a "vindication" of the U.S.' tough policy against the court that he has engineered and a "stinging defeat" for the prosecutors.

He told reporters that even the cases of ousted Sudan President Omar al-Bashir and Venezuelan President Nicolas Maduro, who Washington wants to step down, should fall under the jurisdiction of their home countries, and not the ICC.

"Fundamentally, political maturation and responsibility requires that people be held responsible by their own societies," Bolton said.

In an unusual ruling, the ICC judges said Bensouda's case seemed to have met the court's criteria for jurisdiction and admissibility, but given an array of practical considerations that made chances of success remote, it did not make sense to pursue it further.

They cited a failure to gather evidence at an early stage, a lack of cooperation from governments involved, and the likely costs as prohibitive.

In addition, "the current circumstances of the situation in Afghanistan are such as to make the prospects for a successful investigation and prosecution extremely limited," the judges said in a 2-1 ruling.

"An investigation into the situation in Afghanistan at this stage would not serve the interests of justice and (the chamber) accordingly rejects the request," the judges said.

Bensouda said her office would "consider all available legal remedies" against the decision. International legal experts saw the ruling in part as a recognition of the realities the court faces in conducting prosecutions.

Human rights groups were incensed.

The decision "is insane and politically charged," Karine Bonneau, director of international justice at the International Federation for Human Rights (FIDH), said in a tweet.

The ruling was "an affirmation of double standards. This situation was exactly why the court was created," she added.

Kevin Jon Heller, associate professor of International Criminal law at Amsterdam University, said the decision appeared to impose significant hurdles on any case before the ICC in terms of the chances of a successful prosecution.

"If these are the criteria they are never going to open an investigation", he said.

COURT WAS 'LAST HOPE'

In 2006, Bensouda's predecessor, Luis Moreno Ocampo, opened an examination into alleged war crimes by all parties in the conflict in Afghanistan, including the possible role of U.S. personnel in relation to the detention of suspects.

Bensouda took over the dossier in 2010, but did not request a formal investigation until November 2017.

The United States revoked Bensouda's entry visa earlier this month, after U.S. Secretary of State Mike Pompeo said in March

that Washington would withdraw or deny visas to any ICC staff investigating possible war crimes by U.S. forces or allies in Afghanistan.

ICC prosecutors said in 2015 they had evidence suggesting international forces in Afghanistan had caused serious harm to detainees by subjecting them to physical and psychological abuse.

They also noted that there was evidence of violations committed by Taliban and forces that supported the Afghan government.

U.S.-backed forces drove the Taliban from power in Afghanistan in 2001 at the start of a war that has dragged on for 17 years.

Human rights and victims' organizations in Kabul called the ICC ruling "absolutely shocking". "We the Afghan people have suffered so much and the court was a last hope for all of us in a country which is completely lacking justice," Hadi Marifat of the human rights group AHRDO told Reuters.

The ICC is a court of last resort with 122 member states. It acts only when countries within its jurisdiction are found to be unable or unwilling to seriously investigate war crimes, genocide or other serious atrocities.

The court has convicted three men for war crimes and crimes against humanity since it was set up in 2002: Congolese warlords Germain Katanga and Thomas Lubanga and a former Islamist rebel who admitted wrecking holy shrines during Mali's 2012 conflict.

There have been repeated negotiations in recent months between the Taliban and U.S. special envoy Zalmay Khalilzad to try to broker a deal to end the Afghan conflict. So far the Taliban has refused to meet directly with the Afghan government, which they dismiss as a U.S. puppet regime.

New Allegations Against SEAL Vet Accused of War Crimes (NBC) By Bridget Naso

April 24, 2019

Chief Edward Gallagher, a Navy SEAL facing Court Martial in the death of a young wounded ISIS fighter, is also under investigation for the shooting death of a civilian in Afghanistan in 2010, according to a 439-page document leaked to the New York Times.

NBC 7 has not confirmed the information in the document leaked to the Times, but sources say the U.S. Navy was aware of the incident in Afghanistan.

"To leak that is just unfair to Eddie, it's unfair to the defense, we're innocent until proven guilty and I think they attempted to taint the waters," Ed Hiner, a retired Navy SEAL and supporter of Chief Gallagher said.

Chief Gallagher's military trial is scheduled to begin at the end of May. He is charged with killing the ISIS fighter.

As noted in previous reports, NBC 7 learned during the Article 32 in military court that the Navy will present evidence at trial including cell phone photos that they say show Gallagher holding the deceased fighter during a reenlistment ceremony.

Fellow SEALs also testified that Gallagher shot at and struck Iraqi civilians on two occasions. Chief Gallagher has denied all of the allegations.

In the recently-leaked document are allegations that SEAL team leadership discouraged team members from coming forward to report the alleged incidents.

But Hiner says SEALs were required to document incidents while deployed.

"To come back this many years later and start making allegations, I think it's just ridiculous... nonsense," he said.

The decorated Navy SEAL is no longer represented by San Diego Attorney Phil Stackhouse. He has hired a new lead defense attorney from New York, Timothy Parlatore.

Chief Gallagher is awaiting trial at Naval Medical Center San Diego after President Trump ordered he be moved from the Navy Brig at MCAS Miramar.

His Court Martial is scheduled to begin at the end of May. If convicted the SEAL veteran of 20 years faces life in prison.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

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Bangladesh International Crimes Tribunal

Bangladesh Struggles to Cope with Pressures of Hosting 1 Million Rohingya Refugees (NPR) By Jason

Beaubien

April 15, 2019

It's high tide in Cox's Bazar and there's a traffic jam right on the beach at Bangladesh's most prominent seaside resort. The lone road that leads south to the sprawling new camps sheltering hundreds of thousands of Rohingya refugees is closed for repairs. All the traffic has been diverted onto the gray sand beach, where people are taking selfies and strolling in the shallow surf.

Little green rickshaws jostle with passenger vans and pickup trucks to get over a sand dune and back onto the paved roadway to head in the direction of the camps. At high tide, some of the vehicles get stuck in the wet sand, blocking those behind them.

The sudden influx of 700,000 refugees in 2017 has had a huge negative impact on the local community, says Mohammad Abul Kalam, the head of Bangladesh's Refugee Relief and Repatriation Commission in Cox's Bazar.

"We're being outnumbered by the sheer number of the refugee population," he says.

Beyond this, "The infrastructure has been under unbelievable pressure," Kalam says — not just from the refugees themselves, but also from the tremendous aid effort underway to keep so many people sheltered, fed and healthy.

Kalam is the Bangladesh government's top local official regarding the Rohingya. He says the area's roads and bridges are being beaten up by convoys of aid vehicles shuttling from Cox's Bazar to the camps.

"They were not meant for this much population," he says.

Kalam points out that Ukhiya, the administrative district that includes the camps, has a population of 230,000 people. "Yet we now have more than 700,000 in the refugee population," he says. "So the entire demographic balance has been reversed."

Late in 2017, Rohingya fled from Myanmar into Bangladesh to escape attacks by soldiers and pro-government militias. The U.N. and human rights groups condemned the attacks as a campaign of ethnic cleansing and an organized effort to drive the Rohingya out of Myanmar.

Thousands of people were killed. The refugees who arrived in Bangladesh in 2017 joined other Rohingya who'd fled earlier waves of violence and pushed the total number of Rohingya refugees in the area up to nearly 1 million.

Kalam notes that the refugees' activities have been detrimental to the environment. They've cut down all of the forests surrounding the camps for firewood in what is a nature preserve. They've diverted streams as they've terraced hillsides to build new shelters.

He claims they are driving up some food prices — while, at the same time, food aid diverted to local markets is driving down demand for Bangladesh-grown rice. And, he says, the refugees are pushing down wages by accepting jobs at lower pay than Bangladeshis are willing to accept. Aid convoys beat up the local roads and further congest what was already heavy traffic.

The refugees are not supposed to leave the camps. Nor are they allowed to work in Bangladesh. Kalam says they do both. He doesn't blame them.

"You cannot really stop people from being engaged in work of one kind or another," he says. "It always happens."

But he says the Rohingya are taking away jobs from Bangladeshis, particularly low-skilled jobs on farms and other manual labor.

The presence of nearly a million refugees in this part of Bangladesh, he says, is unsustainable.

"It's very, very difficult for us," he says. "We are already an overpopulated country with more than 160 million population in very limited space. It would be really very difficult for Bangladesh to allow them to integrate within our own society."

Given the trauma that the Rohingya experienced in 2017, it appears unlikely that many will want to return to Myanmar anytime soon. Late last year, there was an effort to repatriate any Rohingya who wanted to go back. The Bangladeshi government offered free transportation and moving benefits. No one signed up.

So Bangladesh last year proposed another solution: move from the overcrowded camps outside Cox's Bazar to a camp with brand-new dormitories that can accommodate 100,000 refugees.

The only problem: It's on an island in the Bay of Bengal, more than 15 miles from the mainland.

The Bhasan Char island emerged 20 years ago, formed in the bay's shifting currents. It is uninhabited and was designated by the government as a forest reserve in 2013. Kamal says Bangladesh has spent \$300 million building housing, concrete seawalls and cyclone shelters on the giant sandbar.

"Very good quality shelters and other infrastructure are put in place there, including long barriers meant to secure the inhabitants from any cyclonic hit from the Bay of Bengal," he says. "The government is suspecting that the Rohingyas will have a better life there."

But Meenakshi Ganguly, the South Asia director for Human Rights Watch, says it's a terrible idea. She warns the island will serve more as a detention facility than upgraded refugee housing.

"The truth is these are people who are going to be locked on this island," she says. "Because they're not really allowed to leave."

Most international aid groups have been skeptical of the plan to relocate refugees to Bhasan Char. Supplies, aid workers, even teachers would have to be ferried in by boat. The island is controlled by the Bangladesh navy and it's unclear if the Rohingya would have the same access to international aid that they currently do in the camps.

Kalam insists refugees won't be forced to move to the island and any relocations will be voluntary. The government had planned to start sending them to the island April 15, but now it's unclear when it may begin. The government may find few takers. There's little enthusiasm among refugees in the sprawling Balukali camp.

In his bamboo and tarp shelter, Hamid Hassin, 30, says he has no desire to move to the island. He doesn't want to be separated from other Rohingya in the camps and is worried the low-lying island could flood in a major storm.

"We fled Myanmar to save our lives," he says. "I don't want to end up dying on that island."

War crimes accused, 2 other prisoners die in DMCH By Aminul Islam Babu
April 22, 2019

Three prisoners, one of whom is accused of committing crimes against humanity in 1971 Liberation War, died while undergoing treatment in the Dhaka Medical College Hospital (DMCH) on Sunday night.

The deceased are war crimes accused Md Jalal Uddin, 70, Md Jamirul Islam Manik, 35, and Md Sajib, 30.

Jalal Uddin, imprisoned at the Dhaka Central Jail in Keraniganj in a war crimes case, fell ill and was brought into the hospital on Saturday, the central jail's prison guard Robiul Islam told the Dhaka Tribune on Monday.

He was from Nimtoli village of the Mymensingh Kotwali area.

Jamirul, imprisoned in the same jail in a case filed with the Kafrul police station in Dhaka, was admitted to the DMCH on April 17.

He was from Chowdhurybhangapara village of the Hakimpur upazila, Dinajpur.

The third prisoner, Sajib, who was accused in a number of narcotics cases and was also imprisoned in Dhaka Central Jail, was brought into the DMCH on April 17 as well.

He was a Dhaka native, and was a resident of Gendaria area.

Sub-Inspector Moshir Rahman of the Shahbagh police station prepared the inquest reports on all three deaths on Monday, in the presence of Executive Magistrate Arun Krishan Pal.

The autopsy of all three bodies were done at the hospital morgue on Monday.

2 Netrokona war criminals sentenced to death (Dhaka Tribune) By Mizanur Rahman
April 24, 2019

One of the convicted, Sohrab, was present during the verdict

The two accused war criminals from Netrokona have been sentenced to death for their crimes against humanity.

A three-member bench of the International Crimes Tribunal (ICT) led by Justice Md Shahinur Islam passed the order on Wednesday. The two convicted were charged for crimes against humanity—which include murder and genocide, abduction, detention and torture, looting, arson, and rape— during Bangladesh's Liberation War in 1971.

The two convicted are: Sohrab Fakir, 88, and Hedayet Ullah, 80, from Kuloshri in Atpara upazila in Netrokona.

One of the convicted, Sohrab, was present during the verdict whereas another convict, Hedayet Ullah is yet to be arrested.

Chief Prosecutor Golam Arif Tipu along with Prosecutor Zead Al Malum, Mukhlesur Rahman Badal, Sabina Yasmin Munni, Tapos Kanti Baul, and defence lawyer Abdus Sukur Khan were present at the court during the proceedings.

Previously, on March 7, the tribunal kept the case to announce the verdict any day after hearing the depositions of both sides.

The tribunal's investigation team published the final investigation report on September 8, 2016. Later it was submitted to the tribunal.

There were originally three accused in the case. However, Enayet Ullah alias Manju, 70, died during trial; and Hedayet Ullah remains a fugitive.

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War Crimes Investigation in Myanmar

Myanmar rebels kidnap civilians from police base (SF Gate)
April 11, 2019

Three people were killed and seven civilians abducted in an attack on a police installation in western Myanmar that authorities blame on the Arakan Army rebel group, media reported Thursday.

A report in the Global New Light of Myanmar newspaper said about 200 insurgents, who claim to represent the Rakhine ethnic minority in the western state of Rakhine, attacked a security police headquarters in Mrauk-U town on Tuesday night.

Rakhine is best known for a brutal counterinsurgency campaign by the military against the Muslim Rohingya minority, which caused more than 700,000 to flee to neighboring Bangladesh. But while Rohingya insurgents have been largely inactive for more than a year, the Arakan Army has been engaged in increasingly fierce fighting with government forces since late last year.

The Arakan Army, which is aligned with Rakhine's Buddhist population, seeks autonomy for the region, and is seemingly bigger and better armed and organized than its Muslim rivals.

The government declared the Arakan Army a terrorist organization after it killed 13 police officers and wounded nine in attacks on Jan. 4.

Earlier this month, the U.N. main human rights agency expressed concern about the upsurge in fighting between Myanmar's army and the Arakan Army's guerrillas, especially attacks on civilians by both sides.

Ravina Shamdasani, a spokeswoman for the U.N. High Commissioner for Human Rights, said that the agency had "credible reports of the killing of civilians, burning of houses, arbitrary arrests, abductions, indiscriminate fire in civilian areas, and damage to cultural property."

Thursday's report said the police base attackers abducted four women and three children and that one officer's family member was killed, while two policemen died and seven were reported missing. It said the insurgents retreated after around six hours once Myanmar soldiers arrived to reinforce the police.

Separately, the military's information office announced that 23 suspected Arakan Army members were arrested in a village as part of a sweep against the insurgent group. Myanmar pardons more than 9,000 prisoners in New Year amnesty (Dhaka Tribune) April 17, 2019 <https://www.dhakatribune.com/world/south-asia/2019/04/17/myanmar-pardons-more-than-9-000-prisoners-in-new-year-amnesty>

Myanmar began releasing more than 9,000 prisoners on Wednesday, with many drug offenders among the first to walk free, but just two political detainees, after the president declared an amnesty on the first day of the traditional New Year.

President Win Myint said 9,353 prisoners, including 16 foreigners, had been pardoned in a gesture designed "for the peace and pleasure of the people, and taking into consideration humanitarian concerns."

Authorities were scrutinising who should be pardoned among the rest, he said in a statement on his Facebook page, without elaborating.

Myanmar regularly orders such releases from its overcrowded prisons to mark the holiday.

Dozens of people waited in sweltering heat for hours at the gates of Insein prison, the colonial-era jail on the outskirts of the commercial capital of Yangon, hoping their relatives would be among those pardoned.

Under the setting sun, prisoners began to trickle through the gates as crowds cheered and waved green Eugenia leaves, symbols of good fortune.

Many of those released said they had been convicted on drugs charges, some receiving long sentences for possession of small quantities of banned substances.

"There are too many people who should be released inside the prison," said 33-year-old Paik Paik, who said she served four years of a seven-year sentence, some of them spent breaking rocks at a labour camp separated from her children, after she was arrested with two methamphetamine pills.

"The punishment does not fit the crime," she added.

Two Reuters reporters jailed for breaking the Official Secrets Act were not among those being pardoned, a senior official at Insein, where they are being held, told Reuters.

Nobel laureate Aung San Suu Kyi's National League for Democracy party came to power in 2016 promising to free political prisoners from jails across the country, but activists say they continue to be imprisoned. In the past week, a filmmaker accused of defaming the military was denied bail and sent to Insein, while several satirical poets were charged with online defamation for broadcasting a New Year performance critical of the army.

Two political prisoners, of a total of 364, were released on Wednesday, said Aung Myo Kyaw of a human rights group, the Assistance Association for Political Prisoners.

Maran Gam and Zau La, members of an ethnic armed group, were sentenced to life imprisonment in 2000 on drug trafficking charges. Activists said the military invited them to a meeting and arrested them when they arrived.

Among the political prisoners behind bars or facing trial are people accused of criticising the army and ethnic minority activists jailed after protesting against war between government forces and minority insurgents.

It was not immediately clear if there would be further releases later. A government spokesman did not answer telephone calls from Reuters to seek comment, while a spokesman for the ruling party said he did not know.

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AMERICAS

North & Central America

ICC bows to US on war crimes probe in Afghanistan (The Manila Times)

April 15, 2019

A RECENT development in the attempt by the International Criminal Court (ICC) to open a war crimes probe in Afghanistan has laid bare the inherent weakness of the court against states that it cannot bully.

Agence France Presse reports that the ICC appeared “to have turned tail in front of the political might of the United States as it turned down a request to open a war crimes probe in Afghanistan, apparently deterred by a US strong-armed tactic of revoking the chief prosecutor’s visa.”

From its base in The Hague, the ICC issued this statement: “The judges decided that an investigation into the situation in Afghanistan at this stage would not serve the interests of justice.”

Further, the judges said that, “With its limited budget, the court needs to prioritize resources on activities that would have a better chance to succeed.”

This is a major development that bears heavily on the prestige of the court and its recent show of muscle.

In 2006, ICC prosecutors opened a preliminary investigation into war crimes and crimes against humanity committed in Afghanistan since 2003.

In 2017, chief ICC prosecutor Fatou Bensouda asked judges to allow a full-blown probe not only into the Taliban and Afghan soldiers, but also international forces, particularly US troops and members of the Central Intelligence Agency.

Angered, the Trump administration said it would deny visas to any ICC members involved in probing US troops; and last week it revoked the visa of the Gambian-born Bensouda.

Trump vowed not to relent on the pressure, saying: “Any attempt to target American, Israeli or allied personnel for prosecution will be met with a swift and vigorous response.”

The US has never joined the ICC and does not recognize its authority over American citizens, saying it poses a threat to national sovereignty and that the US has its own robust procedures in place.

In the Afghanistan case, ICC judges said a large number of victims had come forward.

“Notwithstanding the fact that all the relevant requirements are met as regards both jurisdiction and admissibility,” they said, “the current circumstances in Afghanistan...make the prospect of a successful investigation and prosecution extremely

limited.”

“In the foreseeable absence of additional resources for the coming years in the court’s budget, authorizing the investigation would result in the prosecution having to reallocate financial and human resources,” the judges said.

The Philippines is in a similar boat as the US in defying the ICC’s authority to conduct a preliminary examination of alleged crimes against humanity committed in the Duterte government’s war on drugs.

Malacañang has predictably welcomed the US’ tough line and the ICC’s evident capitulation.

Presidential spokesman Salvador Panelo said in a statement: “With the biased and preconceived actions of the ICC, we cannot blame the Filipino people for thinking that it has taken a politically motivated obnoxious path aimed at maligning not just this administration but the very Republic of the Philippines.”

The question now is what will happen to the ICC after this development.

US National Security Adviser John Bolton summed things up memorably:

“We will not cooperate with the ICC. We will provide no assistance to the ICC. And certainly, we will not join ICC. We will let the ICC die on its own.”

The ICC has invited this kind of rudeness because of its tendency to propagandize its actions against states that it can bully, while watching meekly the excesses of powerful states.

African leaders have been their favorite whipping boys.

But bully Trump? But bully Duterte? They must be joking.

US Sanctions Against Venezuela Violate Nuremberg Charter (UrduPoint News) By Mohammed Ali
April 21, 2019

US economic sanctions against Venezuela constitute crimes against humanity as laid out in the 1945 Nuremberg Charter and violate other international legal treaties, human rights lawyer Francis Boyle told Sputnik.

The administration of US President Donald Trump imposed yet another round of sanctions against Venezuela last week, this time targeting the country's central bank. The move came amid Washington's attempts to entirely shut down Venezuela's oil trade, which accounts for more than 90 percent of the country's export earnings.

"These sanctions constitute a Crime against Humanity as defined by the 1945 Nuremberg Charter and customary international criminal law ... These sanctions also constitute a Crime against Humanity as defined by the Rome Statute for the International Criminal Court," Boyle, who currently serves as a counsel to the Palestinian National Authority and has been involved in prosecuting several international war crimes cases, said.

In 1945, the Nuremberg Charter, or the London Charter, signed by France, the United Kingdom, the United States and the Soviet Union, established the laws and procedures for trying war criminals among the ranks of the Axis powers. The charter also laid out several key principles for dealing with later instances of genocide, war crimes and other crimes against humanity.

Boyle said that the economic sanctions were also a "clear-cut" violation of the Charter of the Organization of American States, a treaty to which the US government and Venezuela were contracting parties.

The lawyer acknowledged that the United States had successfully avoided international war crimes probes and had veto power to reject UN Security Council resolutions. Caracas, however, could look into other ways to stop Washington's aggression, he explained.

"Venezuela could consider researching its options for a lawsuit against the United States at the International Court of Justice ... Venezuela could also consider a strategy to invoke the 1950 Uniting for Peace Resolution by the UN General Assembly and see if the UNGA [UN General Assembly] is willing to take steps on its behalf," Boyle said.

The situation could get much worse, Boyle warned, because the United States could easily impose an illegal naval blockade on Venezuela "and shut them down completely."

Boyle suggested that Russian President Vladimir Putin could help by sending legal advisers in addition to the military advisers whom Moscow had already deployed to Venezuela.

"Russia has a lot of first-rate international lawyers at the Peoples' Friendship University, Department of International Law, in Moscow, who could probably help them out," he said.

According to UN special rapporteur on unilateral coercive measures, Idriss Jazairy, US sanctions have exacerbated Venezuela's acute economic crisis and will lead to starvation and medical shortages.

Washington, which has been employing sanctions against Venezuela for more than a decade, took measures to entirely new levels in 2017 after Venezuelan President Nicolas Maduro decided to stop pricing oil in US Dollars.

Soon after opposition leader Juan Guaido in late January illegally tried to proclaim himself interim president, the United States seized billions of dollars' worth of Venezuelan oil assets. The Trump administration has imposed sanctions on state-run oil company PDVSA, Venezuelan trading partners and dozens of government officials.

White House officials, including National Security Adviser John Bolton, have publicly stated that US energy companies could benefit by installing a new government in Venezuela, a country with the largest oil reserves in the world.

Maduro has accused the United States of trying to orchestrate a coup in order to install Guaido as a US puppet so that Washington can take control of Venezuela's oil resources. Russia, China, Cuba, Bolivia, Turkey and a number of other countries have voiced their support for Maduro as the only legitimate president of Venezuela.

Boyle, who is also a professor of international law at the University of Illinois, filed the original complaint with the International Criminal Court against George Bush's administration officials over abuses related to the war on terror.

Nothing to See Here: The U.S. Government Prevents Investigations Into War Crimes in Afghanistan (Common Dreams) By Vijay Prashad

April 23, 2019

On April 12, 2019, the International Criminal Court said that it would not pursue a war crimes investigation against the U.S. military for its actions in Afghanistan. A very thick file was closed in The Hague.

Almost a decade ago, on February 12, 2010, U.S. Special Operations Forces arrived at the home of Haji Sharabuddin in Khataba (Paktia Province, Afghanistan). The family of Sharabuddin was celebrating the birth of a grandson. Inside the home were close family members (including a police investigator and a government prosecutor) as well as the vice-chancellor of Gardez University, Sayed Mohammed Mal. At 3 a.m., the U.S. forces attacked the home, killing five members of the family including Sharabuddin's son—Mohammed Dawood—who was the police investigator. After the killing, the soldiers carried the bodies into the house and removed the bullets with a knife. They did not want to leave evidence of their actions. They then ransacked the home—including stealing money—and left. The U.S. military said that those whom they killed were insurgents. Both the Afghan Independent Human Rights Commission and the Criminal Investigations Department of the Afghan Ministry of the Interior found this allegation to be false. A war crime had been committed here.

But, thanks to the withdrawal of the International Criminal Court, this crime—and hundreds of others—will neither be properly documented nor will there be justice for the victims and survivors. Thousands of family members, who know very well what happened in little villages like Khataba and Nangalam, will have no recourse either to an admission of guilt or punishment for the killers. The killing in Nangalam was by a U.S. helicopter on March 1, 2011. The pilots fired on nine boys, killing them all. "My son Wahidullah's head was missing," said Haji Bismillah. "I only recognized him from his clothes." The U.S. apologized for the killing but did nothing other than that.

One village and one town after another has families with stories of such violent and senseless deaths. This U.S. war on Afghanistan, which has been ongoing since 2001, has produced an unknown death count with unknown numbers of war crimes (by the U.S. troops, by the Afghan armed forces and by the Taliban). Afghanistan remains an open sore of crime and impunity.

It was for good reason that the Afghan government of Hamid Karzai became a member of the International Criminal Court in 2003. There was pressure on Karzai from the U.S. government not to join the ICC, but he prevailed. It was hardly a victory. The ICC came out of the Rome Statute, which was drafted in 1998 and which came into force in 2002. The United States signed the original treaty, but then refused to ratify it. Worse, the U.S. Congress passed the American Service-Members' Protection Act of 2002 to discourage any cooperation with the ICC if the behavior of U.S. soldiers came under scrutiny. U.S. Senator Jesse Helms referred to the ICC as the International Kangaroo Court. Even if Afghanistan became a member of the ICC, no one in the U.S. establishment thought that this would have any consequences.

But prosecutors in the court had other ideas. In 2006, the ICC investigators opened a "preliminary investigation" into war crimes in Afghanistan. They were interested in war crimes committed by the U.S. forces, by Afghan forces and by the Taliban.

An investigator, a few years later, told me that they had found “captivating evidence” of war crimes—mostly related to the torture centers run by the Central Intelligence Agency and by U.S. military intelligence. They sought more material evidence not only by interviewing former prisoners but also through access—which they did not get—to U.S. official documents.

In 2007, the Afghan parliament—a parliament of warlords—passed a law that gave immunity to all for war crimes committed in the country. This was a blanket—and shameful—immunity that was only in May 2017 amended to allow the country to be in compliance with the Rome Statute.

In 2010, WikiLeaks provided some of this evidence in the Afghan war logs, in whose 90,000 pages there was some—but not sufficient—documentation of various operations run by the U.S. forces. This did not shape the ICC investigation, which proceeded with deliberate intent with interviews and with scrutiny of whatever documentation was available.

On November 20, 2017, with almost a decade of careful investigation behind it, the ICC released a report with a bland title: “Situation in Afghanistan: Summary of the Prosecutor’s Request for authorization of an investigation pursuant to article 15.” The significant sentence of the brief report is the following: “Finally, the information available provides a reasonable basis to believe that members of the United States of America... armed forces and members of the Central Intelligence Agency... committed acts of torture, cruel treatment, outrages upon personal dignity, rape and sexual violence against conflict-related detainees in Afghanistan and other locations, principally in the 2003-2004 period.” This did not mean that the crimes of 2010 and 2011 would not be investigated—only that the focus was on this early period and would later expand to include the entire span of the ongoing war.

The ICC’s special prosecutor—Fatou Bensouda—asked the court to allow a full investigation of war crimes in Afghanistan. She received a green light.

A year later, on September 10, 2018, U.S. National Security Adviser John Bolton said that if the ICC continues with its work on the U.S. war crimes docket, the U.S. government would place sanctions on the ICC and even criminally prosecute ICC officials in U.S. courts. This was not just for the ICC investigation of U.S. war crimes in Afghanistan, but also if the ICC persisted in its work on Israeli war crimes against the Palestinians.

Investigators at the ICC said, at that time, that gloom descended on their department. The sense was that the investigation would not be allowed to proceed. But, for the time being, there was no immediate attempt within the ICC to shut down the investigation. The process continued, with Bensouda’s team building up the case against the United States—and others—for war crimes in Afghanistan.

It is important to bear in mind that the evidence was in the plain light of day. In 2005, the New York Times published a 2,000-page U.S. army investigation on the killing of Habibullah and Dilawar at Bagram in December 2002. None of the soldiers charged with the murder of these two men were convicted. All charges were dropped. But the evidence against them was clear in the army report (please see Alex Gibney’s Oscar-winning documentary, *Taxi to the Dark Side*, 2007).

The ICC’s special prosecutor, Fatou Bensouda, who was in charge of this file, visits the UN Security Council in New York City to deliver her report to the member states of the UN. For this, Bensouda—like other foreign nationals who work in the UN—must get a U.S. visa. On March 15 of this year, U.S. Secretary of State Mike Pompeo said that the United States would deny a visa to ICC personnel if they continue to investigate U.S. war crimes. A few weeks later, on April 5, the United States revoked Bensouda’s visa. This was an act of immense hostility, little remarked in the press.

The pressure on the ICC from Trump’s men rose. It would have taken international outcry to prevent them from getting their way. The revocation of Bensouda’s visa was met with silence. The UN said nothing, nor did the member states. It was this silence that had a chilling effect on the ICC. On April 12, a three-judge panel rejected Bensouda’s request for the investigation. This pre-trial chamber comprised of Antoine Kesiya-Mbe Mindua of the Congo, Tomoko Akane of Japan and Rosario Salvatore Aitala of Italy. They decided that an investigation into U.S. war crimes in Afghanistan “would not serve the interests of justice.”

So it goes.

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South America

Third native Colombian leader assassinated in one week (Colombia Reports) By Jake Kincaid

April 17, 2019

Assassins murdered the third native Colombian leader since President Ivan Duque's failed meeting with indigenous representatives last week.

Jhon Jader Cayapu, a community leader from the Cauca province where local leaders were meant to meet with the president, was found dead on Monday on a road in the rural municipality of Corinto.

The attack comes just days after a pamphlet signed by the "Aguilas Negras" appeared throughout the northern Cauca region in which the group offered to pay \$30,000 for the killing of indigenous leaders.

The pamphlet appeared a day after Duque refused to meet with the organizers of the "minga," the local indigenous people's mobilization that had the Pan-American Highway closed for weeks.

According to the national indigenous organization ONIC, 50 indigenous, farmer, and Afro Colombian leaders have been assassinated throughout Colombia so far this year.

In Corinto, a municipality with less than 32,000 inhabitants, there have been 29 assassinations this year.

US ambassador threatened aid cut if Colombia's congress backs war crimes tribunal: report (Colombia Reports) By Adriaan Alsema

April 17, 2019

United States ambassador Kevin Whitaker has threatened to cut aid to Colombia unless the powers of the country's war crimes tribunal are curtailed, according to newspaper El Espectador.

The newspaper talked to almost all senators and house representatives who were present at the two breakfasts at Whitaker's mansion in Bogota, despite the ambassador's request to maintain confidentiality.

According to one of the senators present at a private meeting on April 1, the ambassador threatened the US could pull the plug on financial aid if Congress did not remove the war crimes tribunal's power to shield demobilized FARC leaders from extradition as agreed in a 2016 peace deal.

The JEP currently has the powers to test evidence before allowing extradition to shield demobilized FARC leaders from being extradited on possibly bogus claims.

The court's powers were put to the test in April last year when the US requested the extradition of FARC leader "Jesus Santrich" on an unsubstantiated drug trafficking charge.

The April 1 meeting with the senators went relatively well because Whitaker had invited mainly conservative and far-right senators who already opposed the war crimes tribunal.

But a second meeting with the members of the House Commission that was studying Duque's controversial objections to the JEP's statutory law did not go down well at all.

Also in this meeting the ambassador threatened to cut aid to Colombia because, according to Whitaker, "love is money," on representative said.

Five of the six representatives present at the meeting told El Espectador that the ambassador's attitude became "intimidating" and "hardly diplomatic" after the lawmakers defended the war crimes tribunal's power to keep war criminals accused of thousands of crimes against humanity in the country.

The lawmakers initially agreed to to the ambassador's request to keep the meeting confidential, but changed their mind after Whitaker's allegedly rude efforts to defend his country's interests against that victims of the armed conflict who have claimed that Washington's extradition policy has already frustrated justice for hundreds of thousands of victims of war crimes.

The president of the Constitutional Court, which was supposed to have dinner with the ambassador that evening, called Whitaker to tell him they would not accept the invitation. The ambassador subsequently withdrew the invitation.

Days later, against the US ambassador's will, the House of Representatives dismissed the objections of Duque and Whitaker

and voted to return the war crimes tribunal's statutory law to the presidential palace for signing.

The Senate is expected to do the same as soon as its president, far-right Senator Ernesto Macias, decides to put the vote on the legislative agenda.

Declassified U.S. Documents Reveal Details About Argentina's Dictatorship (The New York Times) By Ernesto

Londoño

April 12, 2019

The assassination squad created by Argentina's military dictatorship to target dissidents during the 1970s had, like other state programs, its own bureaucratic rules: Employees punched in at 9:30 a.m. and were entitled to a two-hour lunch. They received a \$1,000 clothing allowance during their first overseas mission. And they were required to submit expense reports.

Representatives of the ultrasecret directorate, which included intelligence officers from Chile and Uruguay, settled on their next victim through a "majority vote."

These details of the assassination program, which pursued enemies in the region and in Europe as part of the Cold War intelligence alliance known as Operation Condor, have been found in a 1977 Central Intelligence Agency report, part of a trove of newly declassified United States government documents that shed new light on the repressive tactics of military regimes in South America and on American awareness of their actions.

The exchange of over 7,500 records — which the United States formally delivered to the Argentine government on Friday as part of a deal struck during the final months of the Obama administration — is one of the largest transfers of declassified documents from one government to another.

The records contain many new insights, such as confirmation that dozens of people who disappeared at the time were assassinated at the hands of the state. Prosecutors and human rights activists in Argentina are hopeful that the newly available records will aid continuing prosecutions. More than 1,500 former officials in the country have been put on trial for crimes including torture, thousands of forced disappearances and executions and the abduction of hundreds of babies.

The information will vastly enhance the public record of a grim era, said Carlos Osorio, the director of the Southern Cone Documentation Project at George Washington University's National Security Archive.

"The amount of information the intelligence agencies had sends shivers through one's spine," he said. "Imagine what it meant to know about atrocities in real time."

The United States provided varying degrees of support to military juntas that came to power in Latin America during the Cold War. Latin American military officials received training on harsh counterinsurgency techniques at the United States Army School of the Americas as Washington leaned on allied governments to stem the appeal of communism in the region.

Officials also shared information with military dictatorships that resulted in the detention, torture and in some instances killing of American citizens, according to these records and separate court findings.

The newly released documents also suggest that some senior American intelligence officials grew unnerved by the brutality of the regimes the United States backed during that era, particularly when they learned about plans to carry out assassinations in European countries.

In a July 24, 1976, memorandum, Raymond A. Warren, the C.I.A.'s Latin America division chief, warned a supervisor that the assassination task force's plans to "liquidate" suspected leftist militants abroad "poses new problems for the agency" and should prompt a debate about what actions the United States could take to "forestall illegal activity of this sort."

Mr. Warren wrote that "every precaution must be taken to ensure that the agency is not wrongfully accused of being a party to this type of activity."

The time-consuming declassification review process was ordered in March 2016 as part of the Obama administration's quest to set a new tone in Washington's relationship with Latin America.

"There was a desire to look at past actions on our part in Latin America with openness and a willingness to confront darker chapters of our policy," said Benjamin Gedan, a former Obama White House official who worked on Latin America policy.

Mr. Gedan said he was surprised the Trump administration did not scrap the process, since it has taken a radically different approach toward Latin America, endorsing the Monroe Doctrine, which takes an interventionist view of the hemisphere.

The newly released cache includes an F.B.I. report about the execution of Marcos Osatinsky, a prominent leader of the Montoneros, an armed leftist movement that fought Argentina's dictatorship. American officials learned that Argentine officials brutally tortured and killed Mr. Osatinsky, lied about the circumstances under which he died and disposed of the body before an autopsy could be conducted.

"The purpose of stealing his body was to prevent the body from being subjected to an autopsy, which would have clearly shown he had been tortured," F.B.I. agent Robert S. Scherrer wrote. "It is doubtful that Osatinsky's body will ever turn up."

The documents also disclosed new facts about the abduction and assassination of Jesús Cejas Arias and Crescencio Nicomedes Galañena Hernández, two employees of the Cuban Embassy in Buenos Aires, who vanished on Aug. 9, 1976. The Associated Press received an envelope that included the credentials of one of the men along with a note saying they had deserted "to enjoy the freedoms of the Western world."

However, American officials soon learned that the Cubans were bundled into an ambulance as they were leaving work and sent to a notorious detention center operating out of a car mechanic shop, where they were tortured for 48 hours. Their bodies were later dumped in the Paraná River, according to a C.I.A. report.

The agency also learned that the mysterious assassination of Hector Hidalgo Sola, Argentina's ambassador to Venezuela, which occurred in Buenos Aires in July 1977, was a rogue operation by Argentine intelligence agents who were seeking to extort the diplomat's family for money.

The records offer new facts about American citizens who were detained and tortured in Argentina, including Gwen Bottoli, who was taken into custody in April 1976 after leaving banned political pamphlets on a bus stop bench in Rosario.

F.B.I. records show Ms. Bottoli had been under investigation by American law enforcement officials for her activism in the Socialist Youth Alliance. A United States document about her activities, written in Spanish, suggests American officials may have shared their concerns about the group with the Argentines before her arrest, according to Mr. Osorio.

In a phone interview from her home in Minnesota, Ms. Bottoli recalled being smacked across the face during her initial interrogation. She was then led to a room where she was blindfolded, undressed and shocked with an electric prod as her captors asked about associates.

"I was really afraid I would be dismembered and go through further pain," Ms. Bottoli, 77, said.

Ms. Bottoli said she saw the declassification process as a positive step. "I appreciate that I may have a chance to tell my story so that we don't allow history to repeat itself," she said.

Argentina has done more than any of its neighbors to investigate abuses committed by the state during the dictatorship, which lasted from 1976 to 1983.

María Ángeles Ramos, a federal prosecutor who oversees the department handling crimes against humanity, said earlier records declassified by the United States have been valuable in corroborating evidence and identifying new culprits. With about 40 percent of cases still awaiting judgment, she said her team has high hopes the latest batch of records will advance their work.

"These documents will undoubtedly help answer a lot of questions that are still pending," Ms. Ramos said. "This will continue to bring truth to the victims."

President Mauricio Macri of Argentina, who is regarded with disdain by many human rights activists focusing on the dictatorship era, expressed hope recently that the new documents will bring more victims a measure of justice.

"They will be essential for there to be justice in past cases, still pending, from one of the darkest periods of Argentina's history," he said last month.

The release comes amid a raging debate in neighboring Brazil about its own period of military rule. President Jair Bolsonaro, a far-right politician who served in the Army early in his life, last month called on the armed forces to commemorate the 1964 coup that installed a repressive military dictatorship for 21 years.

Peter Kornbluh, a senior analyst at the National Security Archive, argued that declassifying documents earlier than the government ordinarily would makes a meaningful contribution.

"These documents remind us of the ugly reality of the military coups and the regimes that followed," he said. Access to them is "the strongest bulwark against the reactionary revisionism that is attempting to paint a pretty picture of the military regimes

in the southern cone.”

'We are hostages': indigenous Mapuche accuse Chile and Argentina of genocide (The Guardian) By Mat

Youkee

April 12, 2019

Representatives of South America's indigenous Mapuche people have petitioned the international criminal court (ICC) to take action against the governments of Chile and Argentina for acts of genocide and crimes against humanity.

Lonko Juana Calfunao, who led the delegation to The Hague on Thursday said that since their formations, both countries had committed crimes including genocide and torture against their indigenous populations.

“In the so-called Pacification of Araucania, the Chilean army with the complicity of the Catholic church, invaded our territory, burned our [homes], killing our people and drowning babies in the rivers,” Calfunao told the Guardian. “Even today ... we are hostages of states that don't recognize our Mapuche nationality.”

The legal battle has a curious origin and backer: the Kingdom of Araucania and Patagonia, the surviving government in exile of an ephemeral 19th-century state.

In February, the ICC received a letter headed with the kingdom's coat of arms accusing Chile and Argentina of historical and contemporary crimes.

Its author, Frédéric Luz, 55, is a Frenchman who has, since March last year, held the title of prince of Araucania and Patagonia – the seventh since Orllie de Tounens, a French lawyer, was proclaimed sovereign by Mapuche chiefs in 1860.

Calfunao said that her Mapuche ancestors accepted De Tounens as part of a strategy to protect themselves from Chilean invasion. At the time, Chilean forces were massing north of the Río Biobío, which separated them from the indigenous-controlled territory to the south. Under the “doctrine of discovery”, colonial powers were forbidden from subjugating indigenous populations ruled by a Catholic monarch.

However, De Tounens was captured in 1862 and the subsequent invasion of Mapuche lands by Argentinian and Chilean forces was devastating. Over the last decade, repressive state measures and Mapuche grassroots resistance have intensified in tandem.

Under President Sebastian Piñera, the Chilean government has increased military presence in the south of the country and in November 2018 an unarmed Mapuche, Camilo Catrillanca, was killed by an army counter-insurgency unit which was pursuing car thieves, prompting a string of street protests.

The intensification of the Mapuche conflict in recent years has given a new purpose to the Kingdom of Araucania and Patagonia, long considered an absurdity by French society. Luz is learning Spanish and hopes to visit Chile shortly to meet with indigenous groups.

“We're a serious organization, not a micro-nation of fantasists,” he says. “My only objective is to fight for the recognition of Mapuche culture, language and religion and one day, who knows, an autonomous Mapuche state.

About 1.5 million Mapuches live in Chile, and 200,000 in Argentina.

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Venezuela

Civilians are the real victims (and targets) of Trump's Venezuela sanctions

April 25, 2019

The Trump administration claims that its increasingly punitive sanctions on

Venezuela “do not target the innocent people” but the government of President Nicolas Maduro. A new report on the effects of sanctions debunks that myth.

The analysis, compiled by Mark Weisbrot and Jeffrey Sachs at the Center for Economic and Policy Research (CEPR), found that the sanctions have increased hunger, disease, mortality, have displaced millions of Venezuelans and exacerbated the country's economic crisis. Overall, the report says the measures have caused “very serious harm to human life and health, including an estimated more than 40,000 deaths” between 2017 and 2018.

Weisbrot and Sachs, both well-known American economists, wrote that: The sanctions in fact “fit the definition of collective punishment of the civilian population” as described by the Geneva and Hague conventions, as well as being “illegal under international law.”

Yet, a totally different narrative has been adopted by mainstream media in the US, which seems to unquestioningly accept the Trump administration's claims that civilians are not the targets. Ever since Trump recognized unelected opposition figure Juan Guaido as Venezuela's self-declared “interim president” in January while calling for the overthrow of Maduro, big chunks of the media have cheered on his efforts. It barely even raised eyebrows when national security advisor John Bolton went on Fox News and admitted that oil was the US's major interest in the country.

Sanctions imposed by the White House in August 2017 prohibited the Venezuelan government from borrowing in US financial markets — a punishment which prevented it from being able to restructure its foreign debt and, in turn, hampering any possible economic recovery.

The fresh rounds of sanctions introduced in January and February 2019 cut Venezuela off from its largest oil market, the US, which had purchased 35.6 percent of its exports in 2018. Oil revenues are now projected to fall by a “cataclysmic and unprecedented” 67.5 percent from 2018 as a result of those measures and US pressure on other countries, including India, to refrain from buying Venezuelan oil. The 2019 sanctions have also cut Venezuela off from most international payments systems, “thus ending much of the country's access” to “essential imports including medicine and food.”

US sanctions have also contributed “substantially” to the “length and economic damage of power outages” that occurred in March since they have limited Venezuela's access to diesel fuel, which it needs to run backup thermal generators.

The CEPR report also highlights that US executive orders since March 2015 have declared the US is suffering from a “national emergency” with regard to the Venezuela crisis. Such a declaration is “required by US law in order to impose such sanctions.” One of Trump's executive orders even describes the situation in Venezuela as “an unusual and extraordinary threat to the national security” of the US — a claim which Weisbrot and Sachs say has “no basis in fact.”

The so-called “emergency” regarding Venezuela was invoked under the 1976 National Emergencies Act, which happens to be the same law Trump used to declare a “national emergency” at the US's southern border in February. That move prompted outrage across much of the mainstream media, but barely any media batted an eyelid when he declared Venezuela's domestic crisis to be a US national emergency.

Ultimately, despite claims to the contrary, Weisbrot and Sachs say that US sanctions have locked Venezuela into “a downward economic spiral” which has “severe” consequences for the civilian population.

Venezuela crisis: malaria spreads as economy implodes (Financial Times) By Gideon Long
April 25, 2019

There was a time when Venezuela led Latin America in the battle against malaria. No longer. The collapse of the country's economy and health system, combined with a boom in illegal mining in the malaria-ridden south, has sparked a resurgence in the disease, which is creeping across the borders into Colombia and Brazil. The World Health Organization says that between 2010 and 2017 Venezuela witnessed a ninefold increase in the number of confirmed cases of malaria, climbing to 412,000.

That was the fastest rate of growth found anywhere in the world, according to the Lancet journal. The disease is not slowing down. Between 2016 and 2017 alone, the number of confirmed cases jumped 70 per cent. Another study, published this month by Venezuelan lead scientists Adriana Tami and María Eugenia Grillet, estimates new cases hit 1m in 2018. “Ten years ago I used to see 20 or 30 cases of malaria a year at my laboratory,” says Oscar Noya, professor at the Institute of Tropical Medicine at the Universidad Central de Venezuela in Caracas. “Last year I saw 3,500.” The global fight against malaria, commemorated today on World Malaria Day, remains centred on Africa, where nine in 10 cases are found. But countries like Venezuela demonstrate the battle is far from won. Progress in eliminating the disease has faltered.

Still, scientific breakthroughs are encouraging the hope that the initiative could be regained. Venezuela has pushed up the

malaria rate for the Americas as a whole. In 2017, it accounted for half of all cases in the region, according to WHO data. Brazil, with a population seven times larger and a vast malarious zone in the Amazon basin, accounted for about a fifth. At the start of this decade, the Americas were winning the battle against the disease. Between 2010 and 2014, the number of cases recorded in the hemisphere fell by 42 per cent to 391,000. But the trend has since reversed and in just three years the number of cases has almost doubled, reaching 774,000. Between 2016 and 2017, Venezuela accounted for 84 per cent of this increase, the WHO says. It is a far cry from the 1950s and 1960s, when Venezuela enthusiastically embraced the spraying of DDT and other insecticides and eradicated malaria from its cities and also started to defeat it in its vast southern jungle. “We proudly led the tropical world in eliminating malaria,” recalls Carlos Chaccour, a Venezuelan malaria expert at the Institute for Global Health in Barcelona, Spain. “To go from there — being one of the leaders 50 years ago — to where we are now is really quite dramatic.”

The collapse of the economy and the disintegration of the health system are partly to blame. The World Bank says real GDP dropped 18 per cent last year and will plummet 25 per cent this year. That adds up to a staggering cumulative fall of 60 per cent since 2013. It is the biggest economic meltdown in recent Latin American history. This has dented funding for antimalarial programmes, say observers. In 2017, Venezuela spent less on each person at risk from malaria than any other country in the Americas apart from Peru, the WHO says. Doctors have fled, part of an exodus of 3m people in the past three years, according to one UN estimate.

Until last week, Nicolás Maduro’s government had been reluctant to allow any humanitarian aid into the country, denying there was a crisis and blaming the medicine shortage on US sanctions. Indhriana Parada, the country’s undersecretary for health, said in a speech to the WHO last year that since 2017 anti-malaria spending had increased.

Mining is the other big reason for the spike in malaria. In 2016, Mr Maduro announced the creation of the “Orinoco Mining Arc” (see map above) on a vast crescent of mineral-rich land stretching between the borders with Colombia and Guyana. Miners have piled into the area in search of gold, coltan — a metallic ore used in mobile phones — and diamonds, but these lands are controlled in large part by criminal groups and guerrillas with scant regard for public health. “Deforested mining pits full of stagnant waters are excellent breeding grounds for malaria-carrying mosquitoes,” the International Crisis Group reported in a recent study on the area. “Miners sleep in makeshift camps and hammocks around these infested waters.”

Recommended FT Podcast Research opens way to ending malaria One local campaign group found that up to a fifth of all deaths in indigenous communities were caused by malaria. With healthcare almost non-existent, miners pay for malaria tablets with gold in a thriving black market. It is from these areas that malaria has spread into Colombia and Brazil. In Colombia, the number of malaria cases dropped from 115,000 to 62,000 between 2016 and 2018, according to its National Institute of Health. But imported cases from Venezuela more than tripled to 1,734.

It is a small but growing problem. In the first two months of this year, nearly all imported cases came from Venezuela. Brazil has also made great strides in eradicating homebred malaria. But in the northern state of Roraima, the number of cases among Venezuelan migrants jumped from 2,470 to 4,402 between 2016 and 2018. Thankfully, these numbers are still small in absolute terms. But the worry is that if the political stalemate continues in Caracas, the economy implodes further and the exodus intensifies, the worsening situation could spark a health crisis beyond Venezuela’s borders. “Colombia and Brazil are fertile grounds for malaria transmission,” Mr Chaccour warns. “The mosquitoes are there, the weather is there, the breeding grounds are there. “If you add people with parasites, it doesn’t take too much for the whole cycle to restart.”

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TOPICS

Truth and Reconciliation Commission

Truth and Reconciliation Day costs \$10 million (Houston Today) By Blair McBride
April 10, 2019

At least \$10 million is budgeted for the new statutory holiday on Sept. 30 the National Truth and Reconciliation Day.

The new holiday was announced in late March.

The \$10 million will go towards community events to acknowledge the experiences of First Nations children who were sent to residential schools, Canadian Heritage spokeswoman Martine Courage told Black Press.

“We need to recognize the harm residential schools have done to Indigenous peoples. To move our country toward true reconciliation, the Government of Canada is implementing another Call to Action and intends to make Sept. 30 the National Day for Truth and Reconciliation to honour the survivors of residential schools. This is reconciliation in action.”

The new holiday is Call to Action 80 – one of the 94 calls to action under the Truth and Reconciliation Commission related to residential schools.

“To enable communities to recognize and commemorate the legacy of residential schools on the proposed National Day for Truth and Reconciliation, and to celebrate the unique heritage, diverse cultures and outstanding contributions of First Nations, Inuit and Métis Peoples on National Indigenous Peoples Day, Budget 2019 proposes to provide \$10 million over two years, starting in 2019–20, to support non-governmental and community organizations holding events in communities across Canada, through Canadian Heritage’s Celebration and Commemoration Program.”

Chapter 3 of this year’s budget – “Advancing Reconciliation” – focuses on justice, improving standards of living and educational outcomes for Indigenous people.

A new statutory holiday also brings costs to government and private company employers in the form of holiday pay for employees.

What became National Truth and Reconciliation Day started as Bill C-369, authored in the House of Commons by Saskatchewan NDP MP Georgina Jolibois.

It passed third reading on March 20 and was sent on to the Senate.

Nepal: Reform Transitional Justice Law (Human Rights Watch) April 12, 2019

(New York) – Nepali authorities should ensure that they comply with Supreme Court rulings and international standards before appointing new transitional justice commissioners to address conflict-related violations during the 1996-2006 civil war, Human Rights Watch said today.

The present terms of the Commission of Investigation on Enforced Disappeared Persons (CEIDP) and the Truth and Reconciliation Commission (TRC) ended in February 2019. The government is attempting to rush through an appointment process without proper transparency or consultation, which is failing to gain the trust of victims.

“The commissions will fail again unless Nepal ensures that the law provides for proper justice for serious violations during the conflict,” said Meenakshi Ganguly, South Asia director. “For 12 years and counting, Nepal’s rulers have tried to railroad conflict victims into accepting a transitional justice process designed largely to protect those responsible for abuse.”

In June 2018, Attorney General Agni Kharel consulted with victim groups and human rights organizations including Human Rights Watch to discuss transitional justice mechanisms and universal jurisdiction, under which courts in one country can prosecute anyone for the most serious crimes, committed anywhere in the world – meaning someone who committed torture in Nepal could be prosecuted in the United Kingdom or South Africa. However, the government failed to incorporate recommendations in its proposed amendments to the law to address the many gaps in Nepali law that make it difficult to prosecute international crimes such as torture and crimes against humanity, or to pass the amended law.

If Nepal’s transitional justice mechanisms fail to adopt proper standards, those accused of international crimes such as torture and crimes against humanity will remain vulnerable to prosecution abroad under universal jurisdiction.

Over 13,000 people were killed and 1,300 disappeared during Nepal’s civil war, fought between the insurgent Communist Party of Nepal-Maoist (CPN-M) forces and the government. The armed conflict lasted a decade and ended in 2006 with a Comprehensive Peace Agreement that included a commitment to provide justice to victims of human rights abuses. In 2015, the two justice commissions were formed, receiving over 60,000 complaints. However, despite several extensions, the commissions have failed to make significant progress in their investigations over the last four years.

Before the commissions even began their work, the Supreme Court in 2015 struck down key provisions of the law governing them, finding that it could be used to provide amnesties to those responsible for the gravest abuses. The Office of the United Nations High Commissioner for Human Rights published a technical note listing ways in which the law needed to be revised to meet basic international standards and Nepal's obligations under international law.

Yet, years after the Supreme Court's landmark judgment, this law has yet to be amended. The proposed amendments in 2018 included some positive efforts to ensure reparations, but permitted the two transitional justice commissions to authorize prosecutions without strengthening the commissions themselves, proposed a special court without clear guidelines on impartial investigations, and included a section permitting non-custodial sentences for the most serious crimes.

In January, nine foreign embassies in Nepal and the UN issued a joint statement calling for meaningful consultations with victims and a process that would put victims' interests first and uphold international law standards.

Instead of amending the law, the government allowed the previous commissions to lapse and then started a hasty process to appoint new members, allowing only one week for nominations and one day for consultations with victims' groups. To gain the trust of victims and ensure credibility under international law, the government should ensure that the law is revised to meet international standards and appoint independent commissioners.

"Another attempt at whitewashing egregious crimes to dodge universal jurisdiction would be a serious injustice to conflict victims," Ganguly said. "Nepal should take immediate steps to uphold its legal obligations with a transitional justice system that meets international standards."

Political drama doesn't slow reconciliation (Catholic Register) By Deborah Gyapong
April 13, 2019

OTTAWA - Reconciliation efforts with Indigenous Canadians continue to move forward due to initiatives by the Church and other groups, despite the fallout from Prime Minister Justin Trudeau's ousting of Jody Wilson-Raybould from cabinet and the Liberal party.

The former Justice Minister was the first Indigenous Canadian to hold such a high political rank. Trudeau dismissed her from the caucus after weeks of conflict regarding her contention she experienced inappropriate pressure regarding the SNC-Lavalin case. He also kicked out Treasury Board President Jane Philpott, who defended Wilson-Raybould.

"The process of reconciliation is much more than what the government is doing," said Ken Coates, an expert on Indigenous rights at the University of Saskatchewan.

Because government created most of the problems, it gives rise to the mythology that government is going to solve them, he said. The big story is "how well (reconciliation) is working outside of government," Coates said.

"The churches have made some really major moves and adaptations of policy, and have reached out to Indigenous communities in ways people thought impossible even two or three years ago," Coates said.

Another "major force" for reconciliation is in the business world.

"Reconciliation really means that people are getting together on the ground, in the workplaces and doing business together," he said. It comes back to the population as a whole, and an overall agenda."

"It's one door slammed and another opened," said Deacon Rennie Nahanee, a member of the Squamish First Nation who serves on the Our Lady of Guadalupe Circle as a member of the Canadian Catholic Indigenous Council.

"I hope (Wilson-Raybould) stays in politics, no matter which party and that she continues her good work, because the best ethics and politics go together. She would be the one to do that."

Nahanee said he expects the Canadian Conference of Catholic Bishops, the founder of the Circle, to release a letter to Indigenous People in the fall regarding the Truth and Reconciliation Commission's Calls to Action.

"The Church is finding ways to make amends and work together with Indigenous peoples in a new relationship, one of equality, not like in the past where the Church pretty much ran the show," said Nahanee.

"I would like to see the Church actually come up with a strategy and a plan on how to implement these calls to action, which then hopefully will lead to reconciliation all across Canada.

"The big hope is that Pope Francis or his successor, after reconciliation has taken place, will come to Canada," said Nahanee. "I

think he needs a sign that reconciliation has taken place. Otherwise what's the point incoming here?"

"It's the political side of our society that's at odds," said Harry Lafond, a former member of the Canadian Catholic Aboriginal Council and a member of the Muskeg Lake First Nation in Saskatchewan. "When we think about reconciliation we have to pay attention to what the people are doing. That's where the solution lies, that's where the movement lives.

"I don't think we're far removed from our agenda to try to make the TRC come alive in the communities," he said. "And I think the institutions like the Church can keep that awareness happening among their congregations.

"It would be very off track for us to depend on a political institution to lead this," Lafond said. "They can respond to it, support it and can sound as if they're leading it, but in reality it's the people in the communities, in the groups, in the congregations that take control of the process."

Pashteen reiterates formation of commission in meeting with senators (Pakistan Today) April 16, 2019

Pashtun Tahafuz Movement (PTM) has urged the lawmakers to play their role in the formation of a 'Truth and Reconciliation Commission' in addition to clearing up landmines and recovery of missing persons belonging to the tribal districts.

He made this statement during a meeting a special Senate committee formed to address the problems of the aggrieved sections of the society.

The meeting was chaired by Barrister Muhammad Ali Saif and was attended by PTM leader Manzoor Pashteen, MNA Mohsin Dawar and the movement's other representatives.

Senators Dr Jahanzaib Jamalini, Sitara Ayaz, Mushahid Hussain Sayed, Sajjad Hussain Turi, Hidayatullah, Dilawar Khan, Fida Muhammad, Naseebullah Bazai, Sardar Shafiq Tareen, Sameena Saeed, Khanzada Khan, Mir Kabeer Ahmed Muhammad Shahi, Pir Sabir Shah, and Mushahidullah Khan were also in attendance.

PTM co-founder Manzoor Pashteen "posed complete confidence in the Senate Special Committee and appreciated its suggestions for resolving the issues".

"The members of the Special Committee, agreeing with the demands of the PTM, called for their prompt solution," the statement added.

The members termed the meeting "a historic day" and reiterated that "the process of dialogue would continue".

"It was the very first formal historic meeting between the Senate members which lasted for three hours where both the parties openly expressed their views over a series of issues," said a statement issued by the Senate Secretariat.

The senators demanded the PTM to nominate a focal person for meetings with the representatives and present their demands in writing to the committee.

The PTM formed in the aftermath of the murder of Naqeebullah Mehsud demanded penalisation of Rao Anwar, recovery of FATA's missing persons, probe into extra-judicial killings of Pashtuns all over the country, and end to discrimination meted out to tribal people in addition to a formation of the Truth and Reconciliation Commission.

Apartheid's victims bring the crimes of South Africa's past into court at last (The Globe and Mail) April 16, 2019

The police were relentless in their pursuit of Albert Lutuli, the Methodist preacher and anti-apartheid activist who became the first African to win a Nobel Peace Prize. For years, they imprisoned him or kept him under house arrest, banning him from travelling.

And then, one day in 1967, Mr. Lutuli was mysteriously killed on a railway track near his home in Natal province. The authorities said it was an accidental death, caused by a freight train. His family was never convinced. It was just one of the dozens of unexplained deaths of anti-apartheid leaders – a grim toll that mounted in the final decades of white-minority rule.

Today, a quarter-century after apartheid ended, there is growing pressure to bring truth and justice to the families of those who were killed. But there has also been surprising resistance from an unexpected source: the government led by Mr. Lutuli's own former political movement, the African National Congress (ANC).

Despite government pledges since 2003, and despite repeated pleas by the families of the victims, several hundred cases of

apartheid crimes – including murder and torture – are still languishing on the dusty shelves of South Africa’s police and prosecution authorities.

There is strong evidence, including sworn statements by senior officials, that the ANC government deliberately stalled the apartheid cases because it feared that its own members could face investigation for apartheid-era crimes if the police crimes were prosecuted. But now there are increasing demands to break the stalemate and provide some measure of justice before witnesses die or evidence disappears.

Civil-society activists – including another Nobel Peace Prize laureate, Archbishop Desmond Tutu – have launched a campaign to seek prosecutions for apartheid crimes. Their quest is being reinforced by a crucial new test case: a murder charge against a former police officer for allegedly helping to cover up the slaying of Ahmed Timol, an anti-apartheid activist who was hurled to his death from the top of a police station in 1971.

“There is a clear sense of urgency,” said Mr. Timol’s nephew, Imtiaz Cajee, who has spent decades fighting for justice for his uncle.

Mr. Timol’s family and other families of victims are building a network of supporters across South Africa to push for prosecutions in dozens of long-neglected cases. If they can win a full trial against Joao Rodrigues, the retired police officer who admits he was in the room with Mr. Timol when he plunged to his death, there will be hope for many others.

“The Timol family has received overwhelming support nationally,” Mr. Cajee told The Globe and Mail in an interview. “The reopening of the Timol case [has] given us a glimmer of hope that justice will finally be done.”

The Southern Africa Litigation Centre, a human-rights group, intervened in the Timol case last month to ask the court to indict Mr. Rodrigues for crimes against humanity, rather than just murder.

“This case is not about a single murder,” said the group’s executive director, Kaajal Ramjathan-Keogh. “It is about how a single murder is connected to the system of apartheid and therefore becomes a crime against humanity. The crime of apartheid has never been prosecuted, and this case should pave the way for such prosecutions to commence.”

But the resistance is still strong. Even after powerful new evidence was found and an inquest recommended a murder charge against the last living suspect, it still took nine months before Mr. Rodrigues made his first court appearance – and then the case was stalled again. The 79-year-old’s lawyers, citing the decades of delays, argued recently that the case should be dismissed because it took the authorities so long to file the murder charge. The case is sure to make its way to the Constitutional Court, South Africa’s highest court, to decide if the prosecution against Mr. Rodrigues can move forward, which could set a legal precedent for pursuing other such cases.

Ten former commissioners of the famed Truth and Reconciliation Commission (TRC), which spent years gathering evidence of apartheid atrocities for a historic report in 2003, have joined the families of the victims in voicing outrage at the delays. They have called for an inquiry into the political interference that blocked the cases.

In the 16 years since the TRC report, “the story of post-apartheid justice in South Africa is a shameful story of terrible neglect,” said a letter by the commissioners, including Archbishop Tutu, who played a key role in fighting apartheid in the 1980s.

“The families feel justifiably betrayed by South Africa’s post-apartheid state, which, to date, has turned its back on them,” the former commissioners said. “No expression of regret, remorse or apology has been offered by anybody in authority for the deep betrayal of victims of past atrocities. ... We owe them answers and we owe them an apology.”

The former commissioners sent the letter to President Cyril Ramaphosa two months ago and the government has yet to respond.

After apartheid ended in 1994 with an election that propelled Nelson Mandela and the ANC into power, the new government promised a truth and reconciliation process to give a measure of closure to the victims. The TRC granted amnesty to some apartheid-era perpetrators who confessed to their crimes and gave a full account of what happened. But many others refused to testify or were denied amnesty.

“Most victims accepted the necessary and harsh compromises that had to be made to cross the historic bridge from apartheid to democracy,” the former commissioners said in their letter.

“They did so on the basis that there would be a genuine follow-up of those offenders who spurned the [TRC] process and those who were refused amnesty. Sadly, this has not happened. ... The failure stands as a betrayal of victims who have been waiting for the criminal justice process to take its course and has added considerably to their trauma.”

The TRC had recommended that the police and prosecutors should investigate several hundred apartheid cases for possible criminal charges. “Virtually all of them were abandoned,” the former commissioners said. The police and prosecutors “colluded with political forces to ensure the deliberate suppression of the bulk of apartheid-era cases,” they said.

“Those behind the suppression of these cases may very well have been involved in a conspiracy to obstruct or defeat the course of justice, which is a very serious crime in South African law.”

The only cases that have made any progress in recent years – although at an agonizingly slow pace – were the deaths of Mr. Timol and another anti-apartheid activist, Nokuthula Simelane, allegedly killed by police in 1983. In both cases, their families were forced to conduct their own private investigations using lawyers who donated their services, a process that took many years.

There are many reasons why these cases were neglected for so long, including the apathy of key prosecutors and the influence of former apartheid police officers in South Africa’s postapartheid police force. But sworn affidavits in the Timol and Simelane cases make it clear the ANC government interfered to block the course of justice.

Several former senior officials of South Africa’s National Prosecuting Authority – including Vusi Pikoli, former head of the prosecuting authority – gave affidavits describing the political interference. Mr. Pikoli said he had been subjected to improper interference and pressure from the ANC government to drop the cases. He cited a confidential letter in 2007 from Brigitte Mabandla, the justice minister at the time, telling him that the apartheid cases were being dropped.

An affidavit by a senior prosecutor in the current authority, Torie Pretorius, confirmed that the ANC government had taken “political steps” to “manage” the investigations and find a “political solution” that would avoid criminal prosecutions.

These admissions have revived the country’s anger at the decades of delays. “In our midst, there walk thousands of men who committed the most heinous murders and torture in the name of preserving the apartheid system and defending the state that underpinned it,” wrote South African political analyst Mondli Makhanya in a recent commentary.

But now there is growing hope for justice. The affidavits in the Timol case have cited a long list of apartheid mysteries that should be pursued – including the death of Mr. Lutuli, whose family has been seeking the reopening of his case since 2016.

If the Timol charges are sustained, authorities could reopen the cases of other prominent anti-apartheid activists such as Steve Biko and Neil Aggett, who both also died in police custody. Dozens of lesser-known cases could also be given a full investigation for the first time. In many cases, the apartheid authorities claimed that the victims had died because they “committed suicide,” or “slipped on a piece of soap” while in police custody – absurd explanations that have lost any power to persuade.

The police claimed Mr. Timol died by suicide in 1971 by flinging himself from a window of South Africa’s most notorious police station. But after months of evidence at a fresh inquest in 2017, a judge demolished the decades-old conspiracy and called for murder charges. If the case survives the legal challenges from Mr. Rodrigues this year, it could pave the way for more long-overdue cases to finally see the light of day.

Apartheid’s deadly toll: Six key cases Here are just a few of the hundreds of apartheid-era cases, neglected for decades, that are still waiting for full investigations and justice.

STEVE BIKO He was a student leader who became an icon of the anti-apartheid cause, helping to create the Black Consciousness Movement, a leading grassroots organization of the 1970s. As his influence grew, the apartheid authorities placed him under a banning order, subjecting him to internal exile and restrictions on political activity. After an arrest in 1977, at the age of 30, he was severely beaten by state security agents and died of his injuries. His life inspired the 1987 film *Cry Freedom*.

ALBERT LUTULI He was a school principal, lay preacher and tribal chieftain who joined the ANC in 1944. By the 1950s, as he rose up the ranks of the movement, he was organizing non-violent campaigns to defy apartheid’s laws. In 1952, he became the ANC’s national leader and was immediately subjected to bans on his travel. Despite arrests and imprisonment, he was awarded the Nobel Peace Prize in 1960. He remained the ANC leader even after he was forced into internal exile. He was visited by U.S. senator Robert Kennedy in 1966, bringing more attention to the anti-apartheid cause. He died under mysterious circumstances in 1967 when he was allegedly hit by a freight train.

NOKUTHULA SIMELANE She was a 23-year-old university student who worked secretly as a courier for the ANC’s military wing. Betrayed by a double agent in 1983, she was lured to an underground garage and seized by security agents. Testimony at the Truth and Reconciliation Commission, including a confession by a former agent, revealed that she had been tortured with beatings and electric shocks. Then she disappeared. Her body was never found. Four former police officers have been accused of killing her, but their trial has been repeatedly delayed.

AHMED TIMOL He was an anti-apartheid activist who was covertly distributing leaflets for the banned ANC when, in 1971, at the age of 29, he was arrested and taken to central Johannesburg for interrogation at the country's most notorious police station. A fellow detainee later caught a glimpse of him, weak and badly injured, as police dragged him along the floor. He plunged to his death from the 10th floor of the building and police claimed it was suicide. But a 1977 inquest concluded that the police had tortured him and hurled him to his death.

IMAM ABDULLAH HARON He was a Muslim cleric in Cape Town in the 1950s and 1960s who became an anti-apartheid activist. In 1965, his family was evicted from their home because of the apartheid Group Areas Act – a law he had earlier criticized as “inhuman” and “barbaric.” When he learned that he was a target of apartheid police, he applied to emigrate to Canada, but was rejected. Shortly afterward, in May, 1969, he was arrested. He died after four months of solitary confinement and torture. A government inquest in the months after his death said he had fallen down a flight of stairs.

NEIL AGGETT He was a medical doctor and trade-union activist who worked in overcrowded black hospitals in the 1970s and began organizing unions and strike action in the food industry. By 1981 at the age of 27, he was involved in broader efforts to create a mass democratic movement with union support, and the authorities were increasingly harassing him. He was arrested in late 1981 and brought to the same notorious police station where Mr. Timol died a decade earlier. He was held for 70 days without trial, subjected to assault, electric shocks and other torture. When he died in February, 1982, the authorities claimed he had died by suicide, an explanation that few people have ever accepted.

UN concerned about sluggish transitional justice process (The Himalayan Times) April 18, 2019

United Nations' special rapporteurs have written a joint letter to Foreign Minister Pradeep Kumar Gyawali expressing their concerns about the sluggish transitional justice process.

The letter comes at a time when the government's decision to form a selection committee to recommend office bearers of the Truth and Reconciliation Commission and Commission on the Investigation of Enforced Disappearance has drawn flak from stakeholders for lack of transparency and acting without consulting conflict victims.

The 11-page letter was written on April 12 by the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extra judicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Rapporteur on violence against women, its causes and consequences. It reminds the government of its international obligations on matters of transitional justice and processes to be followed to ensure transitional justice.

The TRC and CIEDP had registered 63,000 cases but had not been able to resolve any of them.

“Beyond registering these cases, the commissioners have failed to prove significant progress on other crucial aspects of their mandate, including in relation to truth-telling initiatives, investigating cases filed before them, study of the nature and pattern of serious human rights violations, the identification of perpetrators of grave violations, including of sexual violence and rape against women and girls, the recommendations on reparations to victims and on institutional reform and vetting,” reads the letter.

The protracted transitional justice processes and delays in establishing measures that should guarantee the right to truth, the delivery of justice and access to reparations to the victims, not only contradicts international obligations, but also leaves many victims of the conflict and their relatives vulnerable and in despair, they argue.

They were concerned that despite repeated extensions to the two transitional bodies' tenure the TRC Act was not amended.

The TRC Act that gives the government right to appoint four out of five members of the Recommendation Committee that appoints office bearers of the TRC and CIEDP, insufficiently guarantees impartiality, independence and transparency in the appointment process, special rapporteurs stated.

Special rapporteurs were concerned about provisions of the TRC Act that are inconsistent with international human rights norms, including those granting the TRC and CIEDP mandate to recommend amnesty for perpetrators of gross violations of human rights and serious violations of international humanitarian law and to initiate reconciliation processes in the absence of a request by victims.

They urged the government to urgently initiate a process of amending the act in line with international standards concerning its mandate and selection of its members. “Such amendment should follow appropriate consultation with victims and the National Human Rights Commission. We also call on your government to ensure fairness, impartiality and transparency in the

appointment of members of the commission,” they wrote.

Concerning the selection of members of the TRC and CIEDP, Special Rapporteurs said both mechanisms should be established through procedures that ensured their independence, impartiality and expertise.

They added that in determining membership to the commission, concerted efforts should be made to ensure adequate representation of women as well as of other appropriate groups whose members had been especially vulnerable to human rights violations.

They asked the government to clarify what it was doing to bring the TRC Act in conformity with international norms, to enhance the effectiveness and implementation of the mandate and functions of the TRC and CIEDP and to ensure effective participation of victims in the design and implementation of the transitional justice process.

Application deadline for chairs, members of TRC, CIEDP extended till April 30 (The Himalayan Times) April 18, 2019

The committee formed to recommend new members and chairpersons of two transitional justice mechanisms – the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons – has extended the deadline for submission of applications till April 30.

Committee member Sharmila Karki said the committee decided to extend the deadline for submission of applications as per the advice of stakeholders and victims. She said the committee would also allow NGOs to recommend persons to serve the TRC and the CIEDP, with the consent of the aspirants.

Sharma said the committee had received applications from 38 individuals till today and the committee would begin short-listing the candidates soon. “We’ll recommend names before May 15,” Karki said.

Interested candidates need to fill an application form and submit it to the committee’s secretariat at the Ministry of Law, Justice and Parliamentary Affairs by April 30.

The committee will then compile a list of prospective candidates eligible for the posts based on Sections 4 and 5 of the Transitional Justice Act.

The selection process states that the committee can also list any eligible person’s name even if that person has not filled application form, considering special qualification and experience of that person.

The committee will publish the list of prospective candidates before publishing a five-day notice seeking complaints against them. After carefully studying the complaints, if any, the committee will recommend chairpersons and members of the commissions as per Section 3 (2) of the act, which states that the commissions will have five members, including at least one woman member each.

Conflict victims, however, opposed the committee for ‘unilaterally’ endorsing the selection process without consulting them.

Gambia exhumes remains of seven soldiers from 1994 coup bid (Yahoo) April 18, 2019

Banjul (Gambia) (AFP) - Remains of seven Gambian soldiers who took part in an attempt to overthrow dictator Yahya Jammeh in November 1994 have been exhumed as part of probe into the country's troubled past.

After a nearly two-week search at a barracks at Yundum, about 30 kilometres (18 miles) from the capital Banjul, investigators "exhumed the skulls of seven military personnel executed 25 years ago," the Truth, Reconciliation and Reparations Commission (TRRC) said in a statement late Wednesday.

The attempted putsch in the tiny West African state came just a few months after Jammeh had seized power, overthrowing the democratically-elected government.

Jammeh himself was forced out of office after losing elections to Adama Barrow in December 2016.

He went into exile in Equatorial Guinea in January 2017 after fellow West African states intervened militarily.

About two dozen military men were executed in November 1994 following the move against Jammeh.

"We will continue digging until we see the other skulls," forensic archaeologist and crime scene investigator Thomas Gomez was quoted by the TRRC as saying after Wednesday's exhumation.

"We cannot tell who are here, but all we can tell you is that seven people were buried in this grave. Seven pairs of underwear were also recovered and this could attest to the fact that they were almost half-naked when they were being buried."

Relatives of the soldiers were present when the skulls were recovered.

The TRRC, modelled on South Africa's post-apartheid Truth and Reconciliation Commission, seeks to shed light on Jammeh's brutal 22-year reign in the hope of providing justice and closure for victims.

It began its work last October, empowered with the right of investigation and recommendation for prosecution or reparations, but not to pass sentence.

Perpetrators and witnesses told the TRRC that the execution of the coup soldiers was overseen by the junta's No. 2, Lieutenant Sanna Sabbally, on the command of Jammeh himself.

Jammeh fended off several other attempted coups during his long reign, including a bid in December 2014.

One of his most feared instruments of power was an ultra-loyal death squad known as the "Junglers," whom the UN and rights groups accuse of murder and torture.

'Resolve transitional justice issues thru commissions' (The Himalayan Times) April 19, 2019

Supreme Court Justice nominee Hari Phuyal today told the Parliamentary Hearing Committee during confirmation hearing that the country's transitional justice issues should be resolved through the two transitional justice bodies: the Truth and Reconciliation Commission and the Commission for Investigation of Enforced Disappeared Persons.

"There has been understanding among political parties on this issue," he said, replying to a query of the ruling Nepal Communist Party (NCP) lawmaker Yogesh Bhattarai.

Panel member Bhattarai had asked him whether transitional justice issues should be addressed through transitional justice mechanism or through the courts.

Bhattarai said some people were using transitional justice issues to intimidate political leaders. Phuyal, a human rights expert and former attorney general, said most of the incidents should be resolved by the commissions themselves. "Some issues of transitional justice, particularly serious crimes, can be addressed by the court," he said.

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Terrorism

Sri Lanka's counter-terrorism strategy a 'recipe for disaster': Former UN investigator Social Sharing (Canadian Broadcasting Company) April 22, 2019

Ben Emmerson says Sri Lanka is overly reliant on torture, has failed to protect persecuted minorities

A weak counter-terrorism strategy that relies on torture left Sri Lanka vulnerable to the devastating Easter attacks that killed at least 290 people and wounded about 500, says a former United Nations rapporteur.

Nobody has claimed responsibility for the string of bombings at churches and luxury hotels across the country on Sunday, but the government has blamed a little-known domestic Islamist militant group called National ThowfeekJamaath.

Ben Emmerson, former UN special rapporteur for counter-terrorism, warned in a July 2018 report that Sri Lanka was a hotbed of religious tensions and ill-equipped to deal with an attack of this nature.

After all the work you did on a potential terrorist attack in Sri Lanka, what was your initial response to the news of [Sunday's] attacks?

Obviously, our first thoughts must be with the victims, with the families and with the people of Sri Lanka in coming to terms with this atrocious crime against civilians at worship and those of all faiths who were the victims of the attacks in the various resorts and churches in Sri Lanka.

On wider questions, which I think will inevitably start to be asked in the coming days, it is not as much of a surprise that there should be a sliding back towards armed violence of this nature in Sri Lanka, because the counter-terrorism apparatus that has been adopted by Sri Lanka is, it has to be said, not fit for purpose.

Sri Lanka bombings likely orchestrated by outside force, expert says
Timeline: How Sri Lanka's bomb attacks unfolded in an Easter Sunday of carnage
What did you, yourself, warn them of?

Just to be clear, my job was to look principally at the extent to which their counter-terrorism legislation and their counter-terrorism practices were consistent with international human rights law.

And the biggest problem they have in Sri Lanka is discrimination against national minorities, particularly the Tamil community, who are primarily Hindu, and the Muslim community. And the biggest social problem is disenfranchisement of these minorities and continuing persecution by public officials from the majority Sinhalese Buddhist community.

Security officers guard the road to the president's house in Colombo after bomb blasts ripped through churches and luxury hotels on Easter. (Dinuka Liyanwatte/Reuters) And we should just remind people that the predominant [religion] in Sri Lanka would be Buddhist. Then Hindus, Muslims and Christians are more in the minorities ... in the country. And this attack, it appears, we're told, [to be a] Muslim group attacking what would be Christian targets. What does that tell you?

I think what it tells us is that the phenomenon that we've seen in different parts of the world of organized Islamist extremists committing atrocities against civilian targets has arrived in Sri Lanka.

But that said, it was a country simmering with ethnic tension, particularly, as I say, last year's attacks by Buddhist mobs.

Muslims were singled out and targeted by violent Buddhist mobs, and I think that type of situation — where the authorities failed to protect the minority community — it can often result in people becoming angry and radicalized and then finding that these things spill over.

But I think it's probably fair to say nothing prepared anybody for the expectation of an attack on this scale and with this degree of organization, because it's the largest single terror attack in Sri Lanka's history, despite the fact that it's been through a long and very bloody civil war.

We've seen letters, we've seen documents [in the New York Times] that show [the government's security services] were warned that not only was an attack coming, [but] that it was this specific group that was going to commit the attack. And they were even, in writing, given the names of people and their addresses, where they could be found as they planned this attack. What does that tell you about the preparation [for] counter-terrorism in Sri Lanka?

If those reports are confirmed to be accurate, then the first thing it tells us is that there was a catastrophic breakdown in communication inside Sri Lanka's apparatus for protecting the civilian population against a terrorist attack.

I think what we saw [Sunday] was a pretty clear statement that the prime minister and ministers in cabinet were not informed of the risk that had been identified, which tends to suggest, because the president is the person responsible for counter-terrorism, that the information has not been communicated to relevant officials as a result of the dysfunction that besets Sri Lankan national security.

Sri Lanka grants sweeping new powers to military after 290 killed in Easter Sunday attacks
Tributes pour in for Sri Lanka bomb attack victims
All fingers seem to [point] to the president's office. He's the one who should have known, would have known, could have known about this, right?

I think the first question is: Did he know? I mean, it is possible, of course, that the communications failure occurred at a much lower level of communication than the president personally, and that there was an administrative failure. That would obviously point to serious questions about the system in place, but it wouldn't necessarily directly implicate the president in personal, political and legal failure.

But given what we know about dysfunction in government in Sri Lanka ... one of the big issues in trying to get reform of the counter-terrorism strategy in Sri Lanka, and the one that I highlighted in my report last year, is that the reports of torture as

the main means of investigating terrorism or allegations of terrorism are widespread and consistent and have been frequently documented, right up until the time of these attacks.

I, myself, saw people in custody that had their fingernails removed, who had been the victims of torture by electrocution, by beating and so on.

And I think when you have a community, which is made up of different ethnic groups — some of whom have been violently marginalized and suppressed, whose rights are not recognized, who are not protected and who are subjected to violence by the security services — against the background of a civil war where there has been effective impunity for war crimes against civilians by the authorities, you have a recipe for disaster.

And, you know, that disaster has been waiting to happen.

Navy SEALs Were Warned Against Reporting Their Chief for War Crimes Special Operations Chief Edward Gallagher during a deployment in Iraq in 2017, in a photo provided by his lawyer. (New York Times) By Dave Phillips
April 23, 2019

Stabbing a defenseless teenage captive to death. Picking off a school-age girl and an old man from a sniper's roost. Indiscriminately spraying neighborhoods with rockets and machine-gun fire.

Navy SEAL commandos from Team 7's Alpha Platoon said they had seen their highly decorated platoon chief commit shocking acts in Iraq. And they had spoken up, repeatedly. But their frustration grew as months passed and they saw no sign of official action.

Tired of being brushed off, seven members of the platoon called a private meeting with their troop commander in March 2018 at Naval Base Coronado near San Diego. According to a confidential Navy criminal investigation report obtained by The New York Times, they gave him the bloody details and asked for a formal investigation.

But instead of launching an investigation that day, the troop commander and his senior enlisted aide — both longtime comrades of the accused platoon leader, Special Operations Chief Edward Gallagher — warned the seven platoon members that speaking out could cost them and others their careers, according to the report.

The clear message, one of the seven told investigators, was "Stop talking about it."

The platoon members eventually forced the referral of their concerns to authorities outside the SEALs, and Chief Gallagher now faces a court-martial, with his trial set to begin May 28.

But the account of the March 2018 meeting and myriad other details in the 439-page report paint a disturbing picture of a subculture within the SEALs that prized aggression, even when it crossed the line, and that protected wrongdoers.

According to the investigation report, the troop commander, Lt. Cmdr. Robert Breisch, said in the meeting that while the SEALs were free to report the killings, the Navy might not look kindly on rank-and-file team members making allegations against a chief. Their careers could be sidetracked, he said, and their elite status revoked; referring to the eagle-and-trident badges worn by SEALs, he said the Navy "will pull your birds."

The enlisted aide, Master Chief Petty Officer Brian Alazzawi, warned them that the "frag radius" — the area damaged by an explosion — from a war-crime investigation of Chief Gallagher could be wide enough to take down a lot of other SEALs as well, the report said.

Navy SEALs are regarded as the most elite commando force in the American military. But that reputation has been blotted repeatedly in recent years by investigations of illegal beatings, killings and theft, and reports of drug use in the ranks. In January, the top commander of the SEALs, Rear Adm. Collin Green, ordered a 90-day review of the force's culture and training; the results have not yet been made public.

As Chief Gallagher's men were sounding an alarm about killings in Iraq, his superiors were lavishing praise on him. An evaluation quoted in the investigation report called Chief Gallagher the best chief of the 12 in the team, and said, "This is the man I want leading SEALs in combat."

A few days after the March 2018 meeting, the chief was awarded a Bronze Star for valor under fire in Iraq.

A month later, the seven platoon members finally succeeded in spurring their commanders to formally report the killings of the three Iraqis to the Navy Criminal Investigation Service, by threatening to go directly to top Navy brass and to the news

media.

Chief Gallagher was arrested in September on more than a dozen charges, including premeditated murder and attempted murder. If convicted, he could face life in prison. He has pleaded not guilty and denies all the charges.

The chief's lawyer, Timothy Parlatore, said the Navy investigation report, which was first reported by Navy Times, does not offer an accurate account of what happened in Iraq. He said that hundreds of additional pages of evidence, sealed by the court, included interviews with platoon members who said the chief never murdered anyone.

At the same time, some conservatives have rallied to Chief Gallagher's defense, raising money and pressing publicly for his release.

Chief Gallagher, through Mr. Parlatore, declined to be interviewed for this article.

The Navy has charged Chief Gallagher's immediate superior, Lt. Jacob Portier, with failing to report the chief's possibly criminal actions and with destroying evidence. Lieutenant Portier has pleaded not guilty. Through his lawyer, he, too, declined to be interviewed.

The investigation report indicates that a number of other high-ranking SEALs also knew of the allegations against the chief, and did not report them. But no one else has been charged in the case.

Chief Gallagher learned of the March 2018 meeting soon after it happened, the report indicates, and he began working to turn other SEALs against the accusers.

"I just got word these guys went crying to the wrong person," Chief Gallagher wrote to a fellow chief in one of hundreds of text messages included in the report. To another, he wrote: "The only thing we can do as good team guys is pass the word on those traitors. They are not brothers at all."

Citing his texts, the Navy kept the chief in the brig to await trial, saying it believed he had been trying to intimidate witnesses and undermine the investigation. He denies that accusation as well.

The chief's wife, Andrea Gallagher, and his brother, Sean Gallagher, have appeared repeatedly on Fox News and other news outlets, calling the chief a hero and demanding his release. They say the allegations against Chief Gallagher were concocted by disgruntled subordinates who could not meet his demanding standards and wanted to get rid of him.

A website soliciting donations for his defense says it has raised \$375,000, and a prominent veterans' apparel maker is selling "Free Eddie" T-shirts.

Spurred by the Gallagher family, 40 Republican members of Congress signed a letter in March calling for the Navy to free the chief pending trial, and soon after, President Trump said on Twitter that he would be moved to "less restrictive confinement." Chief Gallagher was released from the brig and is now restricted to the Navy Medical Center in San Diego, according to a Navy spokeswoman.

Ms. Gallagher did not respond to requests for comment.

Chief Gallagher, who is 39 and goes by the nickname Blade, is known as a standout even among the elite SEALs. Over the course of five deployments with the SEALs, he was repeatedly recognized for valor and coolheaded leadership under fire. He is qualified as a medic, a sniper and an explosives expert, and has been an instructor at BUDS, the force's grueling training program. To hundreds of sailors he trained, he was a battle-tested veteran who fed them war stories while pushing them through punishing workouts in the surf.

Investigators' interviews with more than a dozen members of Alpha Platoon, included in the Navy's criminal investigation report, as well as other interviews with SEALs, offer a more troubling portrait of the chief.

When Chief Gallagher took over leadership of the platoon in 2015, SEALs said, he already had a reputation as a "pirate" — an operator more interested in fighting terrorists than in adhering to the rules and making rank.

A number of platoon members told investigators that at first they were excited to be led by a battle-hardened "legend," but their opinion quickly shifted after they were deployed to Iraq in February 2017 to help retake Mosul from Islamic State fighters.

In February 2017, when Iraqi forces were fighting to retake Mosul from Islamic State forces, Chief Gallagher's platoon was part of a SEAL force deployed to assist them. Several members of the platoon later told investigators they were shocked by things they saw the chief do there.

The SEALs in the platoon did not respond to requests for interviews for this article. Their names and those of others who have not been identified publicly in court have been withheld from this article at the request of the Navy, because of the covert nature of their work.

A spokeswoman for Naval Special Warfare, Cmdr. Tamara Lawrence, said that while they are commandos, SEALs are still expected to follow the same laws as all other troops, adding, "It's called special operations, not different operations."

The investigation report said several members of the platoon told investigators that Chief Gallagher showed little regard for the safety of team members or the lives of civilians. Their mission was to advise Iraqi forces and provide assistance with snipers and drones, but they said the chief wanted instead to clear houses and start firefights.

He would order them to take what seemed to be needless risks, and to fire rockets at houses for no apparent reason, they said. He routinely parked an armored truck on a Tigris River bridge and emptied the truck's heavy machine gun into neighborhoods on the other side with no discernible targets, according to one senior SEAL.

Chief Gallagher's job was to plan and oversee missions for the platoon, but platoon members said he spent much of his time in a hidden perch with a sniper rifle, firing three or four times as often as other platoon snipers. They said he boasted about the number of people he had killed, including women.

Photos from the deployment that were stored on a hard drive seized by the Navy show the chief aiming sniper rifles and rocket launchers from rooftops in the city.

Two SEAL snipers told investigators that one day, from his sniper nest, Chief Gallagher shot a girl in a flower-print hijab who was walking with other girls on the riverbank. One of those snipers said he watched through his scope as she dropped, clutching her stomach, and the other girls dragged her away.

Another day, two other snipers said, the chief shot an unarmed man in a white robe with a wispy white beard. They said the man fell, a red blotch spreading on his back.

Before the 2017 deployment, Chief Gallagher ordered a hatchet and a hunting knife, both handmade by a SEAL veteran named Andrew Arrabito with whom he had served, text messages show. Hatchets have become an unofficial SEAL symbol, and some operators carry and use them on deployments. Chief Gallagher told Mr. Arrabito in a text message shortly after arriving in Iraq, "I'll try and dig that knife or hatchet on someone's skull!"

On the morning of May 4, 2017, Iraqi troops brought in an Islamic State fighter who had been wounded in the leg in battle, SEALs told investigators, and Chief Gallagher responded over the radio with words to the effect of "he's mine." The SEALs estimated that the captive was about 15 years old. A video clip shows the youth struggling to speak, but SEAL medics told investigators that his wounds had not appeared life-threatening.

A medic was treating the youth on the ground when Chief Gallagher walked up without a word and stabbed the wounded teenager several times in the neck and once in the chest with his hunting knife, killing him, two SEAL witnesses said.

Iraqi officers who were at the scene told Navy investigators that they did not see the captive die, but disputed the stabbing account, saying it seemed out of character for the chief.

Minutes after the death, Chief Gallagher and his commanding officer, Lieutenant Portier, gathered some nearby SEALs for a re-enlistment ceremony, snapping photos of the platoon standing over the body.

In recent years, photos of re-enlistment ceremonies in unusual circumstances — while scuba diving or skydiving, for instance — have gone viral on social media. The chief's variation would have reinforced his image as a hard-charging pirate, one SEAL said.

Chief Gallagher, seen in a photo taken during the 2017 deployment. Several members of his platoon told investigators that at first they were excited to be led by a battle-hardened "legend."

Chief Gallagher, seen in a photo taken during the 2017 deployment. Several members of his platoon told investigators that at first they were excited to be led by a battle-hardened "legend." A week later, records show, Chief Gallagher texted a picture of the dead captive to a fellow SEAL in California, saying, "Good story behind this, got him with my hunting knife."

But his platoon did not see it as a good story, according to the investigation report: The SEALs called a platoon meeting and discussed how to keep the chief away from anyone he could harm.

When senior platoon members confronted Chief Gallagher about the captive's death, they said, he told them, "Stop worrying

about it, they do a lot worse to us.”

The SEALs told investigators they reported the killing to Lieutenant Portier that night and at other times during the deployment, but the lieutenant took no action. They said the lieutenant had trained under Chief Gallagher at BUDS and “idolized” him.

Members of the platoon hoped the chief would be reprimanded when they returned home from Iraq in August 2017, according to the report. It didn’t happen. The report said they spoke repeatedly to the lieutenant’s superior, Commander Breisch, and to Master Chief Alazzawi and another Team 7 master chief, but were told to “decompress” and “let it go.”

Commander Breisch and Master Chief Alazzawi disputed that account. They told investigators that they had no knowledge of the alleged war crimes until the March 2018 meeting, and that they had encouraged anyone in the platoon who had witnessed anything criminal to report it to Navy investigators.

The Navy declined to make Commander Breisch or Master Chief Alazzawi available for interviews, citing the continuing investigation.

Each member of the SEAL team had a duty to report wrongdoing as soon as possible, said Lawrence Brennan, a retired Navy captain and military lawyer who now teaches law at Fordham University. But he added, “The willingness of an institution to turn a blind eye is common.”

“It’s especially true in warfare communities,” he said. “And in the SEALs, you don’t just keep it in the family, you keep it in the immediate family.”

Chief Gallagher had been accused of serious misconduct before. According to the investigation report, Army Special Forces troops serving with him in Afghanistan in 2010 reported that, as a sniper, he had shot through an Afghan girl to hit the man who was carrying her, killing them both. Commander Breisch told investigators in 2018 that the 2010 report had been investigated and no wrongdoing had been found.

In 2014, the report says, Mr. Gallagher was detained at a traffic stop, where he allegedly tried to run over a Navy police officer; he was released to his commander, and there is no record of punishment in the report. Soon after, he was promoted to chief.

Among the text messages included in the investigation report are some between Chief Gallagher and another SEAL chief, David Swarts, who is being prosecuted for the beating of detainees in a separate case dating from 2012.

Chief Gallagher told Chief Swarts about his looming investigation and said he felt he could not trust anyone any more. When Chief Swarts responded that he never thought SEALs would report one another, Chief Gallagher replied, “Me either, those days are gone.”

Saudi Arabia: 37 put to death in shocking execution spree (Amnesty.org) April 23, 2019

The execution of 37 people convicted on “terrorism” charges marks an alarming escalation in Saudi Arabia’s use of the death penalty, said Amnesty International today. Among those put to death was a young man who was convicted of a crime that took place while he was under the age of 18.

“Today’s mass execution is a chilling demonstration of the Saudi Arabian authorities callous disregard for human life. It is also yet another gruesome indication of how the death penalty is being used as a political tool to crush dissent from within the country’s Shi’a minority,” said Lynn Maalouf Middle East Research Director at Amnesty International.

The majority of those executed were Shi’a men who were convicted after sham trials that violated international fair trial standards which relied on confessions extracted through torture.

They include 11 men who were convicted of spying for Iran and sentenced to death after a grossly unfair trial. At least 14 others executed were convicted of violent offences related to their participation in anti-government demonstrations in Saudi Arabia’s Shi’a majority Eastern Province between 2011 and 2012. The 14 men were subjected to prolonged pre-trial detention and told the court that they were tortured or otherwise ill-treated during their interrogation in order to have ‘confessions’ extracted from them.

Also among those executed is Abdulkareem al-Hawaj – a young Shi’a man who was arrested at the age of 16 and convicted of offences related to his involvement in anti-government protests. Under international law, the use of the death penalty against people who were under the age of 18 at the time of the crime is strictly prohibited.

Amnesty International understands that the families were not informed about the executions in advance and were shocked to

learn of the news.

“The use of the death penalty is always appalling but it is even more shocking when it is applied after unfair trials or against people who were under 18 at the time of the crime, in flagrant violation of international law,” said Lynn Maalouf.

All of those executed today were Saudi Arabian nationals. So far this year, at least 104 people have been executed by Saudi Arabia – at least 44 of them are foreign nationals, the majority of whom were convicted of drug-related crimes. In 2018, Saudi Arabia carried out 149 executions during the whole year.

“Instead of stepping up executions at an alarming rate in the name of countering terrorism, Saudi Arabia’s must halt this bloody execution spree immediately and establish an official moratorium on executions as a first step towards abolishing the death penalty completely,” said Lynn Maalouf.

Ali al-Nimr, Dawood al-Marhoon and Abdullah al-Zaher, from the Shi’a minority and who were below the age of 18 at the time of the crime, remain on death row and at imminent risk of execution.

Amnesty International opposes the death penalty in all cases, regardless of who is accused, the crime, their guilt or innocence or the method of execution.

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Piracy

Nigerian Pirates Open Fire on Anchored Product Tanker (The Maritime Executive) By MAREX

April 17, 2019

On Monday, Nigerian pirates staged a daring attack on a product tanker at an anchorage in the Niger River Delta.

At 2020 hours UTC, four armed attackers in a speedboat approached an unnamed product tanker at the Bonny River Inner Anchorage, just three nautical miles off Bonny Island. They successfully boarded the vessel and opened fire towards the accommodations block with automatic weapons. Nigerian naval guards were on board the tanker, and they returned fire, chasing off the attackers. The crew mustered in the vessel's citadel and notified the Nigerian Navy of the attack. One guard was injured in the exchange of fire, and the crew provided him with medical assistance.

Two security boats responded to the scene, and one took the injured guard back to shore for medical treatment.

The tanker's crew were reported safe, according to the IMB ICC.

The Gulf of Guinea - especially the region near the Niger River Delta - is the world's most active piracy hotspot. In 2018, the Gulf of Guinea accounted for all six hijackings, 13 of the 18 ships fired upon, 130 of the 141 hostages held, and 78 of 83 seafarers kidnapped for ransom worldwide, according to the IMB.

The violence accelerated in the last quarter of the year: 41 kidnappings were recorded off Nigeria between October and December, more than half the annual total. While these statistics are troubling, the actual frequency of piracy incidents in the region may be higher, as the IMB believes that about half of all attacks go unreported.

Pirates Attack Two Fishing Boats off Somalia (The Maritime Executive) By MAREX

April 23, 2019

On Sunday, two fishing vessels were attacked by pirates off the coast of Somalia. The attempted boardings were both thwarted, but security officials said that they represent a reminder that antipiracy measures are still required when transiting the high-risk area off Somalia.

According to EUNAVFOR, the fishing vessels Adria and Txori Argi were both approached by suspected pirates in the Indian Ocean on Sunday at a position about 280 nm off the coast of Somalia. Both fishing vessels had private maritime security teams on board, and by exercising unspecified antipiracy best practices, the two attempted attacks were defeated.

EUNAVFOR Operation Atalanta confirmed the attacks and said that it is likely that they were facilitated by a hijacked "mothership," which was reportedly seized by armed men on Friday off the central Somali coast. EUNAVFOR searched the area with aerial assets and dispatched the warship ESPS Navarra from Mombasa. On Tuesday, the Navarra successfully intercepted and boarded the dhow mothership.

In a statement, EUNAVFOR warned that the maritime industry must still adhere to antipiracy best practices in order to maximize the safety of the ship and crew while transiting the high-risk area. The designated area will be reduced in size in May 2019, but Operation Atalanta commander Rear Adm. Antonio Martorell (Spanish Navy) warned that the change to the chart is not a signal for merchant vessel operators to lower their guard. "Both EU NAVFOR and CMF, stress that piracy off the Horn of Africa is by no means eradicated; it is only suppressed," he said at a meeting April 23.

Ten years ago, Somali piracy was a continuous, urgent threat in the western Indian Ocean and the Gulf of Aden. Pirates based on Somalia's coast routinely conducted hijackings and kidnap-for-ransom operations until 2012, when a combination of private maritime security contractors, vessel hardening measures and NATO naval patrols effectively suppressed the threat.

No successful attacks on merchant vessels were reported between 2013 and March 2017, when pirate groups began ramping up activity once more.

Charter Disputes: Owners Cannot Claim Hire for Vessel Detained by Pirates - The Elani P (Lexology) By Tom Nixon, Robert Thomas and Thomas Macy-Dare
April 18, 2019

In Eleni Shipping Limited v Transgrain Shipping BV ("The ELENI P") [2019] EWHC 910 (Comm), Popplewell J held that Owners were not entitled to claim hire from Charterers in the sum of around US\$4.5 million in respect of a period of seven months during which the Vessel was detained by Somali pirates in the Arabian Sea. In doing so, Popplewell J provided a concise and transparent example of the application of the fundamental principles of contractual construction in the context of time charter disputes – and showed a firm willingness to challenge the views of an experienced maritime tribunal.

Owners were represented by Robert Thomas QC, instructed by Evangelos Catsambas, Watson Farley & Williams and Charterers were represented by Thomas Macey-Dare QC, instructed by Eurof-Lloyd-Lewis and Emma Skakle, Clyde & Co LLP. The Vessel, subject to a time charter on an amended NYPE 1946 form, was ordered to load a cargo of iron ore at a port in Ukraine for discharge at Xiamen in China. The Vessel was routed via the Suez Canal and the Gulf of Aden. She sailed through the Gulf of Aden without incident and into the Arabian Sea, but was there attacked and captured by pirates. She was only released by the pirates some seven months later.

Owners claimed hire in the sum of around US\$ 4.5 million over the time during which the Vessel was captured and detained by pirates.

The Tribunal rejected Owners' claim for hire in this period on the basis that it was excluded by each of two additional typewritten clauses in the Charterparty, clauses 49 and 101. Owners appealed in respect of the correct construction of each pursuant to s69 of the Arbitration Act 1996. The appeal succeeded in respect of clause 49, but Popplewell J held that the hire was nonetheless suspended over the relevant period by clause 101.

Clause 49 – Capture, Seizure and Arrest – Should the vessel be captures [sic] or seized or detained or arrested by any authority or by any legal process during the currency of this Charter Party, the payment of hire shall be suspended for the actual time lost [...]

Owners contended before Popplewell J that Clause 49 only applied when the Vessel was captured, seized, detained or arrested by any authority or any legal process – it therefore did not apply to capture by pirates. Charterers argued that only the word "arrested" was qualified by the phrase "by any authority or by any legal process" – the word "captured" was not so qualified, and as a matter of ordinary language, the Vessel had been captured.

Popplewell J rejected this argument, holding that Clause 49 only applied to capture where by an authority or legal process, and therefore not to capture by pirates. The phrase "any authority or any legal process" must apply to the whole preceding list of events - if it applied only to arrest it would be superfluous, and the drafting would be "surprisingly inept". His Lordship also found that the contrary construction was inconsistent with the terms of Clause 15, which only put the Vessel off-hire for detention "by average accidents to ship or cargo" – on Charterers' construction, Clause 49 would render any detention an off-hire event and "substantially cut across the careful allocation of risk in clause 15, without any apparent commercial rationale for doing so".

Popplewell J therefore disagreed with the Tribunal's assessment that "capture" is not something that an "authority" could be involved in and therefore should be read as a freestanding exclusion. In characteristically pithy terms, his Lordship explained "capture does not necessarily connote the use of force. Unoccupied land or undefended goods may be captured. My wife may capture my heart. I see no difficulty as a matter of the ordinary use of language in the concept of a governmental authority or ruler capturing a vessel."

Clauses 101 – Piracy Clause – Charterers are allowed to transit Gulf of Aden any time, all extra war risk premium and/or kidnap and ransom as quoted by the vessel's Underwriters, if any, will be reimbursed by Charterers. [...] In case vessel should be threatened/kidnapped by reason of piracy, payment of hire shall be suspended. It's remain understood [sic] that during transit of Gulf of Aden the vessel will follow all procedures as required for such transit including but not limited the instructions as received by the patrolling squad in the area for safe participating to the convoy west or east bound.

Owners argued that the latter cited sentence only put the Vessel off hire if threatened by piracy occurring during transit of the Gulf of Aden, a finite geographical area capable of definition. Charterers, by contrast, argued that it applied wherever the Vessel was threatened in the Gulf of Aden or as an immediate consequence of her transiting or being about to transit the Gulf.

The Tribunal had held that (a) there was no generally understood precise definition of the Gulf of Aden as a geographical area in the context of a time charter of this kind and (b) the parties knew that transiting the Gulf of Aden exposed the ships to the risk of piracy not only in any area that could be precisely defined as the Gulf, but also in the Arabian Sea, and that the risk of piracy was expanding.

Popplewell J noted the silence of the language of the clause on the question posed, but agreed with the Tribunal for three reasons. First, the Tribunal found as a matter of fact that the Gulf of Aden was not capable of being given a geographical definition in this context – such a finding itself not being susceptible to challenge.

Second, Clause 101 is concerned with voyages through the Gulf of Aden – its purpose is to oblige Owners to accept instructions to trade the Vessel through the Suez canal, in order to make the Vessel more attractive to Charterers, and allocate the risks thereof. The first sentence allocates the burden of an extra war risk premium – and the sentence concerning hire suspension is to allocate the risk of delay from detention as a consequence of the transit which the first sentence requires. It should therefore apply to the immediate consequences of the transit through the Gulf of Aden, and not just be referable to a specific geographic area.

Third, the war risk and kidnap ransom premium are not defined by reference to a single geographic area – and there is no basis for reading the provision on hire suspension differently. At the core of his reasoning was the purpose of Clause 101 – to permit Charterers to engage in trade through the Gulf of Aden – and that the Clause was intended to allocate the risks associated with such trade, not solely within a specifically defined geographical area.

Consequently, despite a considerable victory in relation to Clause 49, Owners' appeal ultimately failed. The judgment of Popplewell J nonetheless provides an excellent example of the willingness of the Commercial Court to engage with both the text of the Charterparty and the underlying allocation of risk arising out of voyages as perilous as those ordered by Charterers in this case.

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Gender-Based Violence

Gender-Based Violence and Sanctions: A Potential UN Security Council Framework (Just Security) By

Ruwanthika Gunaratne

April 16, 2019

Proposals to add a separate category on sexual and gender-based violations (SGBV) to the sanctions regimes for Sudan, Somalia, and Libya in the past six months have revived the question of which acts of SGBV fall within the United Nations Security Council sanctions mandates. The issue arises again this month, as the Security Council prepares for an open debate on the Secretary-General's annual report on conflict-related sexual violence. The discussion, taking place around the 10th anniversary of the establishment of the mandate and office of the Special Representative on Sexual Violence in Conflict, is due to focus especially on

accountability and on approaches that take into account the survivors of such violence.

The Security Council, unlike other UN bodies, is limited by Chapter VII of the United Nations Charter in its consideration of SGBV in sanctions regimes to situations where SGBV constitutes a threat to peace, security, or stability. Yet, there is very little clarity on what acts of SGBV fall within that definition. This lack of clarity has often made official reporting of violations and the resulting sanctions less comprehensive and gender-sensitive than would otherwise be possible.

The Security Council could remedy this shortfall by adopting a framework to clarify the types of gendered violence that fall within sanctions regimes. Such a framework, as proposed below, would result in more effective SGBV-related determinations by UN bodies and others involved in sanctions — the Security Council; panels of experts (Security Council-mandated groups that investigate and report on, amongst other issues, SGBV); Sanctions Committees (established to assist the Council to implement sanctions); and human rights advocates/actors that regularly engage with these entities.

The Security Council resolutions applicable to sanctions regimes do not clarify what specific acts of SGBV fall within sanctions mandates. Neither does the report of the Informal Working Group on General Issues of Sanctions, S/2006/997, which provides guidance on methodology and evidentiary standards to panels of experts.

However, some guidance can be derived from individual sanctions resolutions and Security Council practices. In seven of the eight sanctions regimes dealing with SGBV – those for Central African Republic, the Democratic Republic of Congo, Libya, Mali, Somalia, South Sudan, Sudan, and Yemen – there is an identifiable pattern. There, individuals and entities are sanctioned for acts (including SGBV) only when these individuals and entities also are “responsible for or complicit in, or [have] engaged in, directly or indirectly...actions or policies that threaten the peace, security, or stability...” or have been responsible for “engaging in or providing support for acts that threaten the peace, security or stability...” of that country or context.

These examples demonstrate that unless acts of SGBV also undermine or threaten peace, security, or stability, they would not fall within the mandates of existing sanctions regimes. This is underpinned by the fact that sanctions regimes come into operation under Article 41 of the UN Charter only after an Article 39 finding of the Security Council that the situation under review constitutes a threat to peace, a breach of peace, or an act of aggression.

During Security Council debates in 2018 and 2019, states also have continued to require a link between SGBV and peace, security, and stability (see here, here, and here) for considering these acts under sanctions mechanisms. In a situation where such a link is not present, the Russian Federation has consistently advocated that SGBV be considered by national authorities and/or the Human Rights Council. Even in the Darfur sanctions regime, where the pre-requisite to demonstrate the link between SGBV and threats to peace, security, or stability is not explicitly mentioned (see paragraph 8), Security Council debates have underlined the need for such a link.

Indicators that acts of SGBV fall within Security Council regimes can be found in Security Council sanctions resolutions, thematic resolutions, and Security Council-narrated reasons for listings (these lists, found on the Security Council website, identify the individuals listed for sanctions and provide a summary of the reasons for their listing). In these, the Security Council has identified rape, sexual exploitation, sexual slavery, sexual violence, and sexual abuse, as grounds for imposing sanctions. The categories of victims identified initially included women and girls, and now include migrants, children, and elderly.

It is noteworthy that the 17 identified and listed individuals and entities in cases where designations included sexual or gender-based violence were also involved in wider human rights and humanitarian law violations. Their role in undermining peace, security, and stability was made clear in the listings. The fact that no individual or entity was listed solely for SGBV may indicate that SGBV has not yet been accepted as a reason in itself to levy sanctions. But the more likely explanation is that those commanders, individuals, and entities who are involved in SGBV are also more likely to engage in other grave violations.

In the past, it may have been possible to argue that the Security Council was inclined to sanction only widespread attacks, including “widespread rape” and “widespread sexual violence.” However, in 2019, the Security Council listed an individual for the sexual exploitation of two women, among other sanctionable offenses. This indicates a readiness of the Security Council to sanction individuals for sexual violence that is not established to be widespread or systematic.

Explicit references to non-sexual gendered aspects of violence are relatively rare, with the exception of killings, (for example, see here) and almost exclusively refer to women and girls. This is not an indication that non-sexual gender violence is not or should not be included in sanctions mandates. It might, however, indicate that key UN players in sanctions issues such as the Security Council, sanctions committees, and panels of experts might require further expertise and/or sensitization in this area.

The challenge is to create a cohesive technical framework that provides guidance to those involved in sanctions at the UN.

What is clear is that the Security Council's role as it relates to SGBV is evolving, and any methodology to define SGBV within its mandate must be sufficiently flexible to allow for this evolution.

The Secretary-General, the Office of the High Commissioner on Human Rights (OHCHR), and other UN entities have adopted guidelines and definitions through Sexual Exploitation and Abuse policies, the Analytical Framework on SVC, the Gender-Based Violence Information Management System (GBVIMS), and other international protocols. As such, it would be tempting to rely on one or more of those documents to provide guidance to panels of experts.

While these documents can be useful, I do not recommend a holistic adoption, in part because these entities have different mandates and any consideration of SGBV within sanctions regimes should invariably be linked to peace, security, and stability. For example, for OHCHR-related fact-finding bodies, gender violence includes domestic violence and female genital mutilation. These may not fall within Security Council sanctions mandates, unless linked to peace, security, or stability.

Also, as an example, the Analytical Framework on SVC considers only "conflict-related sexual violence." The Security Council, on the other hand, can impose sanctions on gender-based, non-sexual, violence. The Council also can consider non-conflict contexts falling under Article 39 of the UN Charter (for example, situations of non-proliferation, coup d'état, and terrorism). Indeed, to limit the Security Council's mandate to only conflict-related sexual violence would be regressive and create fragmentation with existing mandates.

Regarding peacekeepers, the UN has developed several policy documents, but these do not limit reporting within sanctions regimes of SGBV committed by peacekeepers and UN personnel. Indeed, if UN contingents cannot carry out their mandate because their personnel engage in sexual abuse of individuals they are meant to protect, this may of course undermine peace, security, or stability. I am aware of the political, institutional and practical difficulties of holding peacekeepers to account before the Security Council, but peacekeeper abuses should not be categorically excluded from sanctions regimes simply because of the existence of UN and national policies that are meant to tackle the issue.

First, any potential framework would be stronger if it moves beyond merely identifying the types of acts (for example, rape and forced abortions) that may fall within a particular category (sexual violence or gender violence) and instead uses the broader categories without specifying acts. This is because gender violence, in sanctions contexts, has to be linked to peace, security, and stability. As a result, it would be difficult to categorically include, or exclude, certain types of acts from any potential framework. For example, while forced abortions may not normally fall within sanctions mandates, if such acts are intended to undermine peace, security, and stability (for example, provoking a conflict between communities), then it can certainly fall within Security Council mandates. But, on its own, as a type of violation, it may only fall within the remit of other UN mandate-holders.

Second, a potential framework would be most effective if it avoids identifying specific categories of victims or perpetrators, also because consensus for certain categories may be difficult to attain at the Security Council. For example, there are rarely, if any, references to lesbian, gay, bisexual, transgender, and intersex communities as victims in Security Council resolutions. Similarly, finding consensus to include peacekeepers in any potential listing as perpetrators will be challenging. Any framework should provide space to identify whoever the victims or perpetrators may be, if acts against them, or by them, can be linked demonstrably to undermining peace, security, and stability. As with the development of other contentious norms under international law, this "soft" approach is more likely to lead to progressive change.

Drawing on the above, the following outlines a proposal for the development of guidelines.

1. In mandates that permit consideration of SGBV and where such acts demonstrably undermine peace, security, and stability in a given context or region, the following may be considered as falling within Security Council mandates:

a. All acts of gendered violence, including sexual violence, that are linked to armed conflict or other (non-conflict) situations falling under the purview of the Security Council sanctions regimes. This can be further subdivided, for ease of reference, into (a) situations where parties took measures with the intent to commit SGBV (i.e. motive-based SGBV) and (b) where parties undertook actions or omissions that resulted in SGBV, but without the intent to commit SGBV (i.e. result-based SGBV).

Motive-based SGBV (SGBV as a Weapon or Tactic)

i. Motive-based SGBV may include acts of SGBV that are planned, directed, ordered, or committed with the purpose to further the military, policy, or other institutional objectives of a "party" (a "party" can be any individual or group linked to the conflict/situation under review or exercising authority or control over civilians or a civilian population). The objectives of SGBV can include, for example, to displace civilians from a locality, to terrorize, to inflict individual or collective punishment for actual or perceived civilian support to the enemy, to obtain access to economic resources to fund conflicts/other situations under review, to disrupt disarmament, demobilization, and reintegration processes, and as disciplinary control over civilians in order to control territory.

ii. The Security Council, the Secretary-General and the ICTY have identified some of these acts when committed in armed conflict situations as amounting to the use of SGBV as a “tactic of war” or a “tool of war.” According to the Secretary-General, the strategic nature of SGBV is evident, for example, in the selective targeting of victims that mirrors the fault lines of the conflict or crisis and the explicit enactment of the nationalistic or extremist ideologies espoused by the perpetrators.

Result-Based SGBV (SGBV as a Consequence of Other Acts)

i. This can include situations where SGBV is the direct result of actions taken by the parties (direct-link to the conflict/situation) or is a wider result of a conflict/ situation under review (indirect-link to the conflict/situation).

ii. In cases where SGBV is directly linked to the conflict/situation under review, SGBV can be a “natural and foreseeable consequence” of actions and omissions by the parties. Examples may include situations where there was an order to commit ethnic cleansing of an area, and sexual violence was one result. It could also include situations where fighters were permitted to abduct, rape, and pillage as a form of compensation, where physical assault was tolerated to prevent women from accessing economic resources, or where commanders simply did not take the necessary measures to prevent violations by their forces during the conduct of hostilities.

iii. There may also be cases where SGBV is only indirectly linked to the conflict/situation under review, in which SGBV is not the immediate consequence or the direct outcome of hostilities, yet the conflict “...play(s) a substantial role in the perpetrator’s decision, in his or her ability to commit the crime or in the manner in which the conduct was ultimately committed.” This may include situations where SGBV occurs as indirect harm or reverberating effects. For example, the breakdown of economic and rule of law systems can create a conducive environment for individuals to be exploited and abused based on their gendered roles. For example, in the DRC, in 2004, MSF reported that “even now with less fighting, sexual violence continues as the social fabric of the community is still in tatters and perpetrators are not being brought to justice.”

2. In other contexts (irrespective of whether there is a mandate to consider SGBV and irrespective of its link to peace, security, and stability) all acts of SGBV that can be linked demonstrably as a result of sanctions imposed by the Security Council should also be included under any potential framework.

a. This could include, for example, situations where the implementation of sanctions have negatively impacted access to health care and markets and where this then results in abuse against women to restrict their access to limited resources (see here, here, and here on the impact of sanctions in North Korea and here for the impact of these factors on women). This inclusion is proposed because the Security Council retains the primary responsibility to ensure that unintended consequences of Security Council-imposed sanctions do not have a negative impact on the civilian population. Reporting of this nature is also supported by the Informal Working Group on Sanctions, which requires panels of experts to provide an analysis of the implementation of sanctions.

The proposed framework’s division into motive-based and result-based SGBV may seem arbitrary (even if there is a reference to purpose-based SGBV in the Secretary-General’s report). But the aim is not to create a hierarchy of norms within SGBV. The subdivision merely stems from the practical reality that, due to political differences within the Security Council, sanctions sometimes may not be imposed even where SGBV is directly linked to a conflict/situation under review and where it undermines peace, security, and stability.

In this background, motive-based SGBV somewhat increases the threshold of political gravity, and the definition takes advantage of the Security Council’s explicit intent to sanction those who use sexual violence as a tool of conflict, so as to ensure that even within a divided Security Council, some acts of SGBV may cross a threshold beyond which the Council must seriously and proactively consider its response. It should also be noted that, in the Secretary-General’s report in 2018, only the first category was highlighted, and this too may not be conducive to ensuring accountability. Thus, both categories should be considered side by side in any potential framework that deals with SGBV for sanctions regimes.

The biggest challenge of any framework is to justify the exclusion of those violations that are indirectly linked to conflict, but which may, nevertheless, not fall within Security Council mandates. For example, in Uganda, there was a demonstrable link between increased gender-based domestic violence because of conflict-related disruption to economic resources and exacerbated poverty. To date, it is difficult to envisage the political conditions that would allow domestic violence to be considered by the Security Council as falling within its sanction mandates, even if the link to conflict is evident.

There are other, related matters not addressed here but worth considering: Can threats to engage in SGBV undermine peace, security, and stability, and therefore fall within sanctions regimes? If so, is there a need for a modification of the existing designation criteria to enable the consideration of these threats? Can and should intersectionality be considered in any guiding framework (see here for a critique of the ICTY approach)?

This article sets out the gaps in identifying what SGBV means within Security Council sanctions regimes and which victims

and perpetrators fall within these regimes. More guidance – such as the framework proposed in this article – might enhance the usefulness of sanctions as a tool to prevent and address certain forms of gendered violence, whether perpetrated in conflict or in non-conflict situations.

Sexual Assault (III): Sexual violence as a weapon of war (PoliticsWeb) By Lee-Anne Germanos
April 18, 2019

A very popular, yet grossly under recognised, feature and weapon of war is sexual violence.

Sexual violence, like artillery, is used to cause destruction through the terrorisation of a population or as an assertion of power by belligerent forces. Rape, when committed as part of a widespread attack, is also an effective tool for bringing about the destruction, in whole or in part, of a national, ethnical, racial or religious group – otherwise known as genocide.[1]

Despite both its existence and prevalence in every armed conflict (rape was previously viewed as a reward for troops[2]), the prosecution of sexual violence is a recent phenomenon. After World War II, at the Nuremberg Trials for example, not a single charge of sexual violence was prosecuted despite ample evidence of rape being used as a weapon of war by combatants.[3]

Although there may not be a codified definition for rape in international law instruments, international criminal tribunal jurisprudence has identified two elements: (1) physical invasion of a sexual nature; and (2) the existence of coercive circumstances or the absence of consent.[4]

The first element of rape (a physical invasion of a sexual nature) was defined by the International Criminal Tribunal for Yugoslavia (“ICTY”) as the sexual penetration, however slight: (a) of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or (b) of the mouth of the victim by the penis of the perpetrator.[5] In Akayesu, rape was understood by the International Criminal Tribunal for Rwanda (“ICTR”) to include acts which involved the insertion of objects and/or the use of bodily orifices not considered to be intrinsically sexual.[6]

As for the second element of rape, it is arguable which of the two – coercive circumstances or a lack of consent – must exist in order for this element to be fulfilled. International Tribunals appear to be slanted towards an interpretation that this element concerns the violation of an individual’s sexual autonomy – i.e. the ability to freely agree (consent) or voluntarily participate in a sexual act (without threat, force or coercion).[7] The International Criminal Court (“ICC”) Elements of Crimes interprets the existence of coercive circumstances to automatically result in the absence of consent.[8] However given the nature of the international crime of rape – which falls under one of (or all) three categories[9] of international crimes linked to either armed conflict or widespread violence – the existence of coercive circumstances are invariably always present.[10]

Rape – along with sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and forced marriages (or ‘conjugal slavery’) – is a war crime (if committed during the existence of an armed conflict) or a crime against humanity (if committed as part of a widespread or systemic attack – even in the absence of an armed conflict).[11] The last category of international crimes under which these crimes of sexual violence may fall is possibly the most severe – the crime of genocide.

Genocide is the commission of certain prohibited acts with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group.[12] Two of these prohibited acts are: the causing of serious bodily or mental harm to members of the group[13] and another is the imposition of measures intended to prevent births within a group[14].

The ICTR in Akayesu found that acts of sexual violence and rape (in particular) formed an integral part of the process of destruction in the Rwandan genocide as they “were committed solely against Tutsi women, many of whom were subjected to the worst public humiliation, mutilated, and raped several times, often in public” and which “resulted in [the] physical and psychological destruction of Tutsi women, their families and their communities”.[15] In addition to the bodily and mental harm caused, rape was used as a weapon to alter the ethnic composition of the Rwandan population as “[i]n patriarchal societies, where membership of a group is determined by the identity of the father, an example of a measure intended to prevent births within a group is the case where, during rape, a woman of the said group is deliberately impregnated by a man of another group, with the intent to have her give birth to a child who will consequently not belong to its mother’s group. Furthermore, the Chamber notes that measures intended to prevent births within the group may be physical, but can also be mental. For instance, rape can be a measure intended to prevent births when the person raped refuses subsequently to procreate, in the same way that members of a group can be led, through threats or trauma, not to procreate.”[16]

In the absence of genocidal intent, sexual violence may be prosecuted as crimes against humanity, war crimes or both.

In one of the Yugoslav conflicts for example, Bosnian Muslim girls (one of whom was 12 years old) were enslaved, underfed and raped by Serb soldiers “with a regularity that is nearly inconceivable”. [17] These atrocious crimes of sexual enslavement and rape were committed based solely on the ethnicity of the girls.

Forced marriages, such as those that arose in the Sierra Leonean conflict, are another form of sexual slavery in armed conflict and are forms of sexual violence. In forced marriages or ‘conjugal slavery’ a soldier forcibly takes a civilian for a “bush wife”. She is forced to perform conjugal and household marital duties.

In both of the above cases the circumstances in which these international crimes are committed are so coercive that any possibility of consent is negated – as it is considered by the courts to be impossible to give it freely.[18] These crimes can be and were prosecuted as both war crimes[19] and crimes against humanity[20] (on the same set of facts)[21].

The special nature of rape was likened to torture by the ICTR. It stated that rape, in the Rwandan genocide, was “used for such purposes as intimidation, degradation, humiliation, discrimination, punishment, control or destruction of a person”. [22] It went further to say that, “[s]exual violence [is] a step in the process of destruction...of the spirit, of the will to live, and of life itself.”[23] It was a tool used “to make...women suffer and to mutilate them even before killing them...”[24] The ICTY described rape as “one of the worst sufferings a human being can inflict upon another.”[25]

Because of the uniquely sensitive nature of sexual violence in armed conflict (in particular), when questioning victims, the ICC applies a specialised set of rules. Rule 72 of the ICC Rules of Procedure and Evidence, for example, regulates the admissibility of evidence on a victim’s consent. Unlike in domestic courts, such evidence (which is used as a defence by the accused) may not be adduced during the trial without warning. In terms of the Rules, notice must first be given to the Court, and must describe the substance of the evidence and its relevance.[26] To determine whether or not this evidence will be admissible, the Court must hear the views of the Prosecution, the defence, the witness/es and the victim in a closed hearing (public access is prohibited).[27] From there the Court is required to weigh up the degree of the probative value of the evidence against the prejudice it may cause.[28] If the evidence is found to be admissible, the Court states on record its reasons for deciding so.[29] Only then may such evidence be adduced at trial.

The ICC’s approach is markedly different to that followed in most (if not all) domestic jurisdictions around the world. Granted, armed conflict provides a special kind of setting with regard to consent, but don’t certain domestic settings as well? The South African Law Commission seemed to think so in 1999 when it stated that it was essential to redefine the definition of rape so as to rely on ‘coercive circumstances’ instead of the absence of consent. The Commission understood coercion to constitute more than just physical force or a threat thereof – it included “various other forms of exercise of power over another person: emotional, psychological, economical, social or organisational power.”[30] This suggested progressive reform was, sadly, overturned by the relevant portfolio committee of the South African legislature, and was resultantly never effected.

The ICC’s approach towards victims of sexual violence is something that the rest of the world would do well to take note of.

Sexual violence is rife in war zones. We must take action. (Washington Post) By Heiko Maas and Angelina Jolie
April 22, 2019

For more than 70 years, constraining armed aggression and improving rights and freedoms for all peoples have been accepted as common responsibilities by most countries. Central to this is the idea that those who carry out war crimes and crimes against humanity are held to account — as a precondition for peace, as moral restitution for survivors and to deter future aggressors.

In the past two decades, a measure of justice — however imperfect — was served to some of those responsible for genocide and ethnic cleansing, including in Cambodia, the former Yugoslavia and Rwanda. Far from an admission of weakness, this was an expression of strength: It showed our determination and ability to isolate and ultimately punish those who violated international law and the rights of their citizens.

But today, decades of gradual progress in expanding human rights and entrenching international law are threatened by a rising tide of intolerance and a weakened commitment to human rights.

In particular, as voices of bigotry rise, the wait for gender equality is growing. Women’s rights are again being called into question, and demands for sexual and reproductive health and rights are met in some quarters with open hostility. Risks for human rights defenders have grown. And we have been unable to hold to account the architects of mass atrocities in Syria and Myanmar.

Nowhere has this retreat been more visible than in wars and post-conflict situations. Rape and other forms of sexual violence are used as a tactic of war and terrorism in conflicts around the world. Though we have seen the first international prosecutions focused on charges of rape and a range of international commitments — such as a pledge not to include amnesty for rape in peace agreements and greater effort to improve training for militaries and for peacekeepers — impunity is still the norm.

This impunity has devastating consequences. Nobel Peace Prize laureate Denis Mukwege, who will brief the U.N. Security

Council this week, speaks of treating in his clinic in Congo three generations of the same family who had been brutally raped: a mother, her daughter and her infant granddaughter. We have both met survivors in countries such as Iraq, Bosnia and Sierra Leone who have urged us to help overcome the lack of criminal accountability that contributes to the continued prevalence of sexual violence.

When we met in New York a few weeks ago, in advance of the high-level open debate at the United Nations scheduled for this Tuesday, we agreed three areas need urgent focus, building on the work already done through the Preventing Sexual Violence in Conflict Initiative.

First, we want to ensure that perpetrators of sexual violence are held accountable. We will stand up against all attempts to weaken systems of international criminal justice, which play an essential role when governments are unable or unwilling to provide justice for the gravest war crimes.

Crucially, we will work with like-minded countries and organizations to strengthen the international community's ability to gather evidence of these crimes, and to support the United Nations' investigative mechanisms. In 2014, Germany's prosecutor general initiated an investigation into war crimes and crimes against humanity committed by the so-called Islamic State in Iraq and Syria. These trials led to what is believed to be the first international arrest warrant of a torturer of Yazidi women anywhere in the world, and to the classification of these acts as genocide. Others should follow that example.

Second, we need better monitoring. Resolutions from the U.N. Security Council remain mere pieces of paper if we don't ensure compliance. Many parties to conflict listed by the secretary-general of the United Nations for committing rape or other forms of sexual violence in conflict completely disregard their obligations. This gap ought to be closed. Germany is proposing strengthening the channels through which information on non-compliance reaches the Security Council and its sanction committees by invigorating the work of the Security Council's informal working group.

Finally, we must increase support to survivors of sexual violence and ensure their voices are at the center of our response. A survivor-centered approach must include victims often overlooked, including boys or men and children born of rape. All victims deserve full access to justice, compensation and financial support to lead a dignified life and to be able to play their part in changing their societies.

As current president of the Security Council, Germany is proposing a resolution that addresses these three concerns, urging targeted sanctions on those who perpetrate and direct violence, anchoring the topic in an informal working group and laying out an inclusive, survivor-centered approach. Adopting it would be a much-needed step toward ending impunity for sexual violence in conflict. It would also send an important message to those who attempt to roll back human rights: We don't take progress for granted. And we will fight to keep it alive.

U.S. Threatens To Veto UN Resolution Aimed At Supporting Survivors Of Rape During War (HuffPost) By Dominique Mosbergen
April 23, 2019

The U.S. is reportedly threatening to veto a United Nations Security Council resolution aimed at preventing the use of rape and sexual violence as a weapon of war and terrorism. The issue at hand? The proposal includes promises to provide reproductive and sexual health support to survivors of rape in conflict — and the U.S. is allegedly having none of it.

Germany, the current president of the Security Council, proposed the draft resolution, which is slated to be discussed in New York on Tuesday. As German foreign minister Heiko Maas and actress-activist Angelina Jolie explained in a Washington Post op-ed, the resolution seeks to punish perpetrators of sexual violence in conflict, improve the monitoring of such violence and boost support for the survivors of these atrocities.

According to The Guardian, the U.S. has already succeeded in hobbling the resolution after it — together with Russia and China — opposed a clause that promised the creation of a new monitoring body that would have tracked and reported such crimes.

The formal monitoring mechanism was removed from the resolution, The Guardian reported, but the American delegation's veto threat has not been withdrawn.

"We are not even sure whether we are having the resolution tomorrow, because of the threats of a veto from the U.S.," Pramila Patten, the U.N. special representative on sexual violence in conflict, told the British paper on Monday.

According to Patten, the U.S. is unhappy with language in the resolution that refers to the provision of "comprehensive healthcare services including sexual and reproductive health" to rape survivors.

This language has been interpreted by the U.S. as a reference to abortion, CNN reported. A U.N. source told the network that this is a “red line” for the U.S. – which, under the Trump administration, has been pushing an anti-abortion agenda both at home and abroad.

CNN said Tuesday that a member of the German delegation has made potential edits to the resolution, including “removing references to ‘health services’ and the ‘sexual and reproductive health’ of victims of sexual violence” in an attempt to assuage the U.S. CNN said it had reviewed the altered draft.

Patten had told The Guardian that removing language about sexual and reproductive healthcare services from the resolution would be a “huge contradiction.”

“It will be a huge contradiction that you are talking about a survivor-centered approach and you do not have language on sexual and reproductive healthcare services, which is for me the most critical,” she said.

American human rights activist Noor Sheikh said that she was “ashamed” of her home country for undermining the healthcare needs of sexual violence survivors.

“The possibility that the U.S. could veto the resolution is all the more shocking when you consider the contexts described in the report – widespread and systematic gang rapes of Rohingya women and girls in Burma; institutionalized sexual slavery of Yazidi and other minority communities by ISIS in Syria and Iraq; and the rape of young girls in the Democratic Republic of the Congo and South Sudan by state armed forces and militia groups alike,” Sheikh wrote in a Saturday op-ed.

“Any country denying abortion to women who have become pregnant after rape would be subjecting them to cruel, inhuman and degrading treatment. By forcing victims of rape to carry the pregnancy caused by their sexual abuse, the U.S. will also be directly contributing to more suffering of countless victims of such violence,” she added.

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Commentary and Perspectives

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WORTH READING

International Civil Individual Responsibility and the Security Council: Building the Foundations of a General Regime

Vincent-Joël Proulx

Michigan Journal of International Law, Vol 40, 2019, Forthcoming NUS Law Working Paper No. 2019/008

April 6, 2019

This Article articulates the foundations of a general regime to govern individual civil responsibility in international law, covering all manner of non-state actors. It aims to palliate the normative and enforcement gaps created by the U.S. courts’ narrowing interpretation of the Alien Tort Claims Act and the European Court of Human Rights’ recent rejection of universal civil jurisdiction. Drawing from state responsibility logic and the broader framework of international responsibility, I advocate a limited role for the UN Security Council in implementing and developing individual responsibility for non-state actors’ wrongful conduct. I critically analyze that organ’s promulgation of relevant substantive norms, primarily but not exclusively in the counter terrorism area, and its attribution of illegal conduct and responsibility to individuals and non-state entities. Indeed, invoking international responsibility’s primary-secondary

mechanics provides the Council with the powerful language (and notions) of attribution, responsibility, cessation, reparation, and return to legality. Moreover, it bolsters its findings of illegality with sanctions in appropriate cases, which can become robust and complementary implementation mechanisms, should the Council's formulated obligations of cessation and non-repetition fail to generate the desired compliance pull. The Article espouses a transnational approach geared towards better understanding international individual responsibility regimes, exploring relevant regime interaction between international human rights, humanitarian law, international criminal law, state-to-state dispute settlement, international sanctions, domestic civil liability schemes, and transnational human rights litigation. This approach highlights the networks of multi-leveled relationships of responsibility and the multi-actor processes that might serve as incubators for actuating individual responsibility in international law.

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