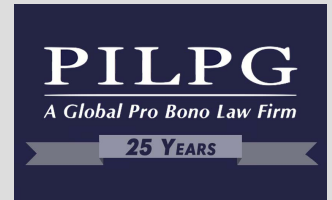




SCHOOL OF LAW  
CASE WESTERN RESERVE  
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War Crimes Prosecution  
Watch



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

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## AFRICA

## NORTH AFRICA

### Libya

**UN: Over 160 migrants drown in shipwrecks off Libya (ABC News)** By Sam Magdy

December 21, 2021

**More than 160 migrants drowned in two separate shipwrecks off Libya over past week, a United Nations migration official said Tuesday. The fatalities were the latest disasters in the Mediterranean Sea involving migrants seeking a better life in Europe.**

Safa Msehli, a spokeswoman for the International Organization for Migration, said at least 102 migrants were reported dead after their wooden boat capsized off Libya on Friday. At least eight others were rescued and returned to shore, she said.

The second shipwreck took place Saturday. The Libyan coast guard retrieved at least 62 bodies of migrants, Msehli said. The same day, the coast guard intercepted a third wooden boat with at least 210 migrants on board, she said.

The new deaths have brought the tally in the central Mediterranean route to around 1,500 migrants drowned this year, Msehli said.

Recent months have seen a surge in crossings and attempted crossings from Libya as authorities accelerated their deadly crackdown on migrants in the capital of Tripoli.

Around 31,500 migrants were intercepted and returned to Libya in 2021, compared to nearly 11,900 migrants the previous year, according to the IOM. Around 980 migrants were dead or presumed dead in 2020, the U.N. agency said.

Libya has emerged as the dominant transit point for migrants fleeing war and poverty in Africa and the Middle East. The oil-rich country plunged into chaos following a NATO-backed uprising that toppled and killed longtime autocrat Moammar Gadhafi in 2011.

Human traffickers have benefited from the chaos in the oil-rich nation and smuggled migrants through the country's lengthy border with six nations. They pack desperate migrants into ill-equipped rubber boats, then embark on risky voyages through the perilous Mediterranean Sea.

Those returned have been taken to detention centers rife with abuses, including forced labor, beatings, rapes and torture. The abuse often accompanies efforts to extort money from families before migrants are allowed to leave Libya on traffickers' boats.

U.N.-commissioned investigators said in October that abuse and ill treatment of migrants in Libya could amount to crimes against humanity.

**Red Crescent: Bodies of 27 migrants wash ashore in Libya (ABC News)** By Sam Magdy  
December 26, 2021

**The bodies of 27 Europe-bound migrants, including a baby and two women, have washed ashore in western Libya, the country's Red Crescent said, describing the latest tragedy involving migrants trying to cross the Mediterranean Sea in pursuit of better lives in Europe.**

The bodies were found late Saturday in two separate locations in the coastal town of Khoms, about 120 kilometers (75 miles) east of the capital of Tripoli, the Red Crescent's branch there said. Three other migrants were rescued, and search efforts were underway for others, it said.

The Red Crescent, a Muslim organization equivalent to the Red Cross, posted images it said showed bodies floating in the Mediterranean Sea with its workers putting them in black burial bags.

The bodies were then taken to the morgue of Khoms hospital, said Dr. Osama al-Saket, the hospital's director. He said their burial was a challenge to local authorities given the large number of bodies.

"They mostly can deal with one or two bodies, not as today," he said.

The dead migrants likely drowned in recent shipwrecks off Libya. There has been a surge in crossings and attempted crossings from Libya as authorities accelerated their deadly crackdown on migrants in the capital of Tripoli.

Around 1,500 migrants have drowned in boat mishaps and shipwrecks on the route across the central Mediterranean this year, according to the U.N. migration agency.

Earlier this month, more than 160 migrants drowned in two separate shipwrecks off the North African country, the International Organization for Migration said.

Libya plunged into turmoil by the NATO-backed 2011 uprising that toppled and killed longtime dictator Moammar Gadhafi. The North African nation has since emerged as a popular, if extremely dangerous, route toward Europe for those fleeing poverty and civil war in Africa and the Middle East.

Human traffickers have benefited from the chaos in the oil-rich nation, smuggling migrants through the country's lengthy border with six nations. They pack desperate migrants into ill-equipped rubber boats, then embark on risky voyages through the perilous Mediterranean Sea.

Those returned have been taken to detention centers rife with abuses, including forced labor, beatings, rapes and torture. The abuse often accompanies efforts to extort money from families before migrants are allowed to leave Libya on traffickers' boats.

U.N.-commissioned investigators said in October they found that the practice of arbitrary disappearances and violence against migrants inside Libyan prisons could amount to crimes against humanity.

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## Central African Republic

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

**Europe Gets Tough With Russian Mercenary Group Wagner (Vice)** By Mitchell Prothero  
December 17, 2021

**The Russian-founded private military company Wagner has committed war crimes in several African countries, the Middle East and Ukraine since its founding in 2015 according to EU investigators, who punished the firm with sanctions this week.**

The EU concluded that the company, which Moscow claims is a private entity unrelated to official government activities, actually serves as an extension of the aggressive foreign policy of Russian President Vladimir Putin and should be curtailed.

Wagner has been repeatedly accused of committing war crimes and mass violations of human rights in countries such as the Central African Republic, Syria, eastern Ukraine, Libya, Mali, and other trouble spots where it has supported Russia's allies. Because it operates as a private company, the Kremlin has been able to deny any official association or responsibility.

Three NATO intelligence officials told VICE World News this week that the EU's decision to sanction Wagner for specific crimes in Libya, Syria and Ukraine linked to the Russian government was a "positive" step towards Europe taking increasingly aggressive Russian intelligence operations seriously after years of tepid responses to killings inside Europe clearly linked to the Russian state.

The sanctions also come at a critical time as tensions continue to mount over an aggressive Russian military build-up surrounding Ukraine. The same officials VICE World News spoke to also cited Wednesday's verdict in a Berlin court that found the Russian government had ordered a former FSB officer to assassinate a Chechen political activist and former rebel in broad daylight in a Berlin park in 2019 as a useful development to exert leverage on the Russians in future situations.

But the detail involved in the EU's sanctions, said all three officials, was a new development that added power to previous allegations through the amount of direct evidence collected in the complaint.

The sanctions imposed on Wagner, eight individuals linked to the group, and three Syrian-based energy companies detailed in the EU report are based on information gathered by Ukrainian intelligence during a failed operation to lure multiple Wagner operatives into Ukraine to stand trial for fighting alongside pro-Russian separatists in the east of the country. The attempt to lure 33 Wagner fighters to Ukraine failed in July 2020 after the Belarusian KGB caught wind of the plan during a stopover in Minsk.

"They got away but not before the Ukrainians were able to collect an enormous amount of information on Wagner operations and personnel," said an intelligence officer assigned to NATO headquarters in Brussels. The official cannot be named discussing allied intelligence operations.

"These sanctions are in each case backed by absolute proof, in some cases provided by Wagner operatives who thought they were in a job interview," said the same official of the attempted Ukrainian sting, which had convinced the Wagner fighters they were headed to do security work in Libya. "And even these statements are backed by signals [intercepts and wiretaps] and human intelligence."

Russian intelligence services have been linked to about a dozen murders or attempted murders, as well as explosions at ammunition dumps, and the use of a highly toxic nerve agent in both Europe and the UK. And Russian-linked political violence in Europe's Chechen diaspora has seen critics of Putin and his Chechen strongman ally Ramzan Kadyrov found with their throats slit or confronted by hammer-wielding attackers with little resulting confrontation with Moscow.

"Russian spies have gotten caught killing people and running obnoxiously obvious networks throughout NATO and EU countries," said a second official, who works in counter-intelligence for another NATO state. "And we have seen Wagner

become the deniable cat's paw for places where Putin can have a low cost place at the table working with locals who care even less about human rights and violence than he does."

One immediate effect of the decision was the withdrawal of EU military trainers from the Central Africa Republic because of a large Wagner presence training alongside that country's armed forces and providing personal security for CAR dignitaries.

The document lays out in detail how Wagner is organised under founder Dimitri Utkin, a former military intelligence officer for the GRU, and even notes the company is named for Utkin's military call sign.

In several cases, the charges involve the filmed ritual torture and murder of a Syrian army deserter by Wagner employees at the orders of a top Wagner commander, in others the charges detail of key commanders led various units in the fighting in Ukraine.

But perhaps the most shocking involve Russia's official security representative to CAR and the 2018, yet unsolved, murder of three Russian journalists in that country, while supposedly under the security protection of CAR and Wagner's forces. The document states that Valery Zakharov, counsellor to the president of CAR and a key Wagner official, orchestrated the journalist's murder during a reporting trip, and accuses him of other war crimes and human rights abuses in his dual role.

"There needs to be a line in the Sahel, in central Africa and the Middle East region that's clear about this," said one of the officials VICE World News spoke to. "If you deal with Wagner, you can't do business with the EU."

"Inshallah," said the Brussels-based official. "If these things were up to intelligence officials there would be a lot more pushback, but we have to wait for the political and diplomatic sides to see things the way we do. But this is a step in that process."

### **U.S. sanctions militia leader in Central African Republic (Reuters)**

December 18, 2021

**The U.S. government on Friday imposed sanctions on Ali Darassa, a militia leader in Central African Republic (CAR) whose forces it accused of murder, torture, rape and kidnapping.**

African Republic (CAR) whose forces it accused of murder, torture, rape and kidnapping.

Darassa is the leader of the Union for Peace in the Central African Republic (UPC), one of numerous militias that have together controlled most of the national territory since CAR's last civil war broke out in 2013.

The United States, the United Nations and human rights groups have accused UPC fighters of killing at least 112 people when they attacked a camp for internally displaced persons in the town of Alindao in 2018.

"Under Darassa's leadership, the UPC militia has committed brutal atrocities against civilians," the director of the U.S. Treasury Department's Office of Foreign Assets Control, Andrea M. Gacki, said in a statement.

U.S. Treasury sanctions generally freeze any assets the target holds in the United States and prohibit U.S. citizens from doing business with him.

"The United States will continue to target and expose human rights abusers, including those contributing to the humanitarian crisis in CAR," Gacki added.

Darassa could not be immediately reached for comment.

### **Central African Republic Special Court Announces First Trial (Human Rights Watch) By Lewis Mudge**

December 22, 2021

**On December 17, the Central African Republic's Special Criminal Court (SCC) announced it will send its first case to trial. This is a significant moment in the difficult effort to see justice for heinous abuses committed in the most recent conflicts in the Central African Republic.**

The case involves alleged war crimes and crimes against humanity committed in May 2019 in Koundjili and Lemouna by suspects Issa Sallet Adoum, Ousman Yaouba, and Tahir Mahamat.

I arrived in Koundjili, a small village in northwest Central African Republic, about two weeks after the killings. People were still in shock, despite years of violence and fighting in the region. They told me how on May 21, 2019, several dozen fighters



from the armed group Return, Reclamation, Rehabilitation, or 3R, entered the village, summoned 11 men, and executed them. They killed two others while leaving. The same day, the group's fighters also killed 22 men in neighboring Lemouna village and at least 10 civilians in the town of Bohong. The brutal killings came just months after 3R leaders signed a peace accord designed to end such acts.

The sister of one victim told me she feared people will turn to vengeance if there is no action taken against 3R. "If justice is really to be done, it must be a real justice for there to be peace," she said.

In the days following the killings, the head of 3R, Sidiki Abass, handed over the three men now facing trial at the SCC to authorities and the United Nations. While this trial is crucial in establishing culpability, the Central African government should not accept that handing over these men absolves higher level 3R commanders of responsibility for these killings.

This is a significant moment in the Central African Republic. There remains much to be done, including the re-arrest and trial of the SCC suspect Hassan Bouba after his surprise release last month. But if this trial serves as a step toward justice for serious crimes, it could help bring the country closer to durable peace.

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## **Sudan & South Sudan**

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

### **Hundreds killed in Sudan's Darfur clashes (TRT World)**

December 17, 2021

**The violence poses a significant challenge to Sudan's transitional government, which is seeking to end decades-long rebellions in Darfur and elsewhere in the African country.**

At least 199 people have been killed in Sudan's restive Darfur in tribal clashes over the past two months.

Medics on Friday urged the government to stop the bloodshed in the country.

The clashes, triggered by disputes over land, livestock and access to water and agriculture, have hit several parts of Darfur since early October.

The independent Doctors' Committee said 199 people have been killed, most of them shot dead.

"There are no concrete steps being taken from any side to stop the violence. The state is absent as well as the justice system and police are nowhere to be found," it said in a statement.

According to the International Organization for Migration (IOM), the violence has displaced more than 83,000 people. Darfur was ravaged by civil war that erupted in 2003 between ethnic minority rebels, who complained of discrimination, and the Arab-dominated government of then-president Omar al Bashir.

Khartoum suppressed the unrest which the violence resulted in one of the world's worst humanitarian catastrophes.

More than 300,000 people died and 2.5 million were displaced during the conflict, according to the United Nations.

Bashir, who is wanted by the International Criminal Court on charges of genocide in Darfur, was ousted and jailed in April 2019 after mass protests against his three-decade rule.

A peace deal struck with key rebel groups last year saw the main conflict in Darfur subside, but the arid region has remained awash with weapons.

A UN peacekeeping mission ended its mandate in Darfur last year.

## **Deutsche Welle: 'Anti-aircraft weapons used against Sudan protesters (Dabanga)**

December 17, 2021

**The number of demonstrators killed since the military coup d'état on October 25, rose to 45 on Tuesday. During the Marches of the Millions in Khartoum on Monday, 62 protesters were injured. In Kosti in White Nile state, more than 20 protesters, most of them minors, were detained and flogged. According to the Deutsche Welle, Sudanese security forces and paramilitaries confronted the demonstrators with anti-aircraft weapons. Sunday December 19 will be a national holiday in commemoration of the start of the 2018 December uprising against the regime of Omar Al Bashir.**

On Tuesday, 18-year-old Ahmed Ramadan died in Khartoum of bullet wounds in the neck sustained during his participation in the November 13 Marches of the Millions in Omdurman.

The Sudanese Doctors Central Committee reported on Wednesday that died after having been treated in intensive care for nearly one month. With the death of Ramadan, the number of people killed during demonstrations since the October 25 military coup has risen to 45.

In a separate statement on Tuesday, the Doctors Committee said that 62 demonstrators were injured during the Marches of the Millions in Khartoum and Omdurman on Monday. About six of them were hit on the head by a tear gas canister, a women protester was hit in the eye. Six others were wounded as a result of beating with batons.

Head shaved

During the December 13 Marches of the Millions in Kosti in White Nile state, dozens of people, among them minors, were subjected to arbitrary detentions and floggings.

Mahmoud Habiballah of the Kosti Resistance Committees told Radio Dabanga on Thursday that the police held more than 20 protesters (among them 16 minors) during the December 13 demonstrations, and "filed malicious complaints" against them. Policemen as well broke into the family homes of the detainees and took their mobile phones.

One of the detainees is activist Rua Abdelrahman, against whom a number of complaints were lodged, including filming the street protests.

The detainees were subjected to "beatings and humiliating floggings" by policemen, in addition to having their hair shaved, another practice used by Sudan's security forces to humiliate the victim.

Habiballah commented that "the practices of the former era [of the rule of dictator Omar Al Bashir] returned with more brutality".

The New York-based African Centre for Justice and Peace Studies (ACJPS) said in a report on Thursday that "the patterns of human rights crimes committed over the past two months since the military coup of 25 October 2021 are all too familiar to the Sudanese people".

The centre called on the Sudanese authorities to cease violation of human rights of citizens guaranteed in the Constitutional Charter, Regional and international treaties ratified by Sudan.

In a statement on Wednesday, the ACJPS expressed its deep concern about the increased violence against and obstruction of health care by security forces since the coup.

Heavy weapons

On December 14, the Deutsche Welle (DW) published a report on the use of anti-aircraft weapons and armour-piercing bullets by Sudanese Security Forces and paramilitaries such as the Rapid Support Forces (RSF).

Despite the internet outage ordered by General Abdelfattah El Burhan following the military coup on October 25, activists were able to document the use of heavy weapons. The footage shows clearly that the demonstrators were confronted with weapons that are prohibited from being used against civilians and in cities, the DW states.

The German international broadcaster stated that the RSF, "a militia of around 40,000 men led by General Mohammed Hamdan Dagalo, owns the majority of the heavy weapons seen in the videos. The militia even shows the weapons in posts on social media.

It is very concerning that they are using those kinds of weapons in a law enforcement context," Simon Bagshaw, a former

policy adviser at the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Geneva and New York, and an expert on the protection of civilians in armed conflict and forced displacement, told DW.

Such weapons are not prohibited in and of themselves — according to international laws, but “it is a fortiori that these heavy weapons should not be used against civilians, and if they are used, this is a violation of the law related to the use of force against civilians,” he added.

Lawyers have said there could be grounds to accuse the Sudanese military authorities of crimes against humanity.

#### Commemoration

This weekend, new demonstrations will take place in Sudan, in commemoration of the start of the 2018 December revolution.

On December 13, small street protests against the Al Bashir regime began in Ed Damazin, capital of Blue Nile state. This was followed by similar protests in other towns which grew to the first mass demonstrations all over the country on December 19, and led to the ousting of Al Bashir in a military coup on April 11 the following year.

The Council of Ministers announced yesterday that Sunday will be “an official holiday in all parts of the country, on the occasion of the glorious anniversary of the December revolution”.

**2021 Yearender: Sudan’s doors to hell (Ahram Online)** By Haitham Nouri  
December 19, 2021

**Sudan has drastically changed since the military takeover of 25 October, closing the year with more questions than answers and more threats than stability indicators. The current protests on the street are facing challenges never seen during the revolutions that toppled the first and second military regimes.**

It is violence that is the greatest cause of worry among the Sudanese, be they civilian, military, tribal; Islamist, liberal or leftist. Arms are widespread and they are not only held by the state, but also by militias, foremost among which are the Rapid Support Forces (RSF), armed resistance movements and large numbers of Bedouin tribes.

Since late October, Sudan’s streets have been seeing mass demonstrations in protest at sidelining the civilian component from the power-sharing agreement that came into force following the overthrow of Omar Al-Bashir.

If anything, the protests are proof that the latest deal between Army Commander General Abdul-Fattah Al-Burhan and Prime Minister Abdallah Hamdok did not resolve the crisis, but rather complicated the matter further.

The deal was publicly rejected, and led to Hamdok losing much of his popularity and legitimacy, cornering him; he either has to find a formula to make amends to Sudanese supporters of the revolution or tender his resignation.

Continuous protests show that the Sudanese people reject the militias and their role in the 25 October events. This manifested in the public chant “No to a militia that governs a state.”

**DIVISIONS:** Sudan is clearly divided between the camp of conservative forces, represented by the Native Administration that is made up of tribal leaders, especially in the central west of pastoral tribes, Sufi orders, the Umma Party, representing the Ansar sect, the largest religious sect in the country and Islamists from various fronts, most notably the Muslim Brotherhood and the Salafi movement.

This is in addition to the armed movements that fought against Al-Bashir’s regime, including the Islamists in Darfur, represented by the Justice and Equality Movement, led by the Minister of Finance Jibril Ibrahim, and the pragmatists such as Arko Minnawi, the leader of the Sudan Liberation Movement. Both Ibrahim and Minnawi have combatants fighting in Libya. The United Nations demanded the exit of these fighters.

All these groups support, and are supported by, the army.

On the other hand, there is the middle class that roughly extends from north Khartoum up until the border with Egypt. It stands in support of the civil forces and was the main contributor in the three revolutions of October 1964, April 1985 and December 2018, which toppled Al-Bashir following five months of protests.

However, the civil camp is replete with rifts, tempting the military to remove it.

Meanwhile, the military camp is also seeing sharp fissures, albeit under the surface. Sudan’s military, who ruled the country for more than half a century, since its independence from Britain in early 1956, will never accept an armed partner.

This means that the RSF, which belongs to the Armed Forces only as much as the latter needs, is threatened with liquidation or the integration of its elements into the ranks of the army. This was repeatedly rejected by its leader Mohamed Hamdan Dagalo, aka Hamidti, even openly when he said, "Leave the RSF to me."

Moreover, armed factions in Darfur and other regions are benefiting from their weapons politically and financially. They refuse to contest the general elections because that would reveal their real influence. These factions, throughout the history of Sudan, have claimed to represent marginalised non-Arab ethnicities, but the fact is they have never been elected by those groups.

Standing in support of the military are two archenemies: the armed movements in Darfur and the RSF whose majority of elements are Janjaweed militias accused of war crimes and crimes against humanity against non-Arab groups in Darfur.

This makes it more difficult for the army to appease its supporters.

**DEMANDS:** The transitional period in Sudan began with a government of technocrats, which was brought down by politicians, claiming "it was unable to take major decisions due to its lack of political cover," in the words of Umma Party leader Othman Al-Bushra.

However, the government of politicians did not have enough professionals, according to Fayez Al-Salik, a former media adviser to the prime minister.

Because the government represented a limited number of parties, the military demanded that it should expand into a "broad-based government" to represent Sufi orders, tribal forces and armed movements, among others. After the 25 October takeover, the military and its supporters demanded a "government of technocrats", putting Hamdok in a difficult position, again.

**ANGRY STREET:** Since his refusal to accept the finance portfolio in the late period of Al-Bashir's rule, Hamdok, the professional politician with an international face, was accepted among the circles of those who oppose the Muslim Brotherhood regime that remained in power for 30 years.

Indeed, the civil forces agreed to make Hamdok their candidate for prime minister. Increasing his popularity were his economic capabilities and his exceptional acceptance in the West. However, after the deal that reinstalled Hamdok weeks after his house arrest in his position, he lost much of his popularity with the public. In his first move to pacify the street, Hamdok said he was unable to form a government, regardless of its components, without public support, and that he would resign if he lacked such support. This would detonate a bomb in the midst of the camp of revolutionaries and their civilian supporters who find it difficult to agree with the military on one candidate that would also be welcomed by the West.

Even if Hamdok can find the right formula to appease the street, he will encounter major obstacles when forming a government of technocrats. Jibril Ibrahim, the minister of finance, refuses to step down, which means that Hamdok will not be able to manage the key economic files.

For months Ibrahim stood in opposition to the prime minister and his directives, which resulted in the disruption of much work in one of the most important ministries in the country.

Hamdok's resignation will harm the civilian camp and benefit the military and members of the former regime who belong to the Muslim Brotherhood.

Nonetheless, the conservative camp will not agree on the man to assume the premiership, and it seems this is the reason this position was cancelled during the era of military coups, where the president assumed the position of the prime minister as well.

The civil parties are at present between a rock and a hard place. They are fragile because the Popular Committee in the Neighbourhood is more conservative and has a louder voice.

"Convincing the street to accept Hamdok once more is going to be difficult," said Al-Bushra, who was close to his party during the agreement between Hamdok and the army commander. "Some people from political parties were swept up in the revolutionary moment of 25 October and complicated the situation even further by raising the ceiling of demands," he added. **EYE ON THE THRONE:** A large number of military supporters reiterated their desire to rule Sudan, according to leaks by veteran Sudanese journalist Othman Al-Mirghani, former chief editor of the London-based Asharq Al-Awsat newspaper.

Ibrahim told some of his supporters, "we want to rule Sudan," while Minnawi said compromising his group's privileges means "an all-out war", according to Al-Mirghani.

Hamidti, meanwhile, refuses to integrate his RSF fully into the army.

It is also notable that the strongest group is the RSF, which represents the pastoral Arab tribes of Kordofan and Darfur, led in the field by the Native Administration, a system initiated under British colonialism that grants tribal elders the power to manage the affairs of their followers. One of their strongest points is their control of the huge livestock wealth that belongs to the tribe. Moreover, the collapse of the agricultural sector under Muslim Brotherhood rule limited Sudan's exports to livestock and Arabic gum, which is controlled by the tribes of the centre west.

Al-Bashir's government supported these tribes financially and militarily during its war against the demands of non-Arab ethnicities, such as the Fur and Zaghawa.

This kind of support improved the combat skills of the RSF, which gained even more military experience during the war in Yemen, where the RSF had been part of the Arab Coalition forces for several years.

Furthermore, the Sudanese of the west control the leadership of the Umma Party and the Ansar group. "In the end, Hamidti is from Ansar, we can support him" if the circumstances are suitable, said Al-Bushri.

However, the RSF threatens the Democracy in Sudan bill submitted to the US Congress, which provides for imposing sanctions on leaders of the military and the RSF and their companies, interests and funds seen as being used to impede the transitional period and democratic transition, which could lead to unprecedented international intervention in Sudan should the bill be activated.

Civil War, violence or even involvement in the conflicts of neighbouring countries will allow either international intervention or international negligence. Both are dangerous. Moreover, using armed force by one or more groups will end stability and open the doors of hell on Khartoum.

**Sudan: Darfur authorities impose curfew after looting of UN base (The National)** By Hamza Hendawi  
December 19, 2021

**Authorities in Sudan's turbulent Darfur region imposed a night-time curfew in the northern part of the area on Wednesday, after armed attackers overran and looted a base the UN had jointly used with the African Union.**

The base in the city of Al Fashir was run by the United Nations-African Union Hybrid Operation in Darfur (Unamid) and handed over to the local authorities on December 21. It was looted on December 24.

A statement from the government of the North Darfur province where Al Fashir is located said the 6pm-5am curfew would go into immediate effect. The decision to impose a curfew, it said, was taken after a lengthy meeting of the province's security committee.

The UN did not say what had been stolen in the weekend raid.

UN vehicles, food, furniture and money have been stolen in past attacks on various missions in Darfur.

Separately, an unidentified armed group late on Tuesday attacked and looted a warehouse belonging to the World Food Program also in Al Fashir, according to Khardiata Lo Ndiaye, UN humanitarian co-ordinator in Sudan.

As many as 1,900 metric tons of food had been stored at the warehouse, meant to be distributed to people in need in the area, the WFP said on Wednesday.

"Such an attack severely impedes our ability to deliver to the people who need it the most," Ms Lo Ndiaye said.

Sudan is one of the world's poorest countries, with at least 14.3 million people in need of humanitarian assistance, according to the UN.

Darfur has been hit by violence more than a decade after the end of a full-blown conflict there pitting the government and allied militias against ethnic Africans, who took up arms against what they saw as the racism and neglect shown to their region by the government of autocratic leader Omar Al Bashir.

Al Bashir, removed by a popular uprising in April 2019, has been indicted by the International Criminal Court for war crimes and genocide during the Darfur conflict, which left some 350,000 people dead and displaced over two million, according to the UN.

Unamid completed its mandate on December 31, 2020, two months after the transitional government in Khartoum signed a peace deal with a coalition of rebel leaders to end strife in Darfur, South Kordofan and the Blue Nile region.

The October 2020 accords, however, did not include powerful rebel groups that control vast swathes of territory in all three regions.

## **Second death, rapes reported at Sudan's mass protest Sunday (The South African)**

December 21, 2021

**On Monday medics had reported a first shooting death in the previous day's street violence, while the health ministry reported 125 protesters injured, many by tear gas inhalation.**

On Tuesday, the independent Sudan Doctors' Committee reported the additional death. It said Abdelmoneim Mohamed Ali, 28, was killed with "a bullet in the head" in Omdurman, Khartoum's twin city.

Security forces cracked down Sunday as hundreds of thousands marched, marking three years since the start of mass demonstrations that led to the ouster of veteran strongman Omar al-Bashir.

The protesters rallied against the northeast African country's military chief General Abdel Fattah al-Burhan, who led a coup on October 25.

'TRAGIC'

Nationwide, at least 47 people have been killed in street clashes in the past two months, according to the Committee.

Two women demonstrators were raped in Sunday's protest, said Suleima Ishaq, head of the Combating Violence Against Women unit at the Ministry of Social Development, without saying who were the suspected perpetrators.

"One woman filed a report with the authorities while the other woman refused taking legal steps," Ishaq told AFP.

The army on Monday insisted in a statement it supports "free and fair elections" in 2023.

However, the Forces for Freedom and Change, the umbrella group which spearheaded the protests against Bashir, has called for more demonstrations on December 25 and 30.

## **Sudan: Sexual Violence At Sudan Protests - Women's Groups Call for Swift Justice (All Africa)**

December 23, 2021

**Reports of rape, sexual violence and harassment by security forces during the December 19 Marches of the Millions, in Khartoum on Sunday, have prompted a chorus of condemnation. In a statement on Wednesday, Mansam, an alliance of political and civil feminist groups, condemned the violations and sexual violence that a number of women revolutionaries were subjected to during the processions on Sunday. The alliance called for "an immediate, impartial, and transparent investigation to hold accountable the perpetrators of sexual violence and harassment of Sudanese women".**

The statement holds the leaders of the military, police, and security institutions responsible for what happened. "The military and security services are still using physical violence and rape as tools to suppress the revolutionaries, which are considered crimes against humanity."

The Women's Council of the National Umma Party (NUP) yesterday strongly condemned the sexual assaults that occurred at the end of the processions and the systematic violence against women that have been monitored by the party's Women's Council since the October 25 coup.

In a statement, the council called for an immediate investigation and for the perpetrators to be brought to trial without delay. "The continuation of the coup authority in its grave violence against the peaceful processions that are systematically practiced against women to break their steadfastness, clearly confirms that the Sudanese people have no choice but to overthrow this coup and completely liquidate it."

In a statement the party's Women's Council, called on all revolutionaries and the forces of revolution and change to maintain unity and consensus on a unified political vision to achieve legitimate demands.

The NUP Women's Council confirmed their participation in the vigil planned to take place on Thursday, December 23. The statement appealed to all feminist revolutionary bodies to actively participate in rejecting violence against women.

Sudan's National Commission for Human Rights has also called for an impartial and transparent investigation into reports that indicated violations against girls and women, especially sexual assaults during the December 19 processions, and to bring all the accused to justice as a matter of urgency. Disclosure and reporting. In this regard, it called for the activation of the witnesses and whistle-blowers protection procedures. In its statement, the Commission stressed the importance of taking measures to eliminate all forms of violence against women, including the need not to enable potential aggressors to escape punishment.

### **Sudan forces fire tear gas as protesters head to presidential palace (Arab News)**

December 25, 2021

#### **Protestors opposed to military rule on Saturday reached the vicinity of the presidential palace in the capitol of Khartoum for the second time in a week, television images showed, despite heavy tear gas and a communications blackout.**

A Reuters witness said Sudanese security forces fired tear gas to disperse the crowds on a tenth day of major demonstrations since an Oct. 25 coup.

Protests have continued even after Abdallah Hamdok was reinstated as prime minister last month.

A week ago, demonstrators managed to begin a sit-in at the gates of the palace, but on Saturday they were met with rows of security forces.

Internet services were disrupted in the capitol, Khartoum, and locals were unable to make or receive domestic calls on Saturday, the witnesses said, while soldiers and Rapid Support Forces blocked roads leading to bridges linking Khartoum with Omdurman, its sister city across the Nile River .

People still managed to post images on social media showing protests taking place in several other cities including Madani and Atbara.

In neighboring Omdurman, security forces also fired tear gas at protesters around 2 kilometers (1.24 miles) away from a bridge connecting the city to central Khartoum, another Reuters witness said.

The SNA state news agency reported that the province of Khartoum closed bridges on Friday evening in anticipation of the protests.

“Departing from peacefulness, approaching and infringing on sovereign and strategic sites in central Khartoum is a violation of the laws,” SUNA reported, citing a provincial security coordination committee.

“Chaos and abuses will be dealt with,” it added.

The demonstrators have demanded that the military has no role in government during a transition to free elections.

Protestors in Khartoum chanted: “Close the street! Close the bridge! Burhan will come straight to you,” referring to military leader and sovereign council head Abdel Fattah Al-Burhan.

They were also heard cheering when security forces fired tear gas, a Reuters witness said.

A senior official at one Internet provider told Reuters the service disruption followed a decision by the National Telecommunication Corporation, which oversees the sector.

UN Special Representative to Sudan Volker Perthes urged Sudanese authorities not to stand in the way of Saturday’s planned demonstrations.

“Freedom of expression is a human right. This includes full access to the Internet. According to international conventions, no one should be arrested for intent to protest peacefully,” Perthes said.

The military could not immediately be reached for comment.

In Darfur, governor Minni Minnawi asked citizens to stop looting the offices of UNAMID peacekeepers late on Friday, with sources telling Reuters they heard gunshots in the vicinity on Saturday morning. Last Sunday, hundreds of thousands of people marched to the presidential palace and the security forces fired volleys of tear gas and stun grenades as they dispersed protestors who had been trying to organize a sit-in.

Forty-eight people have been killed in crackdowns on protests since the coup, the Central Committee of Sudanese Doctors

said.

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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

**Hope for justice in the Democratic Republic of Congo 2018 Yumbi massacre tribunal (DW)** By Jonas Gerding

December 17, 2021

**Over 500 people were killed three years ago in a region considered peaceful in the conflict-ridden DR Congo. As Jonas Gerding reports, a highly political military trial has begun to look into the cause of the massacre.**

His wife and four children, no one can bring back the lives of his loved ones, says Clovis Boyanga. As if he still has to protect himself today, the 31-year-old sits on a plastic chair in his backyard in the Limete district of Kinshasa, the capital of the Democratic Republic of the Congo, with his arms stiffly crossed and his head bowed.

On December 16 and 17, 2018, armed men believed to be from the Batende ethnic group went house to house in his home village of Bongende with machetes, spears and rifles, killing anyone who identified as an ethnic Banunu.

Boyanga survived the killings because he was not at home on the morning of the attack. But the rest of his family, including a nephew, were butchered by the attackers. Nothing could make up for that loss. Yet, he is filled with some hope that he might after all get justice.

Just a few kilometers away, in Ndolo prison, the long-awaited trial of what is now dubbed the 'Yumbi massacre' began earlier this year. "I think the process will enable us to find answers to our questions," says Boyanga. "Only the state and the judiciary can find out the political leaders behind this massacre."

A questionable trial

The United Nations estimated that 535 people died in just three villages — 345 in Boyanga's village alone. Yumbi is located on the Congo River in Mai-Ndombe Province, hundreds of kilometers from the ongoing civil unrest in the country's eastern provinces. Mai-Ndombe Province is a region usually at peace. To this day, a lot of questions remain unanswered and the reasons for the sudden outbreak of violence remain disputed.

The Kinshasa High Military Tribunal did not indict people for war crimes, but rather for "crimes against humanity" — inscribed within the framework of international laws. The court opened proceedings on May 25 of this year, but immediately postponed them to November.

A mammoth trial underway

November 26, 11:55 a.m., behind the walls of Ndolo prison: all 79 people charged are men. The prisoners appear in their wide blue shirts with yellow stripes. One after the other they walk across the lawn past an armed soldier into a large tent that opens to the sides facing the makeshift courtroom.

The chief justice questions three of the defendants in front of him, sitting by a wooden desk, seeking the details of a severed hand of a victim that was presented to a village chief. Step by step, the court aims to get closer to the truth about who planned the massacre, who carried it out and who only found out about it afterwards.

Many fear the task before the court of seeking justice for the victims of the massacre is too much for its mandate and could drag on for years. There are only eight people named as allegedly responsible for the killings. Among them are prominent national and local politicians.

The prosecution claims that the massacre took place a week before the 2018 presidential and parliamentary elections to sway



its outcome in the interest of the politicians backed by the Batende leaders. After the massacre, the national polls were delayed by a week, in Yumbi by three months. According to the prosecuting lawyers, the two candidates, who were in charge of the provincial administration, then won seats in parliament. These lawmakers were also indicted in the tribunal, but not kept behind bars.

Did the elections play a role?

The armed ethnic Batende men allegedly carried out the killings a day after the ethnic Banunu buried their traditional leader at night in the city of Yumbi, a territory claimed by the Batendes, whose members saw the night burial as an affront in their long-running conflict.

Claude Kaniekete Boba is one of the prosecuting lawyers. "The traditional head is always buried at night. Besides that, it was next to his father, his predecessor," says Kaniekete describing the night-time burial tradition as not unconventional among the Banunu. "Is that really supposed to be a reason to massacre the Banunu?"

According to Kaniekete, the Batendes had planned the massacre well in advance. "What do you have to do to win elections?" asks the lawyer. In the Democratic Republic of Congo, people often vote along ethnic lines. So it is conceivable that the leadership of a group decides which local candidate gets the most votes. "That is how it all started," he says with conviction. However, he does not provide any evidence and points out that, for tactical reasons, this can only be done during the trial.

A long-running conflict

Alain Nsele Ngomba is a coordinator with the defense team. He rejects the notion of election victory due to a massacre. "The conflict between the two groups did not just start yesterday," he says, citing outbreaks of violence in 1963, 2006 and 2011. He also points out that there were deaths on the part of the Batende during the days of the massacre. He does not give exact numbers. "The two groups are forced to live together. Responsibilities have to be clarified," says Ngomba.

It is not yet clear whether the tribunal can create the basis for reconciliation. "Unfortunately, none of the attackers I identified are in prison," says Boyanga, whose family was killed. "They live free and undisturbed in their fields and in various villages."

Prosecutor Kaniekete agreed they missed some names on the indictment list, but was now doing everything to ensure that they too are brought before the judge. "That is our wish," he said.

Long road to reconciliation

According to Kaniekete, victims could face reprisals if not all of those involved in the attack are prosecuted. He believes that the deteriorating humanitarian situation in the villages could also continue. Around a thousand Banunu have still not returned to their devastated villages and are living on the other side of the Congo River in refugee camps in the neighboring Republic of the Congo.

The victims are demanding extensive compensation and help with reconstruction. Boyanga also wants to be compensated. He mourns the times when he and his family lived from fishing, when weddings and friendships developed between the Batende and Banunu. "After everything that happened, I decided to leave my village," says Boyanga, who now lives in Kinshasa, where he gets by with odd jobs and family money. "I want to try to forget the atrocities. I can't stand the suffering these memories cause," he says.

### **Suicide Bomber Kills At Least Five At East Congo Restaurant (Reuters)**

December 26, 2021

#### **A suicide bomber struck a restaurant in the city of Beni in east Congo on Saturday, killing at least five people as well as himself, officials said.**

The attack marks the latest violence in a region where Congolese and Ugandan forces have launched a campaign against suspected Islamists.

"The suicide bomber, prevented by security guards from entering a crowded bar, activated the bomb at the entrance of the bar," the regional governor's spokesman, Général Ekenge Sylvain, said in a statement. Six people died in the blast and 14 were injured, including two local officials, he added.

Sylvain said that insurgents from the Allied Democratic Forces (ADF), a group aligned with Islamic State, had activated a "sleeper cell" in Beni to target citizens, but he did not provide evidence connecting them to the explosion.

The ADF did not immediately claim responsibility for the attack.

Congo and neighbouring Uganda launched a military campaign in the area at the end of November against the ADF. Officials have previously blamed the group for bombings in the region.

Beni's mayor, Narcisse Muteba Kashale, earlier told local radio that a bomb had exploded in the city centre. "For safety, I'm asking the population to stay home," the mayor said.

A Reuters journalist nearby said he heard an explosion around 7 pm, just after the afternoon Catholic mass, near the city's main road, followed by gunshots.

Police spokesman Nasson Murara said that officers fired live rounds to disperse an angry crowd that attempted to bar investigators from accessing the scene of the explosion. No one was injured, he said.

Images shared on social media showed dozens of green chairs scattered across a road, some melted or smouldering. At least four bodies, including that of a small girl, could be seen among the wreckage.

Reuters could not immediately verify the authenticity of the images.

The joint Congolese and Ugandan campaign, launched on Nov. 30, had planned to target four ADF camps, including two in the Beni area, a Ugandan general said earlier this month.

Beni was rocked by two explosions in June at a Catholic church and at a busy intersection. No one was killed in either blast except the suspected bomber, who was killed by the second explosion.

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## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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

**Explosions kill several in northeast Nigeria, witnesses say (abc News)** By Haruna Umar  
December 23, 2021

**Explosions killed several people Thursday in northeastern Nigeria ahead of a visit by President Muhammadu Buhari to the restive region, witnesses said.**

The attacks took place in Maiduguri, the city where Islamic militants first launched an insurgency against the government more than a decade ago.

Nigerian authorities did not release a casualty toll. Witnesses told The Associated Press that several civilians had died, including a teenage girl. They spoke on condition of anonymity for fear of retribution.

While there was no immediate claim of responsibility, suspicion fell on the Islamic State West Africa Province, also known as ISWAP.

Shortly after the explosions rattled the city, Buhari arrived to meet with the nation's security heads and government officials in

Borno.

Although Nigerian troops in the northeast have scored some gains against the rebels since the death of ISWAP leader Abu Musab al-Barnawi earlier this year, the group continues to infiltrate local communities and target security forces in ambushes.

In a statement Tuesday, the group claimed killing at least 20 members of a pro-Nigerian army militia in the town of Kilangar in Borno state.

### **Another ISWAP Commander, Abou Maryam, Other Fighters Killed In Military Airstrikes (Sahara Reporters)**

December 24, 2021

**The Nigerian military has killed an ISWAP Commander, Modu Kime, also known as Abou Maryam, and his fighters in an airstrikes coordinated along the fringes of Lake Chad in Borno State.**

According to PRNigeria, the top ISWAP commander met his Waterloo in an airstrike executed at the river banks of Bisko and Tumbum Tawaye in Abadam Local Government Area.

The operation was conducted after Intelligence, Surveillance and Reconnaissance (ISR) missions, revealed the location of the terror kingpin.

The ground assessment from the spots of the air interdiction indicated that scores of the terrorists and the commander were killed in the process.

An intelligence officer said that Abou Maryam, with mobile phone number +22788036182, had been on the radar of Intelligence services.

“For some time we had been intercepting his communication and his coordination of attacks by his terror group, mostly in Borno State.

“He had operated around the axis of Tumbum Tawaye, Bisko, Garere, Arkumma and Dumbawa, Zari and Gundumbali LGA.

“Abou Maryam coordinated attacks on military troops and soft targets mostly around Damasak, Nganzai and Gajiram and sometimes on the outskirts of Maiduguri.”

ISWAP, which split from the mainstream Boko Haram in 2016, has become a dominant group, focusing on military targets and high-profile attacks, including against aid workers.

Since the death of JAS leader, Abubakar Shekau, the group has been consolidating its grip in locations around Lake Chad.

Just recently, it appointed Wali Sani Shuwaram, a 45-year-old as the new Leader (Wali) of ISWAP in Lake Chad.

The sect's membership has swollen with the defection of hundreds of Boko Haram fighters under Shekau.

The Nigerian army has repeatedly claimed that insurgency had been largely defeated and frequently underplays any losses.

In the past months, soldiers have been targeted by the insurgents, who lay ambush on their path. Scores of soldiers and officers have been reportedly killed since January 2021.

### **Boko Haram Claims Responsibility For Killing 10 Nigerian Soldiers, Children During Yobe Attack (Sahara Reporters)**

December 28, 2021

**The Islamic State-backed faction of Boko Haram, the Islamic State West Africa Province (ISWAP), formerly known as Jamā'at Ahl as-Sunnah lid-Da'wah wa'l-Jihād, has claimed that its fighters killed 10 people including Nigerian soldiers and children during an attack on Buni Yadi community, Gujba Local Government Area of Yobe State.**

SaharaReporters had reported that the insurgents on Sunday engaged troops of the Nigerian Army in the community in a gun battle.

Sources said the gunmen invaded the community around 5pm shooting sporadically as residents fled into the forest for safety.

Buni Yadi came into the limelight in 2014 after Boko Haram insurgents killed 58 male students of the town's Federal Government College.

ISWAP in a notice seen by SaharaReporters on Monday said "10 people were killed including soldiers and children during the attack."

The terror group added that it razed many military operational vehicles.

Since the death of JAS leader, Abubakar Shekau, ISWAP has been consolidating its grip in locations around Lake Chad.

Just recently, it appointed Wali Sani Shuwaram, a 45-year-old as the new Leader (Wali) of ISWAP in Lake Chad.

The sect's membership has swollen with the defection of hundreds of Boko Haram fighters under Shekau.

The Nigerian Army has repeatedly claimed that insurgency had been largely defeated and frequently underplays any losses.

The terror group has caused over 50,000 deaths and displaced millions of individuals mainly in Adamawa, Borno, and Yobe states.

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## Mali

### **Mission to Mali – Will the Bundeswehr be withdrawn because of Russian mercenaries? – Politics abroad (The Times Hub)** By Natasha Kumar

December 18, 2021

**The US State Department warned this week in clear words: The Malian government had provided ten million dollars for the services of the Russian mercenary troop Wagner. Should Wagner actually take action in the crisis country, this would have devastating consequences: "Wagner troops, who are known for their human rights violations, will not bring peace to Mali, but will further destabilize the country."**

Already in the summer there had been the first warnings that after the military coup the new rulers in Mali could bring the Wagner mercenary troops into the country.

The then Defense Minister Annegret Kramp-Karrenbauer (59, CDU) made it clear: A cooperation between the Malian government and Wagner would question the "basis of the mandate of the Bundeswehr", and one would then have to "draw conclusions".

Since the withdrawal from Afghanistan, the German participation in the peace and training missions of the EU and UN in Mali with more than 1,000 soldiers has been the politically most sensitive deployment of the Bundeswehr. In the spring, the Bundestag will have to decide on a continuation.

Putin's war criminals The Wagner mercenary troops are usually sent when the Kremlin does not want to appear directly or when the use of regular Russian troops would be too expensive. On Monday, the EU decided to put Wagner on a sanctions list, the US had already imposed sanctions on the mercenary group since 2017.

"The US Africa Command is concerned about the possible stationing of the Russian-backed forces of the Wagner group in Mali," said American Lieutenant General Kirk Smith to BILD.

In view of Wagner's previous activities, it can be assumed that the Russian mercenaries in Mali would further exacerbate a fragile and unstable situation, said the deputy commander of Africom, the US regional command for the African continent. Wagner's missions in Libya, the Central African Republic, Ukraine and Syria would have further destabilized these countries. "Using Wagner was a bad deal for these countries and it would be a bad deal for Mali," said Smith.

In fact, Wagner mercenaries have distinguished themselves in various trouble spots through particular sadism and war crimes: As the Syrian tortured In 2017, several Wagner fighters hit a defenseless Syrian who had previously deserted with a

sledgehammer and then cut off his head with a feldspade.

The Russian journalist Maxim Borodin researched the Wagner group intensively, and in April 2018 he died of a fall from the window of his apartment in Yekaterinburg. A few weeks later, his colleagues Orhan Dschemal, Alexander Rastorgujew and Kirill Radchenko were shot dead in the Central African Republic – they were researching the use of the Wagner troop there.

While Wagner mercenaries repeatedly excel through war crimes against unarmed civilians, they are not very successful in deploying against armed opponents: In February 2018, Wagner mercenaries, together with other militias on the side of the dictator Assad, attacked an outpost of the US-backed SDF militia in the eastern Syrian city of Khasham. In the battle against the SDF and American special forces, the Wagner troops suffered heavy losses: between 20 and 30 of the mercenaries were killed and dozen injured – the US side, on the other hand, did not record a single wounded.

Fight against terrorism in danger Why does Mali's current ruler Assimi Goïta (38), who came to power in the summer, still want the Russian war criminals in his country? Presumably because parts of the population are opposed to the international deployment, especially the French, and will be elected in February.

In terms of personnel, Wagner cannot even remotely fill the gap that a withdrawal of the troops of the international coalition would leave. The Russian mercenaries would jeopardize the stabilization efforts of the 20,000 international peacekeepers, criticized the US State Department.

Not even the rulers in Bamako believe that the Wagner mercenaries can defeat the numerous jihadist groups in the country – and therefore always propose to negotiate with the jihadist groups at regular intervals. For the West, especially France and the USA, negotiations with the regional branches of al-Qaida and the Islamic State are still ruled out.

“The USA is supporting international partners in West Africa to smash the networks of violent and extremist organizations in Mali and the region,” said Lieutenant General Smith to BILD. “A deployment of the Wagner group in Mali would significantly disrupt the efforts of the international community in the fight against terrorism.”

**France and allies condemn deployment of Russia-linked mercenaries in Mali (Financial Times)** By Leila Abboud and Max Seddon  
December 23, 2021

**France, 13 European countries and Canada denounced “the deployment of mercenary troops” linked to Russia in the west African country of Mali as the government there battles Islamist militants who have killed thousands and displaced millions across the Sahel.**

In a joint statement issued on Thursday, the countries also called on Russia to “revert to a responsible and constructive behaviour in the region”.

The security situation has deteriorated in Mali since June when France announced the drawdown of its forces there after a seven-year campaign known as Operation Barkhane failed to eradicate the jihadi threat in the Sahel region.

French president Emmanuel Macron justified the decision by saying that France's military, which has suffered 53 deaths in the region, can no longer compensate for the “non-work” of the Malian state. There have also been two coups d'état in the capital Bamako in less than a year, which has further strained relations between France and Mali, its former colony.

Malian government officials have criticised the French for a strategy they say has worsened the conflict and for their decision to halve their 5,000-strong military presence.

After the French troop drawdown, Bamako began negotiations to hire mercenaries from the Kremlin-linked private security Wagner Group, which is under US and EU sanctions.

Wagner is not a legal entity but a group of connected companies reportedly linked to Evgeny Prigozhin, the Russian businessman known as “Putin's chef”. Its fighters have been accused of war crimes and human rights violations in Libya and the Central African Republic.

In a written response, Concord, said that the UN reports of misconduct by instructors were fake.

In the statement, he called on European leaders to “take off your expensive suits, go to Mali or CAR and live there for a week. If you survive, you have the right to discuss the fate of those countries.”

France and the other countries said they “deeply regret the choice of the Malian transitional authorities to use scarce public funds to pay foreign mercenaries instead of supporting the Malian Armed Forces and public services to the benefit of the

Malian people”.

France’s Operation Barkhane began in 2013 with the aim of ejecting al-Qaeda allies from the Malian city of Timbuktu. But the conflict has since broadened across several countries such as Niger and Chad as multiple armed groups loosely affiliated with al-Qaeda and Isis have mounted attacks on civilian and military targets.

After meeting his Malian counterpart in Moscow last month, Russian foreign minister Sergei Lavrov said the Kremlin had no connection to the mercenary deal but that Mali was within its rights to hire Russian fighters. “If they sign agreements with the lawful governments of sovereign states, I don’t see anything negative in this,” he said.

The statement was issued by France, UK, Belgium, Canada, Czech Republic, Denmark, Estonia, Germany, Italy, Lithuania, Netherlands, Norway, Portugal, Romania and Sweden.

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## Liberia

**Liberia: Chucky Taylor Apologizes for War Crimes (Daily Observer)** By David S. Menjor  
December 20, 2021

**The son of a Liberian President who became notorious for “electric shocks on the genitals, burning victims with cigarettes and rubbing hot irons, and melting plastic into wounds” has apologized for his role in the country's 14 years of brutal civil war.**

Roy Belfast (also known as ‘Chucky’), who once upon a time head his father Charles Taylor’s fearsome Anti-Terrorist Unit (ATU), argued that he is aware that his actions caused untold pains for lots of people and their generation as well.

“I want to formally apologize for being a part of any negative thing that may have had any impact on our people. I apologize for not advocating for those who I should have advocated for,” said Chucky, who now claimed that his name has been changed to Gormai Taylor for re-identification. “I want to formally apologize for having the ignorance of my youth guard my understanding... any of us would like to believe that what we saw in those days was for a greater good.”

Chucky then claimed that his action came as a result of being surrounded by sycophants, and individuals who did not provide him proper advice as a young man.

“I am truly sorry, but I understand my errors and I pray to the almighty Creator that I have an opportunity at some stage to contribute to that correction,” Chucky said during an interview with Henry P. Costa from the United States. “Because true reconciliation is a permanent exercise. This is not something that has to just be spoken about. And more importantly, God willing and the respect of our people, based upon actions, not just words.”

Chucky added that he partly takes the blame for what people think of him but “it is my inherent introversive nature.

“I am not one who yearns for attention or popularity. Very few people knew me or interacted with me in Liberia. And I created that mistake, so to speak,” Chucky explained. “True men are straight. They control themselves, and attach themselves to a greater cause and make readjustment and face up to the states as men. “I would like to make a full presentation before our people because context is important. I was not the commander of the ATU but to say that none of us made a contribution in securing [President] Taylor in securing him, will be wrong. But I will also say to the Liberian people they were personal not only against my life but against the old man.”

Chucky’s life

Born on February 12, 1978, in Boston, Chucky whose legal name is Roy Belfast had a rough upbringing. He lived much of his life in Orlando, Florida, with his mother, Bernice Emmanuel, a college girlfriend of his father.

And in 1994, according to Wikipedia, he was involved in an altercation with deputies of Orange County, Florida, and then sent to Liberia to live with his father, who in turn enrolled him in the Accra Academy, an elite boarding school in Ghana.

At Accra Academy, he was expelled and, according to Johnny Dwyer of The Guardian, possession of alcohol and illegal drugs

was reportedly the reason. He later attended the College of West Africa in Monrovia, and the principal of that school also expelled him.

According to US prosecutors, when in Liberia Chucky headed the "Demon Forces," a paramilitary, anti-terrorism security unit for Charles Taylor in the ATU. Elise Keppler, a counsel for the International Justice Program of Human Rights Watch, said that the "Demon Forces" "did things like beating people to death, burying them alive, rape – the most horrible kind of war crimes."

US prosecutors also charged that the "Demon Forces" engaged in torture and attempted to silence critics of Charles Taylor. At his trial, Rufus Kpadeh, a former prisoner in Liberia, testified that Chucky's forces coerced prisoners into engaging in sexual acts while he laughed. And on October 30, 2008, a jury convicted Emmanuel of several counts, including one of torture, one of conspiracy to commit torture, and one of possession of a firearm while committing a violent crime. On January 8, 2009, Judge Cecilia Altonaga sentenced Taylor to 97 years in prison; although he has been appealing his conviction.

Also, the World Organization for Human Rights USA filed a civil suit in the United States District Court for the Southern District of Florida on behalf of five of Taylor Jr.'s victims pursuant to the Alien Tort Statute and the Torture Victims Protection Act and won by default judgment on all counts and the civil trial to determine damages took place in late December 2009 and January 2010. Chucky who was arrested in 2016 while flying from Trinidad to Miami under a falsifying name, became the first US citizen prosecuted under a 1994 law that prohibits American citizens from participating in torture outside of the United States.

Meanwhile, Chucky Taylor's apology has been questioned by some Liberians who believe he intended to fight his appeal against conviction after launching an online fundraiser in a bid to hire a team of lawyers to investigate what he termed as gross errors in the trial that led to his incarceration.

Chucky, according to a FrontPage Africa report, claims that the charges against him were flawed, as a result, he has launched a fundraiser in hopes of raising money to appeal his conviction.

"I'm trying to raise between US\$100K to \$US150K. I want to try and hire a major law firm in DC to be able to lobby this case in DC that will gain the attention of Congress or the justice department because there are a lot of misrepresentations or misconduct that have taken place since this litigation in 2017."

But in the Costa interview, he denied that his apology is part of a strategy to get him free and is in no way connected to his freedom.

"But I really want to dig into this because people don't understand that this apology is not connected to my freedom per se. This case is predicated upon law and facts. This of course should underscore how important and close to my heart this formal apology is," he added.

Chucky added, if his apology is placed in a different context, people will appreciate it, so it is important for him to contribute to the process of reconciliation by issuing a formal apology.

"And more importantly God willing, and the respect of our people, based upon actions, not just words," the U.S.-born Chucky noted.

Chucky added that having self-educated himself, pursued a vigorous formal education, learning about Pan-Africanism, post-African history, specifically in the independence era of the continent, he feels it is mandatory to make the apology.

"I have been litigating this case since 2017 and I have learned a lot. I wanted to take the world by surprise to speak. I have been hit by tons of misrepresentations by people," Chucky noted. "Being surrounded by prosecutors with highly Federal rulings by Courts, I come to the conclusion that the law alone will not get this case overturned. No man is an island but I believe in self-reliance and I fought hard all of these years diligently."

**Liberia: Women Brainstorm On TRC Recommendation (All Africa)** By Jonathan Browne  
December 20, 2021

**Women's NGO Secretariat of Liberia (WONGOSOL) in collaborations with the Liberia Future Trust (LIFT) supported by Women's Peace and Humanitarian Fund (WPHF) and Conciliation Resources has ended a brainstorming engagement with stakeholders on the implementation of the TRC Recommendation.**

The engagement held Friday, December 17, 2021, brought together several participants from different women-led organizations across Montserrat County under the theme: Implementation of TRC Recommendations to break barriers and

circle of impunity by establishing war crime Crime's Court.

The TRC recommendation contains major findings on the root causes of the 14-year Liberian civil conflict, its impact on women, children and the generality of the Liberian society; responsibility for the massive commission of Gross Human Rights Violations (GHRV), and violations of International Humanitarian Law (IHL), International Human Rights Law (IHRL) as well as Egregious Domestic Law Violations (EDLV).

The report also determined and recommended that Criminal Prosecution for these violations, Reparations, and a "Palava Hut" Forum is necessary and desirable to redress impunity, promote peace, justice, security, unity, and genuine national reconciliation.

The TRC was agreed upon in the August 2003 Comprehensive Peace Agreement in Accra, Ghana, created by the TRC Act of 2005.

The TRC was established to "promote national peace, security, unity and reconciliation," and at the same time make it possible to hold perpetrators accountable for gross human rights violations and violations of international humanitarian law that occurred in Liberia between January 1979 and October 2003.

Speaking at the start of the occasion, Madam, Berthee Forbpabeo, project officer of WONGOSOL said the organization is currently implementing a project intended to "Enhance Women's Meaningful Participation in National Advocacy for Accountability for War Crimes in Liberia".

She emphasized that WONGOSOL in implementing projects in six counties: Lofa, Nimba, Bong, Bomi, Montserrado, and Grand Bassa respectively, will empower women who were affected greatly to advocate in their districts and counties for lawmakers to enact into law a bill for the establishment of the court.

She noted that too many women are living with bullets in their bodies, and the establishment of the war crimes court will allow them to explain their stories, which would be documented.

According to her, WONGOSOL is partnering with seven local civil society organizations in these counties, providing intensive training to enhance the participation of local women in the advocacy to ensure that those who committed human rights are brought to book.

She said a war crimes court will serve as a deterrent for would-be human rights abusers to rethink themselves before engaging in any act of war in Liberia in the future.

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## EAST AFRICA

### Uganda

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

**Uganda charges 15 with terrorism for role in IS-linked bombings (Reuters)** December 24, 2021

**KAMPALA, Dec 23 (Reuters) - Uganda on Thursday charged 15 people with offences including terrorism and aiding terrorism related to their alleged role in bombings in the country's capital and elsewhere in October and November that left at least nine people dead.**

In the early hours of Nov. 16 a suicide bomber blew himself up at the entrance of a police station in the centre of Kampala. Three minutes later two other suicide bombers detonated along a road that leads to the parliament.

Those bombings killed at least seven people including the bombers and injured dozens.



At least two people were killed in two other bombings in October, one at a restaurant and another on a bus.

Islamic State (IS), which is allied with the rebel Allied Democratic Forces (ADF), claimed responsibility for the Nov. 16 attack and the restaurant attack.

According to a charge sheet seen by Reuters, the 15 people, among other accusations, "intentionally and unlawfully, manufactured, delivered, placed and detonated an improvised explosive device ... with intent to cause death or serious bodily injuries," for the purposes of influencing the government or intimidating the public.

Originally a Ugandan group, the ADF has operated in the dense forests in eastern Democratic Republic of Congo across the border with Uganda for more than three decades. The group began killing civilians in large numbers in 2014.

The attacks in October and November prompted the Ugandan military to deploy in eastern Congo in late November to take on the Islamist fighters.

The suspects were remanded until Jan. 13, when they will appear in court again.

### **Uganda arrests 29 suspected of trying to 'overthrow' government (RFI) December 28, 2021**

**Ugandan police have arrested 29 people they say are members of a newly-formed rebel group allegedly seeking to topple the government of President Yoweri Museveni, who was re-elected in January in polls that were contested by the opposition.**

Police say they have identified the newly-formed Uganda Coalition for Change, or UCFC, as being behind recent attacks on police officers in central Uganda.

The 21 people arrested Monday and eight arrested on 21 December "attended training in weapons and military drills at the UCFC rebel camps" in central Uganda, police said in a statement.

The statement said suspects had confessed to killing two police officers in an ambush in Mityana district in early December, and two others in an attack on a police post in nearby Kiboga district on 17 December, where guns were also stolen.

The suspects are mostly young people who police say "joined the rebel group with plans of overthrowing the sitting government", motivated by the outcome of the 2021 presidential election.

Central Uganda is a stronghold of opposition leader Bobi Wine, a pop star, who ran against Museveni in January's election.

Wine rejected the results and alleged widespread voting fraud and violence against his supporters, and was put under house arrest.

Police warned against "those politicians accelerating themes of violence" who want to "bring about societal collapse".

Wine has urged supporters to reclaim a stolen victory, but has not advocated violence, instead saying they should use constitutional means to do so.

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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

**Swedish Court Rule to Extradite Genocide Suspect Micomyiza (The New Times)** By James Karuhanga  
December 21, 2021

**A top Swedish Court on Tuesday, December 21, found no reason why a Rwandan arrested in the Nordic country last year should not be extradited to Kigali where he is wanted for crimes he allegedly committed during the 1994 Genocide against the Tutsi.**

According to reports from the country, the Supreme Court sees no legal obstacle to extraditing Jean Paul Micomyiza, 49, to Rwanda where he is accused of involvement in the 1994 genocide.

He was detained on November 17, 2020.

His lawyers, Thomas Bodström and Hanna Larsson Rampe are against the court's ruling, reports indicate, claiming that the legal system in Rwanda has serious shortcomings, a claim advanced by most defenders of suspected mass murderers elsewhere.

The suspect who has lived in Gothenburg, a major city in Sweden situated off the Göta Älv River on the country's west coast, for 15 years has been in custody for more than a year.

He was arrested as a result of Rwanda's request for his extradition, on suspicion of involvement in the 1994 Tutsi Genocide.

Micomyiza applied but was denied citizenship in Sweden because he is politically active.

According to reports from Sweden, it is now up to the government to decide whether the suspect should be extradited or not.

During the Genocide committed against Tutsi in 1994, Micomyiza was a second year student at the National University of Rwanda, in the Faculty of Applied Sciences.

In addition to being a student at the National University of Rwanda, he was also a member of a committee called Comité de Crise that was instrumental in committing the Genocide.

According to sources, evidence gathered during investigations shows the participation of the suspect in crimes committed in Ngoma Commune, in the former Butare Préfecture (Currently in Huye District, in the Southern Province), at the campus of the University campus and its surroundings.

Micomyiza is accused of: committing Genocide by killing members of the Tutsi ethnic group, complicity in Genocide and crimes against humanity (rape).

Sweden is home to other Genocide suspects including Théodore Rukeratabaro who was, in mid 2018, given a life sentence there for his role in the 1994 Genocide against the Tutsi.

Apart from Rukeratabaro, on February 15, 2017, the Svea Court of Appeal in Stockholm, upheld the life sentence imposed on Claver Berinkindi, a Rwandan who acquired Swedish citizenship in 2012 after finding him guilty of Genocide he committed in the former Prefecture of Butare in addition Stanisilas Mbanenande who was also handed a life sentence on June 20, 2013.

**Niger expels Genocide convicts transferred by UN Court (The New Times)** By Alice Kagina  
December 28, 2021

**The Republic of Niger has expelled eight Rwandans who were transferred by the UN Court which tried them for Genocide related crimes.**

The men were convicted of the 1994 Genocide against Tutsi and had completed their sentences or were acquitted.

According to a statement released on December 27, 2021, the Niger Ministry of Interior and Decentralization ordered the men to leave the country within seven days.

The ex-convicts are Protais Zigiranyirazo, Francois Nzuwonemeye, Innocent Sagahutu, Alphonse Nteziryayo, Tharcisse

Muvunyi, André Ntagerura, Anatole Nsengiyumva and Prosper Mugiraneza.

The men are widely considered to be among the masterminds of the 1994 Genocide against the Tutsi.

After the conclusion of their cases, they remained in Arusha, Tanzania where the UN court was based.

The expulsion comes after an inquiry made by the government of Rwanda to the UN Mechanism for International Criminal Tribunals (MICT) seeking clarification about circumstances under which the eight were transferred to Niger.

While addressing a UN Security Council meeting in New York in early December, Valentine Rugwabiza, Rwanda's Permanent Representative to the United Nations, said that Rwanda had not been informed by either the MICT or the host country about the transfer of these Rwandan nationals.

She then pointed out that there is evidence that some of these individuals, after their acquittal by the former ICTR, have been engaging in subversive activities that contributed to the insecurity and instability of the Great Lakes Region for the past decades.

The individuals in question had for long been stuck in Arusha, the former seat of the ICTR, after many countries had refused to take them in, including those hosting their families.

However, Rwanda previously said they may come back home to their country if they so wish.

Who are the ex-convicts?

Zigiranyirazo is the brother-in-law of former President Juvenal Habyarimana and was a very influential member of 'Akazu' group was acquitted in 2009.

Nzuwonemeye and Sagahutu were the commander and second in command of Reconnaissance Battalion respectively, were both accused of genocide charges and murder against humanity including the murder of then prime minister Agathe Uwilingyimana. Nzuwonemeye was acquitted and Sagahutu's sentence was downgraded from 20 to 15 years.

Ntezirayo, the former Prefect of Butare was accused of training, and arming the militia, and mobilizing the population in his prefecture to murder the Tutsi, his sentence was as well reduced to 25 years in prison after appeal.

Muvunyi, in 2010, was sentenced to 15 years imprisonment for genocide, direct and public incitement to commit genocide and other inhumane acts.

Ntagerura, the former transport minister, accused of genocide and crimes against humanity was also acquitted in 2004.

Nsengiyumva, the former army commander in Gisenyi in April 1994, whose sentence was downgraded to 15 years in 2011 when he was 61 years old, walked out freely as deemed to have already served the necessary time in prison.

Prosper Mugiraneza, ex-public service minister, was initially convicted for conspiracy to commit genocide and given a 30-year sentence until he was acquitted in 2013.

Some of the ICTR acquitted have found host countries like Former mayors Ignace Bagilishema and Jean Mpambara who live in France, former Minister of Education André Rwamakuba who lives in Switzerland, and former préfet Emmanuel Bagambiki living in Belgium, among others.

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## Somalia

**Clashes in northeast Somalia force thousands to flee (AlJazeera)** December 25, 2021

**Clashes between two rival factions of the security forces in a port city in northeast Somalia have forced hundreds of families to flee their homes, says a local official.**

The fighting has for several days rocked Bosaso, the commercial capital of the semi-autonomous state of Puntland in the

country's northeast, an AFP news agency report said on Saturday.

"Thousands of the residents in the Bosaso town fled ... as sporadic fighting was going on in some parts of the town," official Abdirizak Mohamed told AFP.

"Most people decided to leave their houses after the warring sides used heavy machine guns and mortars", mostly from two of the town's neighbourhoods, he said.

Mohamed said it was not clear exactly how many people had quit the town on the shores of the Gulf of Aden, but estimated it was "hundreds of families".

On Thursday, the United Nations' humanitarian agency OCHA said it was "extremely concerned" about the escalation in violence that had led thousands to flee in search of safety.

"With the fighting in Bosaso town continuing ... more than half of the city's population has reportedly been displaced from their homes," OCHA representative for Somalia, Adam Abdelmoula, said in a statement.

He added that the fighting had also uprooted families already displaced by previous unrest.

"Some 40 percent of 70,000 internally displaced persons hosted in Bosaso town are also reported to have experienced secondary displacement," Abdelmoula said.

Located on the northernmost tip of Somalia, Puntland is one of the restive Horn of Africa country's five semi-autonomous states.

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## EUROPE

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

**Official Court Website [English translation]**

**Bosnia Rejects Serb Fighter's Appeal Against Mass Killing Verdict (Balkan Transitional Justice) By**

Lamija Grebo

December 20, 2021

**The Constitutional Court in Sarajevo on Monday rejected as unfounded an appeal by Radomir Susnjar against the verdict convicting him of involvement in wartime crimes in the Visegrad area in June 1992, including the murder of 26 civilians who were locked inside a house that was then set on fire.**

One of those who died in the blaze was a two-day-old baby.

The Constitutional Court found that Susnjar's right to a fair trial had not been violated, saying that the state court, which held the trial, had "provided a detailed, clear and substantiated reasoning of its decisions as regards the evidence presented and the legal value of the evidence".

It also said that "there was nothing to suggest that the evidential procedure was misused to the detriment of the appellant".

The Constitutional Court also found that Susnjar did not offer any arguments to show that he was discriminated against in any way during the proceedings or that he was treated differently than other individuals in the same situation without reasonable justification.

In the original verdict in October 2019, the court found that Susnjar, accompanied by fellow Bosnian Serb fighters Milan and Sredoje Lukic, attacked, inhumanely treated and robbed Bosniak civilians who had been brought to a house in Pionirska Street in Visegrad on or about June 14, 1992.

Susnjar searched the civilians, ordering them to take their clothes off, and they were ordered to walk to a nearby house in Pionirska Street.

Milan Lukic then threw an explosive device into the house, causing a fire, and Susnjar threw in a grenade. All three Serb fighters opened fire with their weapons, preventing the civilians from escaping.

The attack resulted in the deaths of 26 civilians “including a newborn who was not even old enough to have a name”. Five civilians managed to save themselves from the blaze.

Susnjar was arrested in Paris in 2014 and extradited to Bosnia and Herzegovina in 2018.

His co-perpetrator Milan Lukic was sentenced to life imprisonment by the Hague Tribunal for crimes in Visegrad, including the murders in Pionirska Street, while Sredoje Lukic was sentenced to 27 years in prison.

The Constitutional Court’s decisions are final and cannot be challenged.

**Bosnian Army Ex-Military Policeman Convicted of Wartime Rape (Balkan Transitional Justice)** By Azra Husaric  
December 21, 2021

**The appeals chamber of the Bosnian state court sentenced Adem Kostjerevac, a former member of the military police force of the Bosnian Army’s First Muslim Brigade Zvornik, to seven years in prison for committing rape in the Zvornik area in 1992.**

After a retrial, the court found Kostjerevac guilty of raping his victim, who was identified by the initials A.O., in the village of Bajrici in the Zvornik area on an undetermined date in the period between September 19 and October 4, 1992.

“On several occasions, and at least twice, he forced A.O., who was pregnant at the time, to have sexual intercourse, using force, ordering her to take all her clothes off, which the injured party did as she feared for her life. He told her to lie down, after which Adem Kostjerevac raped her,” said judge Stanisa Gluhajic.

“A.O. had a miscarriage as a consequence of the rape,” Gluhajic added.

Gluhajic said that the court determined that the victim identified Kostjerevac beyond reasonable doubt as the person who raped her.

Kostjerevac was extradited from the US in June 2020. His indictment was then thrown out in March 2021, when the judges ruled that he was not questioned in accordance with the law during the investigation.

However, this ruling was quashed in November and a retrial ordered.

The time that Kostjerevac has spent in detention will be calculated towards his sentence.

The verdict can be appealed.

**Nine Serbs indicted for killing around 100 Muslims during the Bosnian war (Reuters)** December 29, 2021

**A Bosnian war crimes prosecutor has indicted nine Bosnian Serbs for the killing of around 100 Muslim Bosniaks, including seven entire families, early in the 1992-95 war, the prosecutor's office said in a statement on Wednesday.**

Twenty-six years after the end of its devastating war between Orthodox Serbs, Catholic Croats and Muslim Bosniaks in which about 100,000 people had died, Bosnia is still searching for people who went missing and seeking justice against the suspected perpetrators.

At the same time, the Balkan country is going through its worst post-war political crisis, with Bosnian Serb leaders' threat of pulling out of Bosnia's national institutions, including the joint armed forces, raising fears of a new conflict.

The nine men, the former members and commanders of the Bosnian Serb wartime army, are accused of killing the Bosniak civilians from the area around the southeastern Bosnian town of Nevesinje, including dozens of women, elderly people and small children. The prosecutor's office said seven families were among those killed in the summer of 1992. The remains of 49 people have been found while 47 people are still unaccounted for.

Bosnia's state court will need to confirm the indictment for the case to proceed.

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

### **Official Website of the ICTY**

**Bosnia's biggest political crisis for 26 years fuels anguish and discontent (euronews)** By Aleksandar Brezar  
December 17, 2021

**One of Bosnia and Herzegovina's three presidents, Milorad Dodik, spent the last three months pushing for laws that would see almost half of the country withdraw from its central institutions.**

The nationalist Bosnian Serb leader is clearly aiming to weaken the country's central government, including threats of creating his own Bosnian Serb army.

For many, this is eerily similar to the scenario that launched the 1992-1995 Bosnian War and has provoked fears of a renewed conflict in the country.

"Fear is a category that's difficult to both define and contain," Benjamin Butković, a Sarajevo-based journalist, told Euronews.

"But the fear of conflict, be it minor or major, has been present since the Dayton Peace Accords were signed," he said.

Bosnia's recent history was marked by a bloody war that saw 100,000 casualties, with two million people becoming either refugees or internally displaced in a country of 3.5 million.

Drafted to bring the war to an end in 1995, the US-sponsored Dayton Peace Accords created two main administrative units in Bosnia — the Serb-dominated entity of Republika Srpska, or RS, and the Bosniak-Croat majority Federation of BiH.

The two entities were given some autonomy, with an umbrella state-level government with its three-way presidency — with each member representing one of the three main ethnic groups — and a council of ministers overseeing the country's main institutions, including the army, the top judiciary, and tax administration.

It is precisely these institutions that Dodik wants to pull out of.

The peace agreement also created one of the most complicated political systems in the world, with a dizzying maze of jurisdictions enabling the country's three main ethnic groups to dominate domestic politics and exert control over key decision-making processes.

The logic was, if the main three sides in the conflict shared power equally, then future conflicts would be evaded.

Dodik, a hard-line populist, widely considered to be one of the most nationalist politicians in the region, has toyed with the threat of secession in the past.

Yet the current crisis marks his most significant attempt at furthering his goals to date. The peace deal that doubles as the country's constitution could either combust or finally be changed for the better.

According to Butković, the peace agreement was primarily designed to end the hostilities. Give everyone what they want, and no one is angry. Yet it never allowed the country to progress further and has since trapped it in a constant ebb-and-flow of crises and appeasement.

“The state of crisis has been continuous in Bosnia, and it quiets down or escalates with each passing year,” Butković said.

“How to resolve it is a million-dollar question. And nothing is being done to get rid of the cause because each year we are simply trying to fix the consequences,” he explained.

Genocide denial law leads to mutiny One of the quirks of Bosnia’s system is that it effectively has an international governor or peace envoy, whose main duty is to monitor the implementation of the Dayton Peace Agreement and intervene where the country’s institutions cannot due to deadlock.

Officially an international civilian mediator, the High Representative maintains order by adopting laws when domestic politicians are unable or unwilling to, or remove politicians considered destructive to Bosnia’s system.

In July, the former High Representative Valentin Inzko invoked his executive powers to unilaterally pass the nation’s first law prohibiting genocide denial.

During the war, the Bosnian Serb army was responsible for a bloody campaign of war crimes and ethnic cleansing chiefly directed against Bosniaks for their nominal Muslim faith, culminating in the summary executions of over 8,000 mostly men and boys in Srebrenica in July 1995.

The International Criminal Tribunal for the former Yugoslavia, or ICTY, has deemed Srebrenica a genocide. Several genocide convictions were made against the Bosnian Serb military and political leadership for the massacre – considered the worst atrocity on European soil since World War II.

This is why Dodik’s attempt to withdraw from the state armed forces and recreate a Bosnian Serb military is seen as particularly problematic due to its wartime history.

Dodik adamantly refuses to recognise the genocide in Srebrenica and has openly supported figures who deny it and encourage revisionism.

He sees the law against genocide denial as being imposed. Soon after it was announced, he pushed a law through the RS assembly – one of Bosnia’s regional parliaments – voiding the law. While the RS assembly can not void a state law, it is a way for him to purport he has public support for his initiative.

At the same time, Dodik demanded that all Bosnian Serb representatives boycott the work of the state-level institutions.

Then last Friday, the RS assembly MPs voted yes on a set of provisions that would see the regional government opt-out of several national institutions.

The adopted measures come with a six-month period needed to draft the new laws, including changes to the entity’s constitution.

Sanctions and criminal proceedings In recent months, both the US and the European Union have sent diplomats to Bosnia to try and dissuade Dodik and re-establish functioning institutions. Condemnations of Dodik’s initiatives from Washington and some in Brussels also came with threats of possible sanctions against him.

But while the international community is debating the possibility of sanctioning Dodik and other Bosnian Serb politicians if the crisis persists, he does not seem to fear any form of repercussions for his actions.

He responded to the recent threats of sanctions by German officials by stating he “wasn’t elected by German people, but rather [his] own.”

“I haven’t been to Germany in five years, so I don’t have to go now either,” he commented at a press conference on Wednesday when asked about a possible travel ban against him.

Domestically, the most recent legal complaint against Dodik was filed with the state-level Prosecutor’s Office on Tuesday.

Bosnian NGO Žene žrtve rata (“Women Victims of War”) and the Institute for Research of Genocide Canada filed a joint charge against Dodik for “undermining the constitutional order and jeopardising the country’s territorial integrity” as well as mutiny and the illegal formation of military forces, among other claims.

This is not the first time Dodik's actions were contrary to Bosnian laws — in fact, it is just one of several complaints filed against him in 2021.

Earlier this year, an official investigation was opened by the state prosecution after the Ukrainian Ministry of Foreign Affairs claimed that a lavish Orthodox Christian icon gilded in gold that Dodik gifted to Russia's foreign affairs chief Sergey Lavrov was in fact stolen during the ongoing war in Donbas.

After the genocide denial law came into force, Dodik's name found itself on a list of 29 persons accused of the crime, pending an investigation by the state prosecution.

The complaint came after he told Serbian tabloid Srpski Telegraf that “there is only one truth, there was no genocide [in Srebrenica]” on August 12.

He confirmed he was subpoenaed on August 19.

“Everybody has the right [to file complaints]. I think I'm the person with the most criminal charges. I keep getting something every day,” he commented at a press conference.

Since the subpoena, Dodik repeatedly refused to come in for questioning, while publicly promising police protection for those who live in the RS if they get accused of genocide denial charges — an attempt to deflect from his own responsibility.

“Dodik has had a number of complaints against him over the years — from corruption to the abuse of power, exerting pressure on voters, public threats, wiretapping the opposition and others,” Ivana Korajlić, the executive director of Transparency International BiH told Euronews.

“But that has never led to anything, and the main reason is his influence on the judiciary in Bosnia,” she said.

While the state judiciary should be the one owning the cases, the fact it shies away from prosecuting the likes of Dodik indicates the dire situation it finds itself in, Korajlić believes.

“If you don't have a judiciary that is ready to react to any kind of illegal behaviour, this can lead to catastrophic consequences. And then you can't expect to be saved by the international community — or anyone else for that matter.”

The key aspects of the system, such as the way in which prosecutors and judges are appointed, or the fact that charges are being brought up “selectively, in order to discredit those not favoured by the ruling class” points to constant influence trading, according to her.

“It's tragic that [the judges and prosecutors] work for those who appointed them, and not for the citizens of Bosnia,” Korajlić told Euronews.

And Milorad Dodik is using the system to his advantage.

Although his initiative to create entity-level institutions might not pass the existing checks and balances and will likely be blocked by either the upper house of the entity-level parliament or the state Constitutional Court — the question of the legality of his actions is not his primary concern, Korajlić believes.

“We've seen similar blackmail from him for the past 15 years, which served the purpose of achieving his personal and political goals and strengthening his hand in negotiations.”

“This time around, the question is how far he is ready to go and what his end goal might be,” Korajlić concluded.

When asked about the aforementioned charges against Dodik, the state Prosecutor's Office told Euronews that the complaints “are being processed by the assigned prosecutors, and are in different stages of procedure”.

“The public will be duly notified about prosecutorial decisions in each of the cases,” the statement said.

Crisis spurs people's desire to leave But the country is not only mired in political discord. In November, miners from seven coal mines protested in Sarajevo for several days after a new collective agreement threatened to cut their already meagre pay in half.

“We are for the country of Bosnia and Herzegovina — what about you?” read one of the banners seen at the protests.

On Wednesday, in Konjic, medical workers took off their white coats to protest the fact that they have not been paid since August.



Some of the protesters told the local N1 TV station that the miserable working conditions – especially in the midst of a pandemic – have forced many to consider leaving the country.

Those who leave can hardly be replaced, according to data by the Union for Sustainable Return, a domestic NGO that has been researching the ongoing brain drain from Bosnia.

Their figures claim at least 400,000 Bosnians have emigrated from the country over the course of the past eight years alone.

While some cite educational opportunities as their main reason, more than 55 per cent said they left to find work, mostly in countries of Western Europe.

En masse departures have affected smaller communities the most. Odžak, a town in the north of the country, had more than eight thousand inhabitants according to the 2013 census. Now it has less than 3,000 based on research by the Union for Sustainable Return.

The constant state of crisis is one of the main reasons for people's decision to leave, Fuad Avdagić, project coordinator at the Youth Initiative for Human Rights in Sarajevo told Euronews.

“There's a general lack of prospects since each electoral cycle you have someone rattle their imaginary sabres,” he explained.

“If I had to pick one single factor that makes people leave, it's not having any idea about what the near future brings in terms of potential developments – and that makes it really difficult for young people, in particular, to make any long-term plans, be it in terms of their career, or health, or having a family.”

The current Dodik-led crisis only makes matters more alarming, Avdagić believes.

“Each new escalation of inflammatory rhetoric creates another wave of departures of young, educated, well-trained people,” he said.

“The threat of possible dissolution, which would then entail a security crisis, is something that can result in even more departures, and not only by the youth.’

Miloš Orlić, a 28-year-old from Banjaluka, says that leaving the country has become not just a matter of choice, but a constant everyday thought, with the current crisis being another impetus for him and his friends to depart.

Leaving the perennial issues behind would be the only healthy solution, in his opinion.

“I think we are all looking at leaving as a way of getting rid of all of this. It's just a matter of finding the best possible option,” Orlić told Euronews.

A journalism graduate who is currently unemployed, Orlić says he completely understands why people are afraid, but he believes that the memory of the war is still too fresh in everyone's mind.

“It's awful that we live in such times where it's okay to rally people around terrible things,” Orlić said. “We all remember how many horrors it brought on.”

“I honestly don't see how someone could get the young people involved in any kind of conflict. But then again, neither did the generation of our parents.”

“Even for us who don't have an active memory of it, we all have someone – be it parents, grandparents or other family members – who were affected by it. And everybody knows nothing good can come out of a potential conflict,” he said.

But Butković thinks there are options for Bosnia's future, after all. The country can still get back on course, he believes. Yes, it needs reforms – but not the kind Dodik desires.

“As long as you allow individuals to harbour and incite discontent, that discontent will keep generating crises,” Butković explained.

“Bosnia needs to find a way to change both the constitution, but also its inter-political relations in a way that would reflect the world that we live in.”

“It's impossible to forever be stuck in the past and hold onto something that was agreed upon as some sort of ‘rules of engagement’ where the primary goal was to stop the war, the crimes, the mass graves. You can't endlessly try to build your future just on that,” he concluded.

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

### **Bosnian Serb War Criminal Gets Ten-Month Sentence Reduction (Balkan Transitional Justice)** By

Emina Dizdarevic

December 23, 2021

**The president of the UN's Mechanism for International Criminal Tribunals in The Hague, Carmel Agius, said on Wednesday that Milomir Stakic is entitled to a ten-month reduction in his sentence under the law in France, where he is serving his prison term.**

However, Agius said that this will not have an impact on calculations about when Stakic has served two-thirds of his sentence and is eligible for early release, or the end date of his sentence.

Agius said that Stakic is "not eligible to be considered for early release at this stage as he has not yet reached the Mechanism's threshold of having served two-thirds of his sentence".

"Separately, no compelling or exceptional circumstances have been demonstrated that might nevertheless warrant granting early release," Agius added.

An appeal from Stakic for early release was turned down by Agius last December for the same reason.

Stakic was the head of the municipal assembly and the local Serb-run Crisis Committee in the municipality of Prijedor during wartime. While he was in office, Bosniaks and Croats were expelled, imprisoned in detention camps, abused and killed.

The Hague Tribunal sentenced him to 40 years in prison in 2006.

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## **Turkey**

### **Cyprus: Turkish Occupation and Unpunished Crimes Against Women and Children (Modern Diplomacy)** By Uzay Bulut

December 21, 2021

**On December 16 and 17, Democracy Today, an NGO that focuses on human rights issues, organized its annual international conference in Armenia's capital of Yerevan. This was part of a cooperation with the Working Group (WG) on women and gender realities in the Organization for Security and Co-operation in Europe (OSCE) region.**

This year's agenda of the conference was "displacement of women: gender implications and search for viable solutions to protect human rights."

I was invited to join the conference as an online panellist and my topic was "The Case of Cyprus: Turkish occupation and unpunished crimes against women and children".

Below is the full text of my speech:

"Villagers Driven from Cyprus Homes Charge Murder and Rape by Turks"

This was the title of a news report of the New York Times on Aug. 6, 1974 covering Turkey's invasion of Cyprus.

The report said, in part:

“Greek Cypriots from small villages around Kyrenia told stories today of murder, rape and looting by the Turkish Army after its invasion of Cyprus. The villagers are among 20,000 civilians driven from their homes by the Turks along the northern coast of the island.

One ashen-faced man told tearfully how his wife and two young children were shot before his eyes by Turkish soldiers who rounded up villagers before shooting them. A married woman whose husband was shot by the Turks and young girl who saw her fiancé shot told how they were then raped at gunpoint by Turkish soldiers.

Since the invasion began Greek Cypriotes in the Kyrenia area have fled in thousands to friends and relatives in other parts of the island, Those presented to journalists were among a group who are being cared for in an orphanage just across from the Hilton Hotel in Nicosia. Like the rest they fled with the clothes they wore and a few bare essentials.

Mrs. Mateidou said she and her family had just got to sleep on July 24, after the first cease-fire was to have gone into effect, when the village was surrounded by Turkish troops. “We went out with hands raised but the Turks started beating us,” she said. “They took off the top clothes of my husband and father-in-law and led them to the river bed in the village. Then they were shot. The women of the village were taken to the house of a British woman who had been evacuated, They were there raped at gunpoint.”

Another young woman, aged 20, who refused to be identified, told of how she was raped, after she had seen her fiancé machine-gunned with other men in her village. “When my fiancé was killed I threw myself into a ditch to hide —I was terrified,” she said, adding: “As I was lying there a Turkish soldier grabbed hold of me. He threw me, to the ground and tore off my clothes. I tried desperately to escape but he was holding me at gunpoint. He said he would kill me.”

“At one point another soldier came up with a baby in his arms. He asked who was the mother. I thought if I said it was mine it might save me. However, when I said I was the mother he threw it to the ground.”

In 1974, the UN and the rest of the international community looked the other way. After 1974, in the case of Cyprus v Turkey, allegations of rape were among the gross human rights abuses investigated by the then European Commission of Human Rights, a body of the Council of Europe. The investigation resulted in a Report adopted in 1976, initially covered up, leaked to the British Sunday Times in 1977 and eventually declassified in 1979. On the issue of rape, the European Commission concluded: “The evidence shows that rapes were committed by Turkish soldiers and at least in two cases even by Turkish officers, and this not only in some isolated cases of indiscipline. ...”. This meant that “by 12 votes against one”, that “the incidents of rape ... regarded as established constitute ‘inhuman treatment’ in the sense of Art[icle]. 3 of the [European] Convention [on Human Rights], which is imputable to Turkey.”

Despite this, In 2016, Cyprus News Agency (CNA) secured the testimonies of two women who alleged that they had been raped repeatedly, Anna – not her real name – from a village in Kyrenia district and Maria – not her real name – from a village in Famagusta district. Both of them were fourteen years old in 1974.

The following was Maria’s story as reported by the CNA:

“Maria’s father, working in animal husbandry, did not want to leave his animals when war broke and so the whole family remained enclaved.

“We went to the fields, outside the village. We were about hundred people, four days hiding. The night became day. They threw flares and knew we were hiding. We heard tanks on the road going back and forth endlessly. They threw leaflets from a helicopter, depicting half of Cyprus painted white and the other half red and ordered us to surrender, otherwise they would kill us.

“We returned to the village, surrendering, arms up in the air. We saw people lying dead on the road. They gathered us in the school yard. They separated the men from the women, the babies, the elderly over sixty, and put them in classrooms. Two trucks loaded the prisoners of war. My father was one of them.

“My mother, my six-year-old sister and I were taken with other women and put in the last houses of the village. On the first night they came to count us. They dragged me and other girls and led us to nearby fields, in darkness. My mother tried to pull me away from them but was hit by a gun. They pulled me by force, outside. They raped me repeatedly. I pleaded with God to help me. I screamed. I was only fourteen. They had their fun and took us back. I heard the women in the house talking about leaving the kitchen gas supply on to commit suicide, to save ourselves from this torment.

“Every night this same scene was repeated. We tried to hide in the attic of the house, but they found us and dragged us by the hair. This torture continued for two to three months,” Maria recalled, tears rolling from her eyes”.

These people were among the 200,000 citizens of the Republic of Cyprus (mostly though not all of Greek ethnicity) who were

forced to flee their homes and lands in the northern part of the Republic of Cyprus during Turkey's two invasion campaigns in the summer of 1974. In addition to citizens of Greek ethnicity, Armenian, Maronite, and other non-Muslim Cypriots were also forcibly displaced. So, too, were citizens of the Republic of Cyprus of Turkish ethnicity. In line with the demands of Turkey and their local agents, they were forcibly uprooted from their homes in the south and, with the help of the United Kingdom and its Sovereign Base Areas adjacent to the Republic, they were arbitrarily relocated to the north. This mass – but unpunished – ethnic cleansing facilitated a pre-existing Turkish scheme to alter the demographic character of the Republic of Cyprus. Women and children suffered immensely.

Since 1974, Turkey has forcibly and illegally occupied around 36 % of the sovereign territory and 57% of the coastline of the Republic of Cyprus. The occupying Turkish regime in the north is not recognized under international law.

Amid a climate of impunity that continues to this day, many well-documented but unpunished atrocities were committed by Turkish occupation forces during each of its two invasions launched on 20 July and 14 August 1974. Civilians, including children were unlawfully killed, raped or otherwise subjected to inhuman or degrading conduct. Many were arbitrarily detained by the Turkish military authorities and placed in what amounted to concentration camps. The detainees were tortured or exposed to other types of inhumane treatment, including performing forced labor. Homes and business premises of those who had to leave were looted, seized, and arbitrarily appropriated. Furthermore, churches, monasteries and cemeteries were desecrated or allowed to fall into a state of disrepair.

Among these is an historic Armenian monastery in the Turkish-occupied north of the Republic of Cyprus. To quote from a publication of its Government:

“The monastery of Sourp Magar (Ayios Makarios) is the only Armenian monastery in Cyprus and the most important Armenian ecclesiastical site on the island... Because of the Turkish invasion and the abandonment of the Monastery, it is in a ruined state, and parts of its walls and roof have collapsed.”

Professor Van Coufoudakis notes in his 2008 report “Human Rights Violations in Cyprus by Turkey”: “Evidence of the gross and continuing violations of human rights by Turkey in Cyprus come from, among others:

- Eyewitness accounts • NGO investigations • Various international organizations • The European Commission of Human Rights • The European Court of Human Rights • Reports by international media”

In their article titled “Gender and Genocide: Armenian and Greek Women Finding Positive Meaning in the Horror,” scholars Artemis Pippinelli and Ani Kalayjian detail the sexual assaults by Turkish troops against Greek Cypriot women and children, which they call the “Cyprus gendercide.” They write:

“Rape victims suffered severe gynecological problems as well as psychological trauma. In some cases, women were forced into prostitution. Many were collected from different villages and held in separate rooms of empty houses where they were repeatedly raped by Turkish soldiers. In other cases, members of the same family were repeatedly raped, some in front of their children. Rapes also occurred in public before spectators. The brutality of these violent sexual attacks was followed by extreme physical trauma, including near suffocation. Children and pregnant or mentally retarded women were not spared.”

Today Turkey still calls the atrocities it committed in 1974 “a peace operation.”

In effect, displaced persons of non-Turkish origin, including Armenians, continue to be barred from returning to their homes or rebuilding their lives in the ancestral towns and villages from which they were forcibly expelled. Many of their churches have been plundered, arbitrarily converted into mosques, locked up or allowed to fall into a state of disrepair. Since 2019, the Turkish government has been opening fenced-off parts of the city of Famagusta although it legally belongs to the Republic of Cyprus. This illegal reopening also means further destruction of the indigenous Greek cultural heritage there. For instance, the Cultural Center of Lykion Ellinidon (Gymnasium for Girls) was recently Turkified, albeit on a de facto basis.

Another consequence of the conflict culminating in Turkey's invasion of Cyprus is that many citizens of the Republic of Cyprus remain ‘missing’. According to the UN-backed Committee on Missing Persons in Nicosia, 779 ‘Greek Cypriot missing persons’ and 201 ‘Turkish Cypriot missing persons’ are ‘still missing’.

A further consequence has been the transformation of the Turkish-occupied north of the Republic of Cyprus into magnet for human traffickers who have trafficked vulnerable women as well as children at risk of being sexually abused or otherwise exploited. The annual US State Department Reports on Human Trafficking make that reality abundantly clear. I quote just a few sentences from page 205 of the latest Report published in 2021:

“[During the last year the de facto] Turkish Cypriot authorities did not investigate, prosecute, or convict any traffickers. Turkish Cypriot authorities did not identify any trafficking victims and provided no victim protection, including shelter and social, economic, and psychological services. Turkish Cypriot authorities did not allocate funding to anti-trafficking efforts or

provide training on anti-trafficking issues. ... Despite business closures due to pandemic mitigation measures, night club owners continued to force victims into sex trafficking.”

## Conclusion

Despite all this, the UN has never established an international war crimes tribunal for Cyprus, as it did, for example, for the Former Yugoslavia.

Many women and children who were victims of Turkey’s aggression in 1974, as well as their children and grandchildren, are still forcibly displaced persons unable to return to their homes, pray in the churches where they were baptised or pursue a meaningful life in lands which have been ethnically cleansed and subjected to the destruction of cultural heritage. They are constantly living with the memory of the many unpunished war crimes and crimes against humanity committed against them and their families.

Despite these realities, the UN, the European Union (of which the Republic of Cyprus is now a member state), the rest of the international community and human rights organizations have largely failed to address these crimes. This is a continued injustice imposed on the island country by Turkey. However, ensuring that the most severe crimes do not go unpunished and promoting respect for international law should be one of the first agendas of human rights defenders.

47 years after Turkey’s invasion, the occupied northern part of Cyprus remains a crime scene. It is one of the biggest cases of ongoing colonization, ethnic cleansing and cultural heritage destruction. However, by combating impunity – particularly in relation to crimes against children and women (and upholding the rule of law), justice could still be secured for the victims of Turkey’s severe violations against Cyprus and violations in other areas by other powers.

Sadly, the international community does not seem to comprehend the full scope of Turkey’s atrocities in Cyprus. They are not aware – or do not want to be aware – of the extent of the impunity Turkey enjoys and how it has affected the wider region. And as long as the Turkish government is not brought to account for its crimes against Cypriots, other nations, women and children – will continue being at risk of similar crimes and atrocities at the hands of aggressive, tyrannical regimes.

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## **Kosovo Specialist Chambers**

**Kosovo Murder Trial Witness Refuses to Name Serb Crime Gangs (Balkan Transitional Justice)** By  
Xhorxhina Bami  
December 16, 2021

**The third witness in the trial for the 2018 murder of Kosovo Serb politician Oliver Ivanovic declined to name organised criminal groups that operate in northern Kosovo, saying he wanted to protect his own personal safety.**

A witness at the trial for the killing of Kosovo Serb political party leader Oliver Ivanovic told Pristina Basic Court on Thursday that he does not want to name the members of organised criminal groups that operate in the Serb-dominated north of Kosovo, which Ivanovic warned about before he was shot dead in 2018.

During his testimony, when asked to provide names of the organised criminal groups or their leaders, the witness constantly repeated: “For my personal safety I cannot answer this question.”

The witness, who the judges asked media not to name for security reasons and to avoid witness-tampering, said that “the [US] State Department has clearly stated what is happening with organised crime in the north [of Kosovo]”.

He was referring to the US imposition of sanctions on various Serbs from Kosovo in early December, including businessman Zvonko Veselinovic, who Washington described as an “organised crime group leader” dealing in illicit goods, money, drugs and weapons.

Sanctions were imposed also on Veselinovic’s brother, Zarko, and another controversial businessman, Milan Radojicic.

Radojicic and Zvonko Veselinovic have been accused of being the leaders of the organised criminal group that killed Ivanovic.

Radojicic, who is also the vice-president of Belgrade-backed Kosovo Serb political party Srpska Lista, is widely seen as the real power-holder in Serb-majority northern Kosovo. He has denied involvement in Ivanovic’s murder.

The witness told the court that he had also been the victim of an attack, and claimed no investigation had been launched even though he reported the incident several years ago.

“The Kosovo Police do not have authority in the north,” the witness said.

The first two witnesses in the murder trial also expressed concern for their safety during their testimonies and did not want to testify about Serb organised crime groups.

Four of the defendants in the trial – Marko Rosic, Silvana Arsovic, Rade Basara and Nedeljko Spasojevic – are accused of being members of a joint criminal enterprise that murdered Ivanovic.

Two police officers, Dragisa Markovic and Zarko Jovanovic, are also on trial, accused of evidence-tampering in the case. All of the defendants have pleaded not guilty.

Thursday’s witness also repeated what previous witnesses in the trial had stated – that Ivanovic had said publicly that he was being threatened, particularly during the 2017 municipal elections in Kosovo, when he was a candidate for mayor of the Serb-dominated North Mitrovica municipality.

Mahmut Halimi, the lawyer for defendant Marko Rosic, claimed after the hearing that the prosecution has not made any real progress to prove the involvement of his client in the murder.

“He’s charged with allegedly following [Ivanovic’s] every move before the murder and then being in contact with the executioners. But the allegations deviate greatly from the actual content of the evidence and what the witnesses have testified about so far,” Halimi told media.

Once seen as a hardline nationalist, Ivanovic had evolved into a political moderate who advocated coexistence between Kosovo’s Serb minority and Albanian majority. He had also become increasingly vocal in his criticism of the Belgrade government.

At the time of his death, he was being retried for ordering the murder of Kosovo Albanians during the war in Kosovo in 1999. He pleaded not guilty.

**Eight Arrested In Bosnian Sweep Against War Crime Suspects (rferl)** By RFE/RL's Balkan Service  
December 16, 2021

**Authorities in Bosnia-Herzegovina say they have arrested eight people suspected of involvement in the killing of dozens of people, including women, children and seniors, during the Bosnian War nearly 30 years ago.**

The suspects were detained in an operation launched across Bosnia early on December 16, the Investigation and Protection Agency (SIPA) said in a statement, adding that they will be handed over to prosecutors for questioning.

The agency said the eight were accused of committing crimes against humanity and war crimes against prisoners in 1992.

The case relates to the killings of almost 100 Bosniaks in the area around the southern town of Nevesinje. Many of the victims were women, elderly, children, and babies, according to the Prosecutor's Office.

It said the remains of 49 victims had been recovered so far, while a search is under way for the remains of at least 47 more.

The December 16 arrests are part of a series of similar operations conducted by SIPA in recent weeks.

More than 100,000 people were killed in the 1992-95 Bosnian War, which ended with a U.S.-brokered agreement that divided the country and its administration largely along ethnic lines among Bosniaks, Serbs, and Croats.

On December 7, SIPA announced it had arrested five former soldiers for committing crimes against Serbian civilians who were being held during the war.

Four days earlier, seven former members of the Serbian police were arrested for allegedly participating in the killing of 22 Bosniaks, including seven children.

On November 30, SIPA arrested nine people on charges of involvement in crimes against humanity, also related to the Bosnian War.

**Kosovo: Guerrillas’ Trials Begin at Hague War Crimes Court (Balkan Transitional Justice)** By Serbeze

**After years of preparation, the first trials of former Kosovo Liberation Army fighters accused of war crimes and witness intimidation opened at the Kosovo Specialist Chambers in 2021 – but the Hague-based court remained highly controversial.**

“Today marks a milestone for this institution and our work,” prosecutor Jack Smith said in his opening statement as Kosovo Liberation Army, KLA unit commander Salih Mustafa went on trial at the Kosovo Specialist Chambers in September this year.

Mustafa is charged with involvement in murder, torture, cruel treatment and arbitrary detentions of people of collaborating with enemy Serbs during the Kosovo war in April 1999. He has pleaded not guilty.

“You will see the victims of Mr. Mustafa were fellow Kosovo Albanians... They were not enemies of the state of Kosovo,” prosecutor Smith told the court.

The long-awaited opening of the first war crimes trial at the Hague-based court was followed by the start of the trial of the leaders of the Kosovo Liberation Army War Veterans’ Association, Hysni Gucati and his deputy Nasim Haradinaj, at the Specialist Chambers in October.

Gucati and Haradinaj are accused of obstruction of justice and witness intimidation related to caches of leaked documents from war crimes cases at the Specialist Chambers, which the two men received and urged media to publish. They have pleaded not guilty.

Although the Specialist Chambers are part of Kosovo’s justice system, established under pressure from the country’s Western allies, the so-called ‘Special Court’ is highly unpopular among Kosovo Albanians, who see it as an attempt to tarnish the KLA’s struggle for freedom from Serbian repression.

When the Specialist Chambers’ president Ekaterina Trendafilova visited Pristina in September, she was targeted by protesters, seven of whom were arrested. Opposition to the court could intensify even further next year, when high-profile figures including Kosovo’s ex-president Hashim Thaci are due to go on trial for war crimes and crimes and humanity.

Witness protection remains a key concern for the Specialist Chambers after previous trials of KLA ex-guerrillas at the International Criminal Tribunal for the Former Yugoslavia were marred by intimidation.

Trendafilova warned in a confidential briefing to European diplomats in February that there have been increasing efforts from within Kosovo to hinder legal proceedings at the Specialist Chambers, which could “put at stake the life, safety and security of people who have or will be willing to cooperate with us”.

Another lost year for missing persons’ families

“Another year went by, and nothing happened,” Agush Berisha told BIRN in December, referring to his two sons Rifat and Fehmi, who were 22 and 18 years old when they disappeared in 1999.

“It seems I will not live long enough to see them found,” said the 74-year-old at his home in Gjakova/Djakovica.

A week after the Kosovo war officially ended in June 1999, Berisha and his family were still hiding in a forest because they did not know the fighting was over.

“It was evening and night began to fall. Together with two neighbours, [Rifat and Fehmi] went to drink water from a nearby river. Very soon we heard gunshots,” Berisha said.

The whereabouts of his two sons’ bodies have never been established – and during 2021 there was yet again very little progress in finding the remains of around 1,600 people who are still listed as missing from the Kosovo war.

After EU-mediated talks between officials from Serbia and Kosovo in Brussels in September, it was reported that negotiators had come to some kind of agreement to open up their wartime military archives in order to help find the remaining missing persons.

Kosovo’s negotiator, deputy prime minister Besnik Bislimi, said he asked Serbia to open its Yugoslav-era military and police files to help find the locations of wartime mass graves of ethnic Albanians. Serbia has asked for the archives of the Kosovo Liberation Army to be opened up so that the bodies of Serbs who disappeared can also be found.

However, experts were sceptical about whether any progress had really been made. Some Kosovo politicians have insisted that

the KLA had no archives as it was a guerrilla force, while Serbia has classified some of the Yugoslav Army's archives as state secrets.

In September, Serbia handed over the remains of seven victims of a wartime massacre in the Kosovo village of Rezalla after they were found in a mass grave at an open-cast mine in Kizevak in southern Serbia. The Kizevak mass grave was the fifth such site to be discovered in Serbia since the end of the Kosovo war.

'Last moment to face up to the past'

In 2021, for the first time since the war ended more than two decades ago, Kosovo's Justice Ministry put together a team to devise a national strategy on transitional justice issues.

"This is the last moment to properly face up to the past. It's the last moment to address all that has happened. To gauge the damage. To repair. To fulfill the right to truth for victims of crime, survivors and their families," Prime Minister Albin Kurti said at the first meeting of the working group last month.

Officials said that a "comprehensive, victim-centred strategy" will be created, including a "programme of reparations, truth-telling, memorialisation and effective tools for survivors".

The move came two months after the Kosovo Government initiated the establishment of a new, government-backed Institute for Crimes Committed During the War, which is intended to properly document all the crimes committed during the conflict.

Amer Alija from the Pristina-based Humanitarian Law Centre said that 2021's initiatives are important, but it will take years to see concrete outcomes.

"We have seen similar initiatives not producing any results. The new Institute should work with a strong commitment to create a database that will collect, analyse and link all documents to victims, events, witnesses and perpetrators," he told BIRN.

A previous initiative to set up a Truth and Reconciliation Commission was initiated by President Thaci while he was in office in 2017, intended to provide the basis for dialogue between the country's divided communities. But it was left in limbo after Thaci was sent to the Specialist Chambers in The Hague to face charges.

In an attempt to boost prosecutions of war crimes in Kosovo itself, MPs in the Kosovo Assembly voted in May to allow trials in absentia in cases involving offences against international humanitarian law and international criminal law that were committed between January 1990 and June 1999.

Prosecuting suspects has been problematic because of a lack of judicial and policing cooperation between Kosovo and Serbia, which does not recognise its former province as independent.

Alija said that the Pristina authorities should make judicial cooperation a priority at the ongoing EU-mediated talks with Belgrade in Brussels, which are aimed at normalising relations.

"This is a key to prosecute war crimes successfully and to deliver justice for victims," he argued.

Abit Hoxha, a transitional justice researcher, claimed however that prosecuting suspects who live outside Kosovo doesn't necessarily mean that more war criminals will go to jail.

"This [amendment to the Criminal Procedure Code] is more a political step rather than an attempt to bring justice. The changes will not produce any results," Hoxha insisted.

Prime Minister Kurti also promised in May to revive the controversial idea of launching an international court case against Serbia for allegedly committing genocide during the 1998-99 war – despite experts' warnings that such a case is unlikely to succeed.

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## **Azerbaijan**

**Rep. Pallone pledges to pursue accurate reports on war crimes committed by Azerbaijan and Turkey (Public Radio of Armenia)** By Siranush Ghazanchyan



December 29, 2021

### **Congressman Frank Pallone pledges to push to ensure that accurate reports on crimes committed by Azerbaijan and Turkey are prepared.**

“The NDAA that President Biden signed yesterday includes important provisions aimed at holding Azerbaijan and Turkey accountable for the war crimes they committed in Artsakh. I will push to ensure the required reports are accurate in documenting these crimes,” Pallone said in a Twitter post.

The National Defense Authorization Act that passed the Congress earlier this month points to four specific Azerbaijani and Turkish transgressions:

1) US parts discovered in Turkish Bayraktar drones deployed by Azerbaijan against Artsakh 2) Azerbaijan’s illegal detention and torture of Armenian POWs 3) Jihadist mercenaries recruited by Turkey to fight alongside Azerbaijan against Artsakh 4) Ongoing Azerbaijani violence and violations of agreements and international law.

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## **MIDDLE-EAST**

### **Iraq**

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

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### **Syria**

**The researchers working to bring Syria war crimes to light (The New Arab)** By Paul McLoughlin  
December 22, 2021

**When the first protesters were gunned down on the streets of Syria in March 2011, the world witnessed their deaths through grainy videos uploaded onto the internet by activists.**

The Syrian regime, fearing that the mass pro-democracy uprising would lead to its overthrow, directed its security forces at the protesters, detaining and killing activists in their thousands.

Syria, largely closed to the outside world, became one of the first conflicts to be monitored, chronicled, and archived almost exclusively by citizen journalists and amateur researchers.

Thousands of miles away, investigators worked to verify footage of the mounting regime bombings, while others collaborated with Syrians on the ground to count the death tolls after Syria’s numerous massacres.

The work of these one-time amateurs paved the way for a new form of journalism that identified the weapons used on civilian populations, counted the dead, and recorded the names of those who had been disappeared.

It is hoped that one day their work will be used by victims to bring those responsible to account.

## Open-source journalism

Eliot Higgins, founder of open-source intelligence and investigative source Bellingcat, would see footage of bombings in Syria and Libya on social media almost every day.

From his home in the UK, Higgins used online tools and resources to determine the weapons used in these attacks and the locations of the massacres.

"It started as a hobby as I had been following what had happened in the Arab Spring. There was always a debate from one side or the other saying 'this video is fake', 'not it's not', but nobody was bothered to figure out if it was or not," Higgins told The New Arab.

"So, I started using satellite imagery to see where videos were coming from in Libya. I enjoyed it because one it increased my understanding of what was happening in the conflict and two I could share what I found."

At the beginning of the war in Syria, social media showed the growing ferocity of the regime's crackdown on the uprising, as sniper fire on protesters developed into the wholesale shelling of Syrian towns and villages. Eventually, gas was used to kill hundreds of civilians in opposition strongholds such as Ghouta.

Opposition activists documented these massacres with thousands upon thousands of photos and videos, while Assad loyalists would denounce the posts as propaganda.

Higgins set up the blog Brown Moses in 2012 to sift through the footage and determine their veracity. He set himself the task of writing one post a day, but this developed into a blog that was to be widely used by human rights groups and journalists covering the war in Syria.

"Over time I learned how social media was being used by Syrian opposition groups in a fairly systematic and organised way, so you could catalogue all the social media channels. I would go through them every day for the most interesting videos and because I didn't speak Arabic I focused more on the arms and munitions in the videos," he said.

"The following months and years it became obvious that there was more to this than an interesting blogpost. There were human rights and accountability (issues). With the launch of Bellingcat I began to focus more on how to get accountability."

## Fight for justice

Bellingcat became one of the foremost investigative journalism websites, uncovering information on the poisoning of Russian dissidents, the movement of missiles in Ukraine, and of course other developments in Syria and Libya.

This has coincided with actions taken in European courts by victims against alleged and convicted perpetrators of war crimes and corruption in Syria.

This includes a case filed by the Syrian Centre for Media and Freedom of Expression, Open Justice Initiative, and Syrian Archive in France against the Syrian regime for "war crimes" and "crimes against humanity", including the 2013 chemical attack in Eastern Ghouta.

In Germany, activists and victims of torture won a landmark case against a key Syrian regime intelligence officer under the principle of "universal jurisdiction", over the detention of protesters, leading to their torture and deaths.

"You know the expression history is written by the victors, I don't think this is going to be the case in Syria because there is such a collection of evidence that is publicly available, and accountability is being done"

The evidence collected by Syrian prison photographer Caesar when he defected in 2013 was crucial to the creation of a law that targets key regime figures and the businesses operated by them.

Future cases will likely rely not only on the testimonies of victims but also on the evidence presented by groups such as Bellingcat.

"I think we are going to see accountability through these processes rather than the International Criminal Court. You also have the work of the IIIM on Syria trying to gather evidence and create case files, verifying information from a variety of sources, including open sources," Higgins said.

"You know the expression history is written by the victors, I don't think this is going to be the case in Syria because there is

such a collection of evidence that is publicly available, and accountability is being done. I think a lot of this is due to people on the ground documenting this, and sharing it, from the early days of the conflict and that has allowed this to happen."

### Counting the dead

While journalists such as Higgins have worked to identify perpetrators of bombings and attacks in Syria, others have undertaken the grim task of counting the dead.

In January 2014, the UN admitted it was no longer updating its body count of Syrians killed in the war, after recording nearly 200,000 dead. In September 2021, the UN's human rights office issued its first death toll since then, documenting 350,209 deaths between March 2011 and March 2021.

While acknowledging this was "an undercount" the number appeared to be well below the figures given by most opposition groups over the past two years of around half a million dead.

The UN's estimate of 1 in 13 victims being women and children also appeared to be below the civilian death count of other monitors. The UN did not respond to The New Arab's request for clarification on its documentation process.

The Syrian Network for Human Rights (SNFHR) was among the groups that contributed to the UN report and is probably the most trusted of all Syria monitors due to its transparent methodology and openness.

It says it uses hundreds of trusted sources inside Syria to document and verify reports of civilian casualties, ensuring there was not a blank when the UN stopped updating its death tolls.

Fadel Abdul Ghany, chairman and founder of SNHR, realised at an early stage in the Syrian uprising that the Assad regime would fight tooth and nail to survive and so there was a need to document the casualties.

"It came to my mind after Syrian activists were disappeared by the Assad regime and extrajudicial killings started at an early stage in the war. After a few months, I was concerned about who is recording and archiving these killings and the disappearances. I didn't find anyone doing this job so using my private email, I began to do this," Abdul Ghany told The New Arab.

### Verification

Abdul Ghany found that the few groups monitoring the violence at the start of the war were politically aligned and unprepared for the devastation that would be unleashed by the Assad regime, which at one point would average well over 100 deaths a day.

"They expected Assad would fall very quickly so they didn't establish a department following and recording what was happening in Syria on a daily basis. At the Syria Network we did and built a database of the deaths," he said.

Abdul Ghany was well connected with a wide range of people in Syria, from civilians to leading activists, which became a crucial part of collecting and verifying information.

"I knew a lot of activists on the ground and that enabled me to collect information. Some of those activists are still members of the SNHR until now and we grew like a child and that can be seen (year-on-year) in our reports. We keep learning, and we keep expanding," he said.

His team has recorded 228,009 civilian casualties killed by all parties between March 2011 and September 2021 with the Syrian regime responsible for almost 88 percent of the deaths.

"The regime is the main perpetrator and that is the reality. It was the first perpetrator and they have used the security forces - with 200,000 people - and all their equipment. They have dropped thousands of barrel bombs, used fixed-wing planes, and shelled places across Syria."

### The number of dead

The SNHR documented 11,667 civilians killed by regime forces in 2011 as the repression of protesters escalated into the wholesale massacres of villages and the unsparing shelling of opposition towns as the uprising spread.

As the anti-government insurgency intensified in 2012, Syria witnessed the bloodiest year of the conflict with 65,982 civilians killed by regime forces, according to the monitor.

"The regime was shelling everywhere, crowded neighbourhoods, markets, hospitals so the regime killed this tremendous number of civilians," he said.

This dwarfed those killed overall in the war by the rebels (4,173), the Islamic State group (5,043) and Syrian Democratic Forces (1,310), who all lacked the air power and heavy weaponry of the regime.

Russia meanwhile killed 6,910 Syrian civilians when it entered the war in September 2015, while the US-led coalition campaign against IS resulted in at least 3,047 non-combatants killed, the monitor said.

"I think our figures represent the truth of what is happening on the ground. Of course, we missed some incidents on all sides, but overall, I think the percentage would remain the same and it would not change who the main perpetrator is," Abdul Ghany said.

The process of keeping track of those killed has proven an exhausting and macabre task for all those involved, but a vital one in keeping the memory alive of all those who have died in Syria.

For the future generations of tyrants, torturers, and militia leaders, it will also be a vital lesson that no matter the cost of victory in war there will be someone keeping track of all their crimes.

**France detains suspect in Syria chemical weapons probe (Associated Press)** By John Leicester  
December 27, 2021

**French investigators said Monday they have detained a man suspected of supplying authorities in Syria with materials that can be used in the production of chemical weapons.**

The dual French-Syrian national was arrested in the south of France while vacationing with his family and is being held on preliminary charges of complicity in war crimes and crimes against humanity, a French judicial official said. The official spoke on condition of anonymity to discuss the probe covered by legal confidentiality rules.

International investigators have blamed Syrian government forces for using toxic gas and nerve agents in the country's decade-long civil war. In April, member states of the global chemical weapons watchdog suspended Syria's voting rights at the organization as a punishment for the repeated use of toxic gas by Damascus.

The man detained in France is suspected of having used a transport company in France and the United Arab Emirates to supply materials to Syria in violation of an international embargo. The man was handed preliminary charges on Saturday and is being held in custody, the judicial official said.

The name of the man and his company weren't given. The judicial official didn't provide details about the materials he is suspected of transporting.

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## Yemen

**UN-backed investigator into possible Yemen war crimes targeted by spyware (The Guardian)**  
December 20, 2021

**The mobile phone of a UN-backed investigator who was examining possible war crimes in Yemen was targeted with spyware made by Israel's NSO Group, a new forensic analysis of the device has revealed.**

Kamel Jendoubi, a Tunisian who served as the chairman of the now defunct Group of Eminent Experts in Yemen (GEE)— a panel mandated by the UN to investigate possible war crimes — was targeted in August 2019, according to an analysis of his mobile phone by experts at Amnesty International and the Citizen Lab at the University of Toronto.

The targeting is claimed to have occurred just weeks before Jendoubi and his panel of experts released a damning report which concluded that the Saudi-led coalition in the Yemen war had committed "serious violations of international humanitarian law" that could lead to "criminal responsibility for war crimes".

Jendoubi's mobile number also appears on a leaked database at the heart of the Pegasus Project, an investigation into NSO by

the Guardian and other media outlets, which was coordinated by Forbidden Stories, the French non-profit media group.

The leaked list contained numbers of individuals who were believed to have been selected as potential surveillance targets by NSO's government clients.

The data suggests that Jendoubi was selected as a potential surveillance target by Saudi Arabia, which was a longtime client of NSO before it was dropped earlier this year after allegations that it abused the surveillance tool.

In a statement in response to questions about Jendoubi's case, an NSO spokesperson said: "Based on the details you have provided us we can confirm that Kamel Jendoubi was not targeted by any of our current customers".

Jendoubi, a human rights defender and opponent of former president Ben Ali's regime in Tunisia, was appointed by the Office of the UN high commissioner for Human Rights to lead a group of international experts to investigate human rights violations in 2017.

The UN mandate to investigate the possible war crimes came to an abrupt halt this October, after the members of the Human Rights Council voted to end the investigation.

Citing political and diplomatic experts with close knowledge of the matter, the Guardian reported earlier this month that Saudi Arabia used "incentives and threats" as part of a lobbying campaign to shut down the UN investigation.

Jendoubi told the Pegasus Project that the targeting of his phone marked the actions of a "rogue state".

"There are no other words. As international investigators, we are supposed to be at least protected. But I am not at all surprised. I've been apprehensive about this since 2019," he said.

"We knew that we [the panel] could be potentially targeted since the publication of our 2018 report. That report had created a shock in Saudi Arabia and the UAE. They did not expect such findings."

Jendoubi added: "They used all their propaganda, their media ... to defame us and discredit our work. Everything you would expect from them. Until the 2021 vote that ended our mission."

The investigator said he did not believe that his work had been compromised on the targeted phone because he had used another device to conduct his investigations. He said the targeting of his phone was indicative of a state that did not care about "commitments and minimum international rules".

Melissa Parke, an expert investigator on the GEE and former Australian MP, said in response to the news of Jendoubi's targeting: "If only this extraordinary technology and energy could be applied for the benefit of the people of Yemen, instead of the reverse. The calls for accountability for crimes committed in Yemen will only increase in the wake of these revelations."

The Pegasus Project approached Jendoubi after it was confirmed that his mobile number was listed in the leaked database.

Experts at Amnesty International's Security Lab and Citizen Lab, who research sophisticated digital surveillance attacks, found traces of Pegasus on Jendoubi's mobile phone, which also correlated to a timestamp in the database that indicated when the number was selected.

The experts said the forensic analysis showed that a client of NSO had attempted to hack the device.

There was no clear evidence that the mobile had successfully been hacked or data exfiltrated, however, because that data could not be retrieved.

If a phone is infected with NSO's signature spyware, called Pegasus, operators of the spyware have total access, including the ability to intercept phone calls, read text messages, infiltrate encrypted apps and track an individual's physical location. The spyware can also turn a mobile into a listening device by remotely controlling the mobile's recorder.

NSO has staunchly denied that the leaked database at the heart of the Pegasus Project is in any way connected to the company or its clients. NSO has also said that its government clients are only meant to use its surveillance tools to fight serious crime and terrorism and that it investigates credible allegations of misuse.

A spokesperson for the Saudi embassy in Washington did not respond to a request for comment.

The revelation that Jendoubi's phone was targeted drew a tepid response from the office of UN secretary general António Guterres. A UN spokesperson said Jendoubi was an independent expert and that the UN would leave it to him to comment more specifically on his own situation.

“More generally, regarding Pegasus, the UN has been in touch with relevant parties to ensure that our communications are protected. We take very seriously the need to uphold the security of all our communications and have been following up on all reports of potential hacking,” said Farhan Aziz Haq.

Rupert Colville, spokesperson for Michelle Bachelet, the UN High Commissioner for Human Rights, said: “The targeting of human rights defenders, journalists and politicians is just another example of how tools allegedly meant to address security risks can end up being weaponised against people with dissenting opinions.”

Agnes Callamard, the secretary general of Amnesty International, who previously served as a UN special rapporteur, called the news of Jendoubi’s alleged targeting “shocking and unacceptable”.

“That he was targeted in the course of inquiry into violations by all parties to an armed conflict and at the hands of a lead party to that conflict? That alleged conduct demonstrates far more than cynicism and callous disregard for the principle of accountability, although it certainly does that,” Callamard said.

“It suggests further reprehensible evidence of the Saudi authorities’ utter disregard for international law, their willingness to do anything to maintain their impunity, and it demonstrates yet again a complete disrespect for the United Nations, multilateral instruments and human rights procedures.”

### **Saudi-led strikes halt aid flights into rebel-held Yemen capital (France 24)**

December 21, 2021

#### **UN aid flights into Yemen's rebel-held capital Sanaa have been halted by air strikes carried out by the Saudi-led coalition which supports the government, an airport official said Tuesday.**

Because of coalition air strikes targeting the Huthi rebels, "the airport is no longer able to receive aircraft operated by the United Nations or international humanitarian organisations", the official told AFP.

Flights into Sanaa airport have been largely halted by a Saudi-led blockade since August 2016, but there have been exemptions for aid flights that are a key lifeline for the population.

The airport official, who asked not to be identified, called on the United Nations to secure a halt to the raids so that the airport could resume operations.

On Monday evening, the coalition said it had carried out "a limited number of precision strikes on legitimate military targets in Sanaa international airport".

"The operation was mounted in response to the threat and use of airport infrastructure to carry out cross-border attacks," it said in a statement carried by the official Saudi Press Agency.

Coalition aircraft hit six targets in the airport, including sites used to "control attacks by drones loaded with explosives" or to "train terrorist elements" for such operations, the statement said.

The coalition insisted that its strikes were "in accordance with international humanitarian law" and should have no impact on the airport's operational capacity.

Khaled al-Shayef, director general of Sanaa airport, told AFP that the "health quarantine quarters and warehouses to store export and import goods were destroyed".

A metal hangar and cement structures near an air traffic control tower were also destroyed, an AFP correspondent reported.

The Norwegian Refugee Council urged both sides to work with the UN to reopen the airport for humanitarian and commercial flights.

"Aid delivery to the airport is now at a standstill. We urge both the authorities in Sanaa and the Saudi-led coalition to keep Sanaa airport out of the crossfire and to ensure that it can function again for medical and commercial flights," NRC country director Erin Hutchinson said in a statement.

Tit-for-tat attacks The rebels have repeatedly launched missile and drone strikes against neighbouring Saudi Arabia, targeting the kingdom's airports and oil infrastructure.

They have intensified their strikes on the kingdom in recent months.

In August, a drone hit Abha international airport, wounding eight people and damaging a civilian plane.

And in October, Saudi state media reported that 10 people were injured in a drone attack on a civilian airport in the Saudi Red Sea city of Jeddah.

Saudi Arabia and its allies intervened in the Yemeni civil war in 2015, shortly after the rebels seized the capital Sanaa.

The conflict has led to what the United Nations has called the world's worst humanitarian crisis. Tens of thousands of people - most of them civilians -- have been killed in the war.

More than 80 percent of the population of around 30 million require humanitarian assistance.

A UN Development Programme report last month said the war will have claimed 377,000 lives by the end of the year through both direct and indirect impacts.

Nearly 60 percent of deaths will have been caused by consequences such as lack of safe water, hunger and disease, it said, suggesting that fighting will have directly killed over 150,000 people.

While the UN and Washington are pushing for an end to the war, the Huthis have demanded an end to the coalition air blockade of Sanaa airport before any ceasefire or negotiations.

"Last night's attacks on Sanaa airport will not change much for the millions of impoverished Yemenis who were already cut off from the rest of the world," Hutchinson said.

"But it should serve to open the world's eyes to the madness that is punishing millions of civilians who have no say in this conflict."

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## **Special Tribunal for Lebanon**

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

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## **Israel and Palestine**

**Israeli guards accused of brutal crackdown on female Palestinian prisoners (Middle East Eye)**  
December 20, 2021

**Prisoners' Club says women were beaten, dragged onto the floor, and put in solitary confinement**

Israeli guards in Damon prison have been accused of assaulting several female Palestinian prisoners, threatening them with pepper spray, and putting others in solitary confinement during a brutal crackdown.

The Palestinian Prisoners' Club, which monitors conditions of Palestinians in Israeli prisons, said female prisoners had many harsh measurements imposed on them by the Israel Prison Service over the past week.

On 14 December, prisoners refused to evacuate Damon prison's cell 11 when an officer demanded to search it.

This led to officers storming the cells, using force, and seizing electronic equipment from the prisoners, such as a radio and TV.

### Solitary confinement

The Prisoners' Club said the guards beat prisoners, dragged them on the floor, and have put Shorooq Douyat, Marah Bakir, and Muna Kaadan in solitary confinement.

Bakir acted as the prisoners' representative and led the refusal to exit the cell. Douyat is serving the longest sentence of all female Palestinian prisoners, having been given 16 years for a stabbing attempt in Jerusalem in 2015.

It is believed around a dozen prisoners were involved in the incident.

According to Addameer, another NGO that supports Palestinian detainees, there are 32 female prisoners held in Israeli prisons, mainly in Damon, near the city of Haifa.

The violent measures persisted for four days and prisoners reportedly objected by knocking heavily on their cell doors and refusing to take their meals.

Threatened with pepper spray The Prisoners' Club said that some of the women were lightly wounded during the assault and one prisoner became unconscious.

Israeli guards also cut electricity in the cells, threatened the prisoners with pepper spray, and removed the prisoners' hijabs, pulling their hair.

The Israel Prison Service told Middle East Eye: "During the previous week, there was an incident of disorder and discipline by inmates in the national security women's ward at Damon Prison. The prisoners involved were disciplinary sentenced to days of solitary confinement in accordance with procedures."

Four female prisoners in Cell 11, Maysoon Musa al-Jabali, Nurhan Khadr Awwad, Shorooq al-Badn, and Malak Salman, and Marah Bakir, the representative of the female prisoners in Damon, were banned from using the canteen or receiving family visits for a month.

In addition, all five were issued a 400 shekel (\$126) fine each as punishment.

Representatives of prisoners belonging to the Hamas and Islamic Jihad movements said they are on "high alert" to make "the jailer pay the price for assaulting" the women.

### **Israeli soldier fatally shoots 15-year-old Muhammad Da'adas in the abdomen (B'Tselem)**

December 20, 2021

**On Friday, 5 November 2021, at around 2:00 P.M., four teens from Askar Refugee Camp east of Nablus, including 15-year-old Muhammad Da'adas, set out towards the eastern outskirts of the village of Deir al-Hatab. They went to an area near the girls' school in the village, several kilometers east of the camp, where young Palestinians have been clashing with soldiers in recent weeks. When they arrived, there were some 25 soldiers spread out among the olive trees and about 30 Palestinian teens and young men throwing stones at them.**

According to eyewitnesses, about 10 minutes after the four teens arrived, one of the soldiers was hit in the face by a stone, to which the stone-throwers responded with laughter and ridicule. Immediately afterwards, the witnesses related, the same soldier fired a single bullet that hit Muhammad Da'adas in the abdomen. He was taken to hospital in Nablus, where he was pronounced dead a short while later.

According to the eyewitnesses, the soldier's fatal shooting of 15-year old Muhammad Da'adas was not a response to mortal danger posed to any of the soldiers by the stone-throwers. Rather, it was a response to the stone that hit him, to being mocked, or both. As such, the shooting is yet another outcome of the open-fire policy employed by Israeli security forces in the West Bank. This policy views lethal gunfire at Palestinians as an almost routine act that does not require exceptional circumstances – such as immediate danger to life that cannot be otherwise averted.

According to media reports, the military has launched an MPIU investigation. Yet experience shows that this investigation—like hundreds of others launched by the military – will not achieve justice for Da'adas and his family, nor will it deter other soldiers. Its sole purpose is to whitewash the killing and enable the security forces to continue using lethal violence against



Palestinians.

Below are testimonies that two of Da'adas' friends gave to B'Tselem field researcher Salma a-Deb'i two days after the incident:

Testimony of Hani Shalabi (14):

When we got to the school, I made my way towards the stone throwers. Muhammad and Jihad stayed back and stood watching what was happening from a distance. One of the teens threw a stone that hit one of two soldiers who were standing about 50 meters away from us in the face. I didn't see him bleeding, but he put his hand on his forehead. It must have hurt him. At that moment, everyone started laughing, and then the soldier fired a single bullet. I heard Muhammad groan in pain. I looked at him and saw him lying on the ground, bleeding from the stomach. Jihad shouted and called for help. One guy came, followed by another, and together they picked Muhammad up, carried him several dozen meters away and laid down him on the ground. We called an ambulance, but a woman who lives nearby heard us shouting, came out of the house and drove Muhammad to hospital.

I cried and said, "Hamuda (Muhammad's nickname) is gone." I had a feeling he would die. A kid from our camp came over and said to me, "Don't be scared. He'll pull through." We got in a taxi and went to the hospital. When we got there, Muhammad was in the operating room. I kept crying the whole time, especially when Muhammad's mother arrived, because he was her only son. He has two younger sisters. When we were told Muhammad was dead, I fainted. They put me in the ER to recover. When they let us see Muhammad to say goodbye, I kept on crying. I wanted to stay with him longer, but the room was full of his relatives and people from the camp who had come to the hospital.

Testimony of Jihad a-Sharqawi (14):

There were about 25 soldiers spread out behind the trees not far from us. We were about 35 young men and teens, mostly from the refugee camp and a few others from Deir al-Hatab. Some of the teens were throwing stones. About 50 meters away from us were two soldiers who weren't hiding. At one point, a stone hit one of them in the face. We all laughed and mocked him when it happened, and told him he was a coward.

In response, he immediately fired a single live bullet. I heard Muhammad groan in pain and asked him if he was joking. When I looked at him, I saw he'd put his hand on his stomach. He looked at me and raised his hand, and it was full of blood. I shouted and called for the guys to come help.

An older guy, maybe 20 years old, came and picked Muhammad up. Muhammad said, "I want my mother. Get my mother here." The guy said, "I'll bring her here," and then he ran with Muhammad in his arms. Another guy helped him.

I didn't know what to do. I was confused. I ran after them, shouting my head off, until we reached a road about 50 meters away. They laid Muhammad down on the road and I called an ambulance. I screamed over the phone and begged them to send an ambulance quickly.

Then I walked back to the refugee camp and from there, my cousin drove me to the hospital. When we got there, Muhammad was already in the operating room. In the evening, they announced he'd been killed. I cried a lot, hugged him and said goodbye to him. We've been friends for five years. I never expected something like this to happen. I thought he'd be treated and recover. It never occurred to me that he would leave us like that. That night, I couldn't sleep or eat. I felt my heart trembling.

Muhammad's mother, Najlaa Da'adas (36), was notified by a relative that Muhammad had been injured and rushed to hospital with her husband. In a testimony she gave B'Tselem field researcher Salma a-Deb'i on 15 November 2021, she recounted what happened next:

When I got to Rafidya Hospital, my mother and Muhammad's paternal aunt were already there. The hospital was full of people from the camp. I didn't understand anything except that my son was injured and was in the operating room. I thought he was lightly injured and would recover. A relative of mine who lost his son in a work accident about a month ago came over to me, grabbed my hands and said, "You're a woman of faith. You have to draw courage and think of Muhammad as a martyr." I pulled my hands away and said, "No, don't say that." Then I fainted.

When I woke up, everyone was trying to calm me down and console me. I told them I was calm, but that I wanted to see my son now. They took me to the refrigerator in the morgue, and that's there I saw Muhammad. I cried and couldn't believe my eyes. He looked like a sleeping angel. I kissed him and touched his hair. My family said they wanted to leave.

When we got home, our relatives and friends were there. I understood he was injured in the village of Deir al-Hatab, near the school, and that it wasn't the first time he'd been there. His father and I knew nothing about it. He went without telling us, because he was afraid we wouldn't allow him to go. The next morning, I asked to see Muhammad again. In the morgue, I recited verses from the Quran, kissed him and left. I came home alone, without my son, my beloved, my friend.

Nothing can express how I feel. Muhammad wasn't only a son, he was a friend and a beautiful dream. Ever since he was a little boy, he was smart and ambitious, with a good heart, and he loved people. He wanted to be a journalist. Just recently, he took a photography course and asked me to buy him a camera. I promised to buy him one when our financial situation improved, because it cost more than NIS 2,400 (~774 USD). He told me it was on sale, but a week ago he texted me that it had fallen through. At home, I asked him what had fallen through and he said, "The camera, the sale is over, I missed my chance to get it." He was sad. I told him that when things were better I'd buy him a camera, and said he knew I make 600 NIS (~194 USD) a month as a store salesperson in the camp. Now, since he's been killed, my husband has also lost his job because his permit to work in Israel was revoked. They said it was for security reasons.

Six days after Muhammad died, my father passed away. I took the news of his death so calmly that it surprised everyone. Since my son was martyred, I can no longer feel the pain of loss. There is no more pain after the pain over my son's death. I don't know how I can carry on living without him.

### **Majority of UN members back war crimes probe against Israel (Middle East Monitor)**

December 25, 2021

#### **A majority of 125 countries in the UN General Assembly backed on Thursday an unprecedented open-ended war crimes probe against Israel, news agencies reported.**

The probe was initially approved in May by UN Human Rights Council (UNHRC) in the aftermath of the Israeli aggression on Gaza that took place in May 2021.

The UNGA vote came after Israel asked to amend the UNHRC budget resolution so that the money for the probe be excluded from the overall UNHRC budget.

Only 8 countries voted in favour of the resolution, including Israel and the US, while 34 countries abstained.

Palestine's Permanent Ambassador to the UN, Riyad Mansour, commended the vote and all the countries that rejected Israel's proposal.

He thanked the UNGA for approving all budgets of the programmes relating to the Palestinian cause, including his request to increase funding to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA).

The US envoy to the UN, who voted against the probe, said: "The US will continue to oppose this [probe] and to look for opportunities in Geneva to revisit its mandate, which unfortunately was passed when the US did not have a seat on the UNHRC."

### **Israeli Knesset moves towards expanding the scope of the discriminatory Admissions Committees Law (Adalah)**

December 27, 2021

**The Legal Center for Arab Minority Rights in Israel called on members of the Ministerial Committee on Legislation to reject the proposal to expand the scope of the applicability of the 2011 "Admissions Committees Law." The law prescribes that communities in the Naqab (Negev) in the south and in the Galilee in the north of up to 400 households can operate admissions committees to determine who will be permitted to buy land or even to reside in the community. The law permits admissions committees to reject applicants because they are "socially unsuitable" to live in these communities based on the "social and cultural fabric of the town". The Committees, in practice, filter out Arab Palestinian applicants and others from marginalized groups. The proposed amendment is intended to expand the applicability of the Admissions Committees Law to community towns of up to 600 households and to communities located in additional areas, including the Occupied West Bank.**

In response to the proposed amendment, on 11 December 2021, Adalah sent a letter to the Ministerial Committee on Legislation and the Attorney General.

In the letter, Adalah Attorney Suhad Bishara argued that although the Israeli Supreme Court rejected the petition against the law filed by Adalah in 2011, the judgment was based on the ripeness doctrine in Israeli constitutional law – that the case was premature for decision - rather than on the merits of the arguments. Thus, the law, as it currently stands, is still subject to

constitutional review, especially that four justices of the Court ruled that the 2011 amendment to the law is, fully or partially, unconstitutional due to its disproportionate violation of the right to equality.

Additionally, Adalah argued that expanding the law's applicability to the West Bank constitutes annexation of occupied territories. The proposed bill seeks to replace norms of international humanitarian law and instead apply Israeli law to the Occupied West Bank in the field of land management, contrary to Supreme Court judgments and international law.

In the letter, Adalah cited the report of the UN Special Rapporteur on Adequate Housing concerning the right to non-discrimination published in October 2021. In his report, the Special Rapporteur expressed concern about the effects of discrimination – such as by the Admissions Committees Law - in housing faced by Palestinian citizens of Israel and by Palestinians living in the Occupied Palestinian Territory resulting in “direct and indirect segregation”.

Adalah Attorney Suhad Bishara stated:

"The Admissions Committees Law, as it exists today, legitimizes the filtering out of "undesirable" applicants and is a mechanism of racial segregation in Israel. The purpose of the proposed bill is to deepen and expand this vision of separation in the form of the principle of Jewish settlement, as it is also expressed in the Jewish Nation-State Law, to illegally annex to the state even more Palestinian territories in the West Bank."

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## Gulf Region

### **Houthi strike kills two, injures seven in Saudi Arabia's Jazan region (Radio Pakistan)**

December 25, 2021

**In Saudi Arabia, two persons were killed and seven others injured in a projectile attack by Houthi Militia on Jazan, a southern region of the Saudi Arabia bordering Yemen on Saturday.**

Saudi Arabia's civil defence said that hostile projectile was launched from inside Yemeni territory towards Samtah governorate in Jazan region.

The Arab Parliament has condemned the attack targeting innocent civilians.

They said this deliberate criminal act is considered an act of war crime and UN must take firm stances towards these acts and hold the perpetrators accountable.

Meanwhile, the Saudi-led Arab coalition launched a large-scale operation in Yemen on Saturday after a projectile fired by Houthi rebels killed two people in Saudi Arabia's Jazan region.

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## **ASIA**

### Afghanistan

## **War Crimes in Afghanistan Require Accountability (Fair Planet) By Shadi Kahn Saif**

December 17, 2021

**The whole world, and the citizens of the NATO-bloc countries in particular, must hold their governments accountable for the inhumane suffering caused by the failed democratisation experiment that their countries conducted in Afghanistan, which cost so many lives on all sides. The once-ferocious Taliban group are now ruling Afghanistan while the invading NATO forces are back safely at home - however the Afghan citizens who have endured the relentless turmoil of the past two decades have been left stranded to face the aftermath of the vicious war. The emerging repercussions of the Taliban's rise to power and the failed democratisation attempt are quite grim to say the least.**

World citizens must question their governments about why the Taliban regime was toppled in the first place, in 2001, if it was later allowed to retake power after 20 years, during which homes, schools, mosques, wedding and funeral ceremonies were bombed by forces of all sides. It is the unfortunate reality of our world that such mighty powers cannot be inquired or held accountable for whatever course of action they decide and execute with such sweeping command.

This is absolutely not meant to justify the other warring party or the regional hostile elements that continue to oppress the Afghan people through their fanatic ideas and brazen strategic interests. The powers involved in the invasion promised the Afghan people a future of peace and prosperity that resulted in mutual collaboration and great sacrifices in the hope to realise it.

It's true that there were loopholes, corruption and petty politics; however, that did not call for such an abrupt rush towards the exit and then a freezing of all the state's assets to pressure and discipline the Taliban.

The Taliban, the United States military and Afghan security forces were all responsible for the attacks that resulted in extensive civilian suffering before the country's government collapsed earlier this year, Amnesty International said in a new report this month.

The report documents torture, extrajudicial executions and killings by the Taliban during the final stages of the conflict in Afghanistan, as well as civilian casualties during a series of ground and air operations by the Afghan National Defense and Security Forces (ANDSF) and US military forces. Homes, hospitals, schools and shops were turned into crime scenes as people were repeatedly killed and injured.

Amnesty International has demanded that the International Criminal Court reverse its 'misguided decision' to deprioritise investigations into US and Afghan military operations, and instead follow the evidence on all possible war crimes, no matter where it leads. We all need to ask those in power quarters: where are the justice and accountability for the twenty years of bloodshed in Afghanistan?

### **Analysis: Afghanistan crimes prove US pro-rights, counterterrorism claims invalid (AhlulBayt News Agency)**

December 19, 2021

**Defending human rights and freedoms globally has been one of the most glaring slogans various US administrations trumpeted for decades to justify their policies. Even at times, building on self-proclaimed role of world police, Washington posed as a justice enforcer.**

The facts on the ground, as well as the American behavior and actions, however, show that there is distance between reality and claims, and there have been times when the country itself violated justice and human rights in various world parts.

The latest witness to these violations is murdering of 10 innocent Afghan citizens in an attack following the American occupation forces' withdrawal and Taliban takeover.

On August 29, the US forces, during withdrawal from Kabul airport attacked a vehicle, killing 10 civilians including 7 children, claiming that they identified and attacked one of the masterminds of a suicide attack on the airport carried out three days earlier. The Pentagon initially tried to justify the attack, but after aspects went clear, the drone strike was acknowledged as a mistake. Pentagon Press Secretary John Kirby stated that Washington offers condolence compensations to the families of drone strike.

Following the Pentagon's confession to botched strike, trial of the military personnel involved was expected to take place inside the US and or even by international court.

"None of the military personnel involved in a botched drone strike in Kabul, Afghanistan, that killed 10 civilians will face any kind of punishment," New York Times reported on Monday, citing a Pentagon statement. The decision has a translation: Human rights and justice have never been the case in the American foreign policy and that the White House only instrumentalized them for decades.

Terrorist actions and testing arms under counterterrorism ruse

Starting from the 2000s, raising counterterrorism agenda, the US administrations carried out killings and tested their newly-developed arms in other countries. The so-called mistaken attack was a show of anti-ISIS and terror fight in the last days of presence in Afghanistan. Although the attack took life of the prominent Afghan aid worker Zamari Ahmadi and members of his family, the American government waged a media show conveying that Washington is committed to anti-terror war even if the attack was a mistake.

According to the UN figures, more than 32,000 civilians have been killed in Afghanistan's military conflict over the past 18 years. The revelation of the criminal face of the US forces discredits the claims about striking the terrorism in Afghanistan over the past two decades, and possibly like the August incident, the civilians have been the main victims of the American weapons tests.

But the important thing is that none of the US military crimes are prosecutable. The crimes in Afghanistan are rejected or hidden from media outlets, and if disclosed, judicial actions are blocked.

US disregard of international rights advocacy institutions

Since long ago, the Americans have been giving no credibility to the rulings and decisions by human rights organizations and international courts should they conflict with their interest, going against their claims of defending human rights. An example case is the International Criminal Court's looking into killing of the Afghanistan civilians.

In early March last year, ICC, a permanent international court prosecuting genocides, war crimes, and crimes against humanity, gave a green light to an investigation into possible American war crimes in Afghanistan. In the case, the US troops in Afghanistan were accused of committing war crimes against civilians in Afghanistan. Following this decision, time's US President Donald Trump boycotted the ICC. He threatened its prosecutors that they would face economic sanctions from the US if they investigated the actions of US troops in Afghanistan without Washington's consent. The sanctions against the judges included assets freeze and travel ban on them and their families.

Although Joe Biden repealed Trump's sanctions on the two senior ICC officials, Washington kept denouncing the court's decisions on Palestine and Afghanistan. Although the ICC ruling is non-binding to the US, it gives publicity to the genuine nature of the American presence in various countries and brings in spotlight the American crimes to the world public opinion. However, Afghanistan future government would possibly not allow this crime case go cold and seriously pursue it as part of its international agenda.

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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**

**UN-backed court drops genocide charges against ex-Khmer Rouge commander (France 24)**

December 17, 2021

**The Khmer Rouge, also known as the Communist Party of Kampuchea, sought to**

**transform Cambodia into an agrarian utopia, but instead killed as many as two million people.**

Ex-navy commander Meas Muth was charged in 2015 with genocide against Cambodia's ethnic Vietnamese minority during Khmer Rouge rule from 1975 to 1979.

He was also charged with torture, premeditated homicide and crimes against humanity, although wrangling between Cambodian and international judges meant he was never summoned to appear before the court.

The Extraordinary Chambers in the Courts of Cambodia (ECCC), as the tribunal is formally known, was set up with UN backing in 2006 using a mix of Cambodian and international law.

It has convicted three people and cost more than \$300 million.

The court announced Friday it was terminating the case against Meas Muth "in the absence of a definitive and enforceable indictment".

Cambodian judges had argued Meas Muth was too junior to fall under the court's jurisdiction of trying senior Khmer Rouge leaders.

The leader of the Khmer Rouge, "Brother Number One" Pol Pot, died in 1998 without facing trial.

While the Khmer Rouge starved, executed and worked to death up to a quarter of the population, the tribunal did not consider genocide charges in relation to the Khmer victims, but only in regards to the ethnic Vietnamese and Cham Muslim minority groups.

"Brother Number Two" Nuon Chea, considered the Khmer Rouge's chief ideologue, was jailed for life in 2018 after being found guilty of genocide against the minorities as well as a litany of other crimes, including forced marriages and rape.

He was sentenced alongside the regime's former head of state Khieu Samphan, who launched an appeal in August against his genocide conviction and a decision is due next year.

The court also secured a conviction against the Khmer Rouge's interrogator-in-chief Kaing Guek Eav, better known by his alias Duch, who died behind bars.

Strongman Prime Minister Hun Sen -- himself a former Khmer Rouge cadre -- has spoken against any further cases at the tribunal, claiming it would plunge the country into instability.

"The hybrid court will end soon," he said on Wednesday.

**ECCC dismisses Case 004 against Yim Tith (Khmer Times)** By Son Minea  
December 29, 2021

**The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) dismissed the International Co-Prosecutor's request to send Case 004 against Yim Tith to trial on Tuesday.**

This follows last week's dismissal of a case against Meas Muth.

The Chamber unanimously determined that the "International Co-Prosecutor's Appeal of the Pre-Trial Chamber's failure to send Case 004 to trial as required by the ECCC legal framework" was admissible in the interests of justice.

The application was considered by the majority of the Chamber, which announced three decisions.

Firstly, they rejected the International Co-Prosecutor's view that Case 004 be sent to trial, noting that the Co-Investigating Judges and the Pre-Trial Chamber did not issue an Indictment in compliance with internal rules against Tith.

Secondly, they confirmed that the Pre-Trial Chamber concluded Case 004 when it issued its Considerations. Their third point was to clarify that Case 004 is terminated in the absence of a definitive and enforceable indictment.

In the one dissenting opinion, Judge Maureen Clark concluded that "the Pre-Trial Chamber's decision has no validity and ought to be quashed for its irrationality.

Tith, also known as Ta Tith, was accused of genocide of the Khmer Krom people and crimes against humanity in case 004,

which judges have been working on for more than eight years.

The tribunal confirmed the conclusion of judicial investigations against Tith for alleged crimes committed between April 1975 and January 1979.

The investigation against another suspect in Case 004, Ao An, was split off to create Case 004/02.

An was charged with premeditated homicide and crimes against humanity, including the genocide of the Cham ethnic minority, but died in November 2020.

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## **Bangladesh International Crimes Tribunal**

### **Argentine case into crimes against Rohingya begins (Dhaka Tribune)**

December 17, 2021

#### **A representative for Myanmar's Rohingya minority community testified in an Argentine court Thursday as a part of an investigation into alleged crimes against humanity by the Asian country's military rulers.**

The court agreed to investigate the allegations based on the principles of universal jurisdiction, which holds that some acts -- including war crimes and crimes against humanity -- are so horrific they are not specific to one nation and can be tried anywhere.

A 2017 army crackdown on Rohingya Muslims in Myanmar, which the UN says could amount to genocide, has triggered an exodus of more than 740,000 members of the community, mainly to Bangladesh.

"Recently they announced new orders of restrictions for the Rohingya people," Tun Khin, president of the British-based Burmese Rohingya Organisation UK, told reporters outside the court in Buenos Aires ahead of the hearing.

"We worry that the situation may get worse so that is very important that we push the international community seeking justice, not only this court, but other cases for the international community to support."

Other proceedings against Myanmar and its leaders are already under way at the International Criminal Court and the UN's International Court of Justice.

It is not the first time Argentine courts have taken up cases of universal jurisdiction, having done so in relation to ex-dictator Francisco Franco's rule in Spain and the Falun Gong movement in China.

In August, six women testified remotely to the court from refugee camps in Bangladesh, claiming to have been the victims of sexual violence and to have lost family members during the crackdown.

In a statement, the UK Rohingya organization said, "Tun Khin's testimony will focus on his personal history, which in many ways reflects the tragic modern history of the Rohingya people."

His parents were forced into exile in Bangladesh in 1978, and Khin himself left Myanmar in the 1990s after he was unable to attend university "simply because he was a Rohingya," the statement said.

On Thursday, Khin said he appreciated the humanitarian aid the Rohingya have received, but that he wanted more support for court cases and much "stronger action... to restore the rights of the Rohingyas and to stop this genocide."

Myanmar denies committing genocide, justifying the 2017 operations as a means of rooting out Rohingya militants.

### **Do more to resolve Rohingya crisis: UN envoy in Bangladesh (Aljazeera)**

December 20, 2021

**A special rapporteur of the United Nations says the international community should build a better partnership with Bangladesh and cut off the Myanmar military leadership in dealing with the Rohingya refugee crisis.**

“Bangladesh cannot and should not bear this responsibility alone,” Tom Andrews, the UN’s Special Rapporteur on the human rights situation in Myanmar, told a news conference in Dhaka on Sunday.

“The cause of this crisis and the ultimate resolution of this crisis is not here in Bangladesh, but in Myanmar.”

The Rohingya are an ethnic group, more than 700,000 of whom fled persecution and violence in neighbouring Myanmar in August 2017. Since then, Bangladesh has been sheltering nearly a million refugees in crowded camps near its coast.

Bangladeshi officials say the crowded nation of more than 160 million people is overburdened because of the refugee crisis.

Andrews met with Rohingya refugees, officials of the international aid agencies and Bangladesh officials to review the refugee crisis in the country.

“I will do everything in my capacity to push for a stronger, more coordinated international response to this crisis, including the imposition of pressure on the Myanmar military and for concrete measures to hold the military junta fully accountable for this crisis,” he said.

He said the international community, if necessary, should block sources of revenue Myanmar’s military is receiving. A UN-sponsored investigation in 2018 recommended the prosecution of Myanmar’s top military commanders on charges of genocide, war crimes and crimes against humanity for the violence against the Rohingya.

“It’s a large military (in Myanmar) and it’s very formidable, but large militaries take significant resources to supply and sustain. I think that the international community can do a much better job of identifying sources of revenue that are flowing into the coffers of this military junta and perpetuating these atrocities,” he said.

During his mission, the UN envoy also met with refugees relocated to Bhasan Char, a flood-prone island some 60km (37 miles) away from the mainland.

In October this year, the UN and Bangladesh’s government signed an agreement to work together to help relocate Rohingya refugees to the remote island. More than 19,000 Rohingya have already been moved to the island from the cramped camps.

“Nearly every Rohingya person I spoke with on this mission, whether in the Kutupalong camps or on Bhasan Char, wants to return home as soon as they can do so voluntarily, safely, sustainably, and with dignity. They want to go back home,” Andrews said.

He, however, said the relentless assault by the Myanmar military government against its own people as well as systematic clearance in the country’s Rakhine State continued till today.

“This means that the conditions for the safe and sustainable, dignified return of Rohingya to their homeland currently do not exist. It’ll take considerable time and significant efforts to create such conditions in Myanmar,” he said.

Andrews also said Bangladesh’s decision to close schools for Rohingya refugees risks leaving “an entire generation” of Rohingya children “practically uneducated”.

Bangladesh authorities this week ordered the closure of “unauthorised” education centres in the border camps. The order came during Andrews’s visit.

“I am deeply concerned to have learned of a new policy, promulgated while I was here, that would close all private schools in the camps,” he told reporters.

Bangladesh’s foreign ministry said the order will not affect about 3,000 learning centres for children in camps supported by UNICEF. It claimed the move had been made to halt the operations of schools “promoting radicalism and engaged in illegal activities”.

Angered Rohingya activists in the camps have taken to social media to protest the decision in lieu of public protests, which have become difficult since security was boosted after the murder of a top camp leader in September.

The New York-based Human Rights Watch said about 30,000 children will lose their access to education if Bangladesh does not reverse the closures.



**ICT publishes 81st report on crimes against humanity during liberation war (The Financial Express)**  
December 28, 2021

**The International Crimes Tribunal (ICT of Bangladesh) has released the 81st report on crimes against humanity during the War of Liberation, 1971.**

The investigation agency on Tuesday released a full investigation report against four persons from Lalmonirhat on charges of crimes against humanity including murder, looting, and torture, arson, and destruction during the War of Liberation, reports BSS.

In a press conference at the office of the investigation agency in Dhanmondi, the chief coordinator of the investigation agency M Sanaul Haque published the report.

The four accused are Md Enamul Haque alias Maulvi Bahej Uddin, Mohammad Jalaluddin, Nurul Haque and Azahar Ali.

A total of four charges have been filed against them.

In charges, it was said that in four incidents in 1971, a total of 12 innocent pro-liberation civilians were killed, detained, and tortured and 30 houses were looted and destroyed.

The 104-page investigation report was published in three volumes.

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## **War Crimes Investigation in Myanmar**

**‘Burn it all down’ How Myanmar’s military razed villages to crush a growing resistance (The Washington Post)** By John Reed  
December 23, 2021

**For decades, Thantlang had known peace. The town’s mostly Christian residents cherished their home among mountains in northwest Myanmar, where they hosted an annual soccer tournament. At Christmas, they would feast.**

All that changed after a military coup in February. Chin state, which includes Thantlang, had emerged as an unlikely stronghold for the resistance as Myanmar spiraled toward civil war.

A Facebook user live-streamed fires ripping through buildings in Thantlang on Sept. 18. (Obtained by the Washington Post)

In August, the military summoned town elders to deliver a warning. A commander “repeatedly told us that the town will be burned down to ash if we do not cooperate with them,” said a pastor from one of Thantlang’s churches, speaking on the condition of anonymity for fear of retribution.

When the shelling began less than a month later, residents rushed to live-stream the carnage. Rebel fighters had ambushed junta forces, killing several soldiers, and the military responded by bombarding the town and setting more than a dozen mostly wooden homes on fire on Sept. 18. Almost all of the town’s people fled, abandoning homes and possessions. Videos of Thantlang taken roughly a year apart capture the devastation left by the fires, which ripped through the town’s main corridor.

That was just the start.

Facing armed resistance after it seized power, the military, known as the Tatmadaw, has escalated its use of force against civilians using tactics honed during past atrocities. A Washington Post analysis of more than 300 videos and photos, some not previously made public, as well as satellite imagery, eyewitness accounts and military planning documents, reveals a premeditated campaign of arson and killing targeting civilians in Chin state beginning in September.

Military planning documents shared exclusively with The Post show that the attacks were planned as early as June, and that

soldiers were authorized to “clear” the region — similar to orders in the 2017 operation against Rohingya Muslims. The documents, supported by visual evidence, implicate commanders in atrocities for the first time since the coup. The military government did not respond to a request for comment.

In Thantlang, The Post found that over the course of three months, the military returned multiple times to raze most of the buildings along the town’s main road. After the shelling and fires in September, soldiers came back the next month, looting abandoned homes, grabbing sacks of rice, cash and liquor. On Oct. 29, they turned to arson, setting homes and churches ablaze, according to eyewitness accounts and visual evidence.

“Everything they warned us about has been happening to our town and to us,” said a Thantlang town elder who attended the August meetings.

Only a few villagers and about 20 children in an orphanage outside the town were left to witness the acts that late October day. Pu Pan Hike, the sole adult man in Thantlang at the time, was watching from a peephole as troops used a catalyst to start the fire.

“One house, two homes, three and then four — fires started breaking out in all of them,” he said.

When Pu Pan Hike realized his home would be torched, too, he hid with his elderly mother and her friend in a mud pit beneath the residence and stayed there until the soldiers left that evening.

At least four fires were visible in drone video taken on the day Pu Pan Hike’s home was burned.

Now, around 2 million square feet have burned, according to The Post’s analysis of available imagery. That represents roughly 30 percent of Thantlang, or about 600 of the town’s 2,000 buildings. Almost all of the town’s shops and businesses were destroyed, according to the Chin Human Rights Organization.

Since the September fires, the military has burned significant portions of at least three other villages, including civilian homes and religious buildings, and killed more than 10 civilians, among them Christian leaders in Chin state. The targeting of religious minorities also recalls the Rohingya campaign, the subject of a genocide investigation by the International Court of Justice.

“The orders are simple: just clear the insurgency,” said Hin Len Piang, a former clerk to the deputy commander in charge of the Chin state operation who defected from the military in October over moral opposition to these tactics. Ground troops, he said, were granted “total immunity.”

The fires and troop movements debunk the Tatmadaw’s assertions that rebel fighters started the blazes. The military’s actions in Chin add to evidence that it is committing crimes against humanity and war crimes, according to two legal experts who reviewed material shared by The Post. “For them, the collateral damage is not collateral — it is the point,” said Tom Andrews, the United Nations’ special rapporteur on Myanmar. “This is overwhelming force, directed at civilian targets.”

At least one group has submitted evidence to the International Criminal Court that Min Aung Hlaing, the commander in chief of Myanmar’s military, is committing crimes against humanity. The U.N. Independent Investigative Mechanism for Myanmar (IIMM), established to investigate the gravest crimes against international law allegedly committed by the military since 2011, has received 220,000 pieces of evidence since the coup.

“When you use different tactics and they result in crimes against civilians on occasion, you can say that was unexpected,” said Nicholas Koumjian, the head of the IIMM and a former prosecutor of war crimes in countries including Cambodia and Bosnia. “When it happens repeatedly, it becomes clear that the person or persons are carrying out a policy.”

‘Special clearance operation’

As resistance to the junta grew, rebel groups formed the People’s Defense Force as an armed wing of the ousted government, stretching the resources of a military already fighting ethnic armies in border regions.

Hin Len Piang was working in April at the Tactical Operations Command in Hakha, the capital of Chin state, when rebels from the town of Mindat began fighting back against soldiers with hunting rifles and other weapons.

Hin Len Piang is a former clerk to the deputy commander in charge of the Chin state operation. He defected from the military in October for moral reasons.

The rebels, who called themselves the Chinland Defense Force, killed dozens of soldiers after ambushing their trucks before they could reach Mindat. The military used heavy artillery and helicopters to shell the town, sending more than 10,000 residents fleeing. But with superior knowledge of the territory, and a strong allegiance to ousted leader Aung San Suu Kyi and

her National League for Democracy, the rebels fought back.

The events in Mindat led the military to send reinforcements to Chin, Hin Len Piang said. As a clerk, he was also a personal assistant to the deputy commander of the Tatmadaw's Northwestern Regional Military Command, Myo Htut Hlaing, and acted as a go-between among ground troops and senior commanders.

"They believed they totally lost control in Mindat for a while, so they were preparing to avoid such a situation again," Hin Len Piang said in an interview. Troops began to arrive in June, including Light Infantry Division 11 and Infantry Battalion 222, Hin Len Piang said. Documents he shared with The Post, signed by the director of operations for the military's Northwestern Regional Command, confirmed Light Infantry Division 11 was ordered to Chin state in June.

A separate document Hin Len Piang shared with The Post shows that the military authorized a "special clearance operation" in Chin that "shall commence between 4 Oct 2021 and 17 Oct 2021." Troops were ordered to use up to "ground zero level as needed," according to the document — putting no restrictions on soldiers and mirroring the terminology ahead of the Rohingya crackdown.

By early October, military convoys that included armed infantry fighting vehicles and dozens of cargo trucks were traveling from the town of Kalay into Chin state, taking the route outlined in the documents that would eventually lead to Thantlang.

Writing on the wall

As soldiers moved through Chin state, they left little doubt about the purpose of their mission. They set fire to areas of at least three other villages along the road between Falam and Hakha by Oct. 25, destroying some 34 buildings, including the entire town of Rialti, according to an analysis of satellite imagery obtained by The Post.

After fires Oct. 25 in the village of Taal, 40 miles from Thantlang, the troops left ominous messages on the walls of homes. "We will burn it all down," read one message that referenced Chin's main rebel organizations, the People's Defense Force and Chin National Front. They burned nearly a quarter of the village that day.

By October, as fires were burning through Chin state, Thantlang was largely deserted. Town elders and the rest of the 10,000 residents had fled to neighboring villages and some across the Indian border after the fires on Sept. 18.

The risks of returning had become clear on Sept. 29, when five town elders tried to retrieve some of their belongings with permission from the military. They were ambushed as they turned to leave; two were killed.

"They had informed the soldiers that they were returning to Thantlang," said one of the town's pastors. "So there was no way soldiers mistook the car. It must have been intentional." Photos provided to The Post of the truck in which Thantlang's leaders had been traveling show the windows shattered and tires deflated. In images from the scene, the truck's body appears to have been sprayed with bullets and a remnant of an MG2 40mm rifle grenade is visible next to a small pool of blood.

One soldier assigned to Thantlang, Lance Cpl. Aung Kyaw Nyein from Infantry Battalion 222, first appeared in the town in late August, according to geolocated photos from his Facebook page, which has since been removed. Material from his page was first archived by Myanmar Witness, a group that collects and verifies instances of rights abuses.

Aung Kyaw Nyein, a soldier with the Myanmar military assigned to Thantlang, posted this video to Facebook on Oct. 14. (Aung Kyaw Nyein/Facebook) Aung Kyaw Nyein posted several photos and videos to his Facebook page, where he said there is no need for mercy and compared the rebels to jihadists — similar language to that used previously by the military to refer to the Rohingya.

By mid-October, around the time of Aung Kyaw Nyein's video, only three people were left in Thantlang township: Pu Pan Hike, his elderly mother and her friend, in their 70s and 80s, respectively. Both in ill health and devoted Christians, the friends were unwilling to leave, convinced that no harm would come to them if they trusted in Jesus.

Pu Pan Hike said soldiers broke into his grocery store and other shops in Thantlang. Then, they set buildings on fire. Drone video provided to The Post shows several dark figures around the entrance of Thantlang Baptist Church after the first fires were set. Over the next few hours, the church burned to the ground.

"Soldiers are supposed to protect people," he said. "I didn't expect the soldiers were capable of causing this type of disturbance to people."

Photos posted to Aung Kyaw Nyein's Facebook page show him and another soldier looking out over Thantlang as it burned.

Richard Horsey, senior adviser on Myanmar to the International Crisis Group, said these tactics have long been part of the military's playbook.

“This is the essence of Tatmadaw counterinsurgency tactics: You target their support base,” Horsey said. “If you want to stop food from going to the insurgents, you deprive the broader community of food. And if you don’t want them to operate in the community, you make sure there’s no community there.”

The People’s Defense Force has continued to attack soldiers in Chin state. Local media reported in November that Aung Kyaw Nyein had been killed by rebels.

Pu Pan Hike stayed in Thantlang, hiding, until rebels evacuated him on the evening of Oct. 29. With the town in ruins, soldiers returned — venturing farther south and destroying at least 200 buildings in an area previously untouched, according to satellite imagery from Dec. 18.

Previously unreleased visual evidence reviewed by The Post shows soldiers and military vehicles circling buildings before and after they were burned, including another church. The town was otherwise empty, negating the military’s argument that resistance fighters were responsible for the fires.

Priya Pillai, an international lawyer who reviewed The Post’s evidence, said the military’s actions probably constitute crimes against humanity. Destroying churches would also violate the laws of war and international conventions that Myanmar has signed, Pillai added. Atrocities continue to be reported across Myanmar. In the Sagaing region bordering Chin state, villagers this month found the remains of 11 charred teenagers in a pile. They were tied together, shot, and their bodies burned.

**Worldly, charming and quietly equipping a brutal military (The Seattle Times)** By Hannah Beech  
December 24, 2021

**Three years ago, the Kyaw Thaung family partied at the Pegu Club. The venerable Burmese Irish clan had restored the teak-lined establishment to its 19th-century glory. The Pegu Club project befitted the family’s East-meets-West positioning and the optimism of a country newly engaging with the world.**

As Myanmar’s military dictators ended decades of isolationism, the Kyaw Thaungs seemed to embody the perfect mix: an august family with a long history of charitable giving that was committed to the kind of business reforms needed to coax a corrupt, closed country into the global economy. But the main source of the family fortune, purported vaguely to be from property and import-export companies, was concealed behind a facade.

For all their efforts to differentiate themselves from the drug lords and business cronies who dominated Myanmar’s economy, the Kyaw Thaungs were quietly equipping one of the world’s most brutal militaries. Their partnership with the Tatmadaw, as the Myanmar military is known, deepened even as its generals committed ethnic cleansing against Rohingya Muslims. And it continued into this year, when the army staged a coup and seized full power of the country, killing more than 1,300 civilians so far, in the estimate of a monitoring group.

Jonathan Kyaw Thaung, the scion, was the public face of the family. As he chased Tatmadaw contracts, he hobnobbed with the family of Senior Gen. Min Aung Hlaing, the military chief who orchestrated the coup. He met with the Myanmar air force commander at the 2015 Paris Air Show, where the military leader checked out Pakistani fighter jets that ended up in the Tatmadaw’s arsenal. A Kyaw Thaung family business bid to help supply the military with spare parts for Russian attack helicopters that have been used to strafe civilian populations resistant to the coup.

Even the renovation of the Pegu Club depended on a deal in which the Kyaw Thaungs had to pay at least \$510,000 a year to a military conglomerate, the agreement for the club shows.

An investigation of the Kyaw Thaung family by The New York Times — based on interviews with dozens of former company employees, business associates, military insiders and family members, as well as thousands of pages of corporate filings, contracts, tenders and other financial documents — exposes a vast web of military procurement that was strategically hidden from the public. The family, best known for its charitable foundation, was profiting from its close ties to the Tatmadaw and helping the military avoid scrutiny by Western governments.

At cocktail parties and business forums, the family talked up international business standards, like rigorous governance, corporate social responsibility and open tenders. Behind closed doors, the Kyaw Thaungs, charismatic, Western-educated and English-speaking, relied on the kind of insider deal-making with the Tatmadaw that has enriched an entire class of cronies in one of Asia’s poorest and most repressive nations.

Ultimately, the story of the Kyaw Thaungs parallels that of Myanmar: a country of vast potential foiled by a ruthless military and the families willing to compromise themselves in pursuit of its riches.

The Kyaw Thaungs capitalized on their family ties to secure lucrative contracts supplying the military with European aircraft and a French coastal surveillance system. They bid for a deal to provide Italian guns to the navy, according to a former company employee and an email discussing the offer. A relative, a former general who served as both energy minister and the chair of the national investment commission, formally approved deals that Kyaw Thaung companies made with military-linked businesses or with the military itself.

To obscure the real font of their wealth, they set up a tangle of companies in jurisdictions ranging from the British Virgin Islands to Singapore. Some of these opened and closed with a single deal, and they depended on ownership structures that at times masked the involvement of family members.

Some of the family's military procurement was devised to evade Western export controls meant to prevent the Tatmadaw from strengthening its command, according to international sanctions experts and five former company employees. The coastal radar technology, for example, could have run afoul of such rules; it was operational when Rohingya Muslims tried to escape a military massacre that United Nations investigators say could constitute genocide.

One of the family's companies donated more than \$40,000 to the Tatmadaw for what the United Nations described as a cover-up of the site of ethnic cleansing. A 2019 U.N. report on the military's persecution of the Rohingya highlighted that contribution.

In interviews, Jonathan Kyaw Thaung, 39, denied impropriety, saying his relations with the military were no more than any business operating in Myanmar. He said his relatives, his father included, did not supply military equipment to the Tatmadaw and said other families were the country's real arms dealers.

#### Family ties

The Kyaw Thaungs grew up as part of a comfortable, well-connected set that was protected as Myanmar's generals turned the country inward.

The family's initial fortune came from jute, a natural fiber that is used to make rope and twine. The jute mill was nationalized during the military's disastrous venture into socialism after its first coup in 1962.

Burma, once lauded for its fine schools and polyglot cosmopolitanism, sank into penury. The ruling junta renamed the country Myanmar. Jonathan Kyaw Thaung's father, Moe Kyaw Thaung, was sent to Northern Ireland, where he escaped Myanmar's privations. His siblings scattered to Thailand, Singapore, the United States and Britain. The family's graceful villa in Yangon moldered, as did the rest of the country.

But even as many of them headed abroad, the family remained connected to Myanmar and traveled there to do business. Their path back was eased by the extended family tree, which included high-ranking Tatmadaw officers, Cabinet ministers and confidants of junta chiefs. A cousin married Zeyar Aung, an urbane, English-speaking general who led the Northern Command and the 88th Light Infantry Division, both of which the United Nations has tied to decades of war crimes against Myanmar's own people.

Myanmar's patronage networks are a tangle of roots that bind family trees. Generals' children tend to marry within tight circles, perhaps to other military progeny or the offspring of business cronies.

As the Tatmadaw began loosening control over the economy, engaging in a fire sale of assets that had once been the military's fief, that elite class of the well-connected swooped in to profit. Jonathan Kyaw Thaung returned to Myanmar, along with siblings and cousins who had also been raised overseas.

In September 2017, with the violence against the Rohingya provoking international alarm, Ky-Tha, Moe Kyaw Thaung's business group, arranged a meeting between a representative of Safran, a Paris-based aviation and defense manufacturer, and top officers of the Myanmar air force, according to a leaked document provided by Justice For Myanmar, a watchdog group that investigates Tatmadaw business dealings. The meeting centered on Tatmadaw helicopters, including the Russian-made MI-17, a gunship deployed against the Rohingya and other ethnic minorities.

Safran declined to comment. It is unclear whether the discussions led to a servicing deal. Jonathan Kyaw Thaung said he had never heard of Safran.

#### Flying under the radar

The European-made helicopter appeared destined for the Myanmar oil and gas industry.

But the \$2.16 million helicopter on sale in Brazil was not meant for commercial purposes, as a Kyaw Thaung contract

indicated. It ended up with the Tatmadaw, the true recipient hidden behind falsified paperwork.

At one point, Myanmar's Department of Civil Aviation wrote in a letter to Brazilian authorities that the aircraft would be used for "Tourism and Oil and Gas industry." The letter was based on drafts with handwritten annotations provided by the KT Group, according to the foreign employee and copies reviewed by the Times.

A Tatmadaw officer was listed as a customer on separate internal paperwork for the helicopter, which was reviewed by the Times.

A letter from MWG, a Kyaw Thaug aviation company, requesting visas for six Brazilian crew members to enter Myanmar to deliver the helicopter was addressed not to civil aviation authorities but to the commander in chief of Myanmar's air force. The letter, which was also reviewed by the Times, specified that MWG would be handing over the Eurocopter to the air force.

When the foreign employee and the Brazilian crew arrived in Myanmar, he said they were met on the tarmac by about 20 men in blue uniforms who swarmed the helicopter, marveling over its features. The employee said he confronted Jonathan Kyaw Thaug when he returned to Myanmar, expressing discomfort at the deception.

Jonathan Kyaw Thaug declined to comment on the deal.

In 2015, the Singapore branch of a Kyaw Thaug company signed a deal to supply the Tatmadaw with a coastal radar technology system made by Thales, the weapons maker partly owned by the French government. The sales agreement for the surveillance system, called the Coast Watcher 100, was part of the leaked documents provided by Justice For Myanmar.

The Coast Watcher 100, which spanned a long coastline, required towers 50 meters high affixed with state-of-the-art radar. A British radar expert, who had worked on projects for Thales in Afghanistan and Iraq, was brought in to direct the project. A French former defense attaché was hired as a general manager for international business development and now works at Thales.

As the Rohingya crisis intensified, the Coast Watcher 100 was operational on Myanmar's western flank, which became the site of the world's fastest exodus of refugees in a generation. The Tatmadaw swept through Rohingya villages, killing and raping civilians. To escape, Rohingya piled onto rickety boats. The Tatmadaw caught craft after craft.

In September 2017, during the frenzy of the Rohingya crisis, the Kyaw Thaug company arranged for Thales representatives to meet with senior officers of the Navy, another leaked document provided by Justice For Myanmar shows.

In a statement to the Times, Thales said that it "does not sell defense systems to Myanmar." Jonathan Kyaw Thaug denied any knowledge of the Thales system.

It is not clear whether the Coast Watcher 100 was specifically used for tracking the Rohingya. But the system, which can pick up the presence of a small raft, had clear military applications during the exodus of refugees.

Maintenance of the Coast Watcher 100 continues. Leaked defense budgets for 2020-21 show allocations of more than \$160,000 for servicing the radar system. The previous year, \$120,000 was spent for the same purpose, a record of foreign currency transactions shows, part of the trove from Justice For Myanmar.

Such outlays most likely contravene the European Union trade embargo on the Tatmadaw that targets equipment that might be used for repression, said Siemon Wezeman, a senior researcher at the Stockholm International Peace Research Institute and an expert in Tatmadaw procurement. The trade ban was strengthened in 2018 after the Rohingya massacres, cracking down on so-called dual-use products with either civilian or military purposes.

"The Rohingya are a coastal group, and automatically anything that is checking coastal waters would be for checking for movement of the Rohingya and might be used for repression, end of story," Wezeman said, referring to the Thales surveillance system.

**Myanmar army kills more than 30 on Christmas Eve 'massacre' (Report Door)** By James Thompson  
December 26, 2021

**More than 30 — including women and children — were fatally shot in Myanmar on Christmas Eve by junta soldiers who then burned the bodies, according to a human rights group and opponents of Myanmar's military.**

International human rights group Save the Children accused the Myanmar military of killing at least 38 people in Eastern Myanmar on Friday. Two of the group's staffers who were performing humanitarian work in the area got "caught up" in the slaughter and are missing. "Save the Children condemns this attack as a breach of International Humanitarian Law. We are

horrified at the violence carried out against innocent civilians and our staff, who are dedicated humanitarians, supporting millions of children in need across Myanmar,” the group’s executive director, Inger Ashing, said Saturday.

“Investigations into the nature of the incident are continuing but attacks against aid workers cannot be tolerated.”

International human rights group Save the Children accused the Myanmar military of killing at least 38 people.

The killings took place near Hpruso Township 70 miles east of Myanmar’s capital, Naypyidaw. Unverified pictures of the aftermath viewed by the New York Times and Associated Press show charred bodies in the back of three fire-damaged trucks.

Opposition party Myanmar’s National Unity Government labeled it a “Christmas massacre in Karenni state,” saying Myanmar soldiers “detained an unconfirmed number of [villagers] and travelers and destroyed their properties.

“As the world celebrates Christmas and its message of peace, the NUG repeats its demands on the international community to act immediately and decisively to end the military junta’s escalating war crimes and crimes against humanity against the Myanmar people,” the party said in a statement.

“It’s a heinous crime and the worst incident during Christmas,” said Banyar Khun Aung, director of the Karenni Human Rights Group. “We strongly condemn that massacre as a crime against humanity.”

One anonymous witness told the Associated Press the victims’ bodies were severely burned, and that children’s and women’s clothes as well as medical supplies and food were found at the scene.

“The bodies were tied with ropes before being set on fire,” said the witness.

The gruesome killings come after the Myanmar army took full control of the country in a Feb. 1 coup against the democratically elected government of Aung San Suu Kyi, and has cracked down against its opponents. On Dec. 6, Suu Kyi was sentenced to four years in prison. The massacre also comes after opponents of military rule in Myanmar staged a “silent strike” earlier in the month.

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## AMERICAS

### North & Central America

**Pentagon Building New Secret Courtroom at Guantánamo Bay (NYT)** By Carol Rosenberg  
December 29, 2021

**The Pentagon is building a second courtroom for war crimes trials at Guantánamo Bay that will exclude the public from the chamber, the latest move toward secrecy in the nearly 20-year-old detention operation.**

The new courtroom will permit two military judges to hold proceedings simultaneously starting in 2023.

On those occasions, Khalid Shaikh Mohammed and the four other men who are accused of plotting the attacks of Sept. 11, 2001, would have hearings in the existing chamber, which has a gallery for the public.

Smaller cases would be held in the new \$4 million chamber. Members of the public seeking to watch those proceedings at Guantánamo would be shown a delayed video broadcast in a separate building.

It is the latest retreat from transparency in the already secretive national security cases at the base, where the military and intelligence agencies have been restricting what the public can see. That includes forbidding photography of sites that were

once routinely shown to visitors and declaring both populated and emptied wartime prison facilities off limits to reporters.

In Guantánamo's current war court chamber, which opened in 2008, members of the public watching the proceedings live hear the audio on a 40-second delay, time enough for the judge or a security officer to mute the sound if they suspect something classified has been said.

That allowed spectators in the gallery in January 2013 to see the puzzled look of an Army judge after the C.I.A. remotely cut off video feeds of the proceedings. Another time, only observers in the room saw guards bring an uncooperative defendant into court strapped to a restraint chair, with a soldier following behind carrying his prosthetic leg.

In 2018, guards set up a hospital bed inside the courtroom for a disabled defendant that could not be seen on video feeds.

But the new courtroom, in what is described as a cost-saving measure, has no such gallery. Only people with a secret clearance, such as members of the intelligence community and specially cleared guards and lawyers, will be allowed inside the new chamber.

As a workaround, the court staff is designing a "virtual gallery with multiple camera angles simultaneously displayed," said Ron Flesvig, a spokesman for the Office of Military Commissions. The public would be escorted there to watch the proceedings, streamed on a 40-second delay.

During recesses in the current courtroom, lawyers and other court participants often engage with reporters and relatives of victims of terror attacks, routine contact that would be lost with the "virtual gallery." So would the ability for a sketch artist to observe the proceedings live.

The construction plan illustrates continuing improvisation at Camp Justice, the court compound at Guantánamo, where the military has been using modular structures and tents since 2007 to avoid building more permanent structures, which require congressional approval.

The second court was designed before President Biden took office with an administration-wide goal of ending detention operations at the base at Guantánamo Bay. It is being built in the United States for assembly at Guantánamo and is expected to be up and running in the middle of 2023, Mr. Flesvig said.

Meantime, workers can be seen at the court compound preparing a space adjacent to the existing courtroom for the new one. But Defense Department officials have yet to decide where to put the virtual gallery, or calculate its cost, he said.

The new court has room for just three defendants, too small for the Sept. 11 case, unless the judge severs some of the five defendants from the joint capital punishment trial.

The plan does, however, allow for a scenario of two death-penalty cases being tried at the same time. In the Sept. 11 case, reporters and victims would watch live. But family members and shipmates of the 17 sailors killed in the Qaeda suicide attack of the destroyer Cole off Yemen in 2000, who routinely attend sessions, would be kept away from the court with other observers, watching video feeds.

It appears to be tailor made for the conspiracy murder trial of three men who were recently charged in two terrorist bombings in Indonesia in 2002 and 2003 that killed more than 200 people. Lawyer James R. Hodes, who represents the lead defendant, Eneep Nurjaman, who is known as Hambali, said that even at the current court, access has been far from open.

Public viewing at Mr. Hambali's arraignment in August was strictly controlled by the military, which decides which reporters, law students or human rights advocates can board a Pentagon charter plane to travel to the base. The military also controls access to two remote video sites inside the Pentagon or at Fort Meade in Maryland.

"I've observed trials in Mongolia that were more transparent than this," Mr. Hodes said.

To be sure, some secrets have been declassified, particularly in the death-penalty cases, which have been mired in pretrial hearings for about a decade.

A medical expert recently testified in open court about the post-traumatic stress of a prisoner who was waterboarded by the C.I.A. in 2002. Previously, the doctor's descriptions of the trauma would have been consigned to a classified session that excluded both the public and the prisoner.

Separately, the intelligence services permitted open court discussion of something that defense lawyers had known for years: Under a secret agreement, the C.I.A. requisitioned nine F.B.I. agents and temporarily made them agency operatives to interrogate prisoners in a network of black sites where the C.I.A. used torture in its interrogations. The agreement is still classified, but the intelligence agencies last month permitted its existence to be known.



But the new courtroom reflects a trend toward what appears at times to be a peculiar pick-and-choose transparency.

For example, for 17 years the military routinely took visiting journalists to the detention facilities where most captives are kept, but required them to delete photographs that showed cameras, gates and other security procedures. Then, the military undertook a consolidation that moved Mr. Mohammed and other detainees who were held by the C.I.A. from a secret site to the maximum-security portion of those once showcase facilities — and declared the entire detention zone off limits to journalists.

Their empty, formerly C.I.A.-controlled prison is off limits to reporters too. Defense lawyers who are seeking a preservation order on the site describe it as a rapidly deteriorating facility that was clearly unfit for the prisoners and their guards. One military lawyer who visited there recently described carcasses of dead tarantulas in the empty cellblocks.

In 2019, a Marine judge, prosecutors and defense lawyers discussing a new triple-wide, wheelchair accessible holding cell at the court used the expression “jumbo cell” — derived from a Miami Herald article — 30 times in a single court hearing.

Security officers subsequently sent word that the nickname for the cell, essentially a description of a security measure, could no longer be spoken in open court. The prohibition continues, although the military showed reporters the new jumbo cell before a hearing on the 20th anniversary of the Sept. 11 attacks.

“This is an ad hoc classification system,” said James P. Anderson, the security specialist assigned to the defense team of Abd al-Hadi al-Iraqi, who has spent nights in the cell at the court complex. “Things that used to be unclassified become classified just because the person reviewing it is uncomfortable with its use. It defies all reasonable logic.”

On the evening of Oct. 28, an anonymous government official sent word to the judge that a paragraph should be censored from a statement a prisoner was about to read to a military jury about his torture by the C.I.A.

The judge considered the request and refused, noting that the statement was not classified.

In it, the prisoner Majid Khan quoted Jose Rodriguez, the former C.I.A. counterterrorism director, as saying in a newspaper article that “mistakes were made” in the operation of a particularly grisly C.I.A. prison known as the Salt Pit. Mr. Khan was tortured there in 2003.

In November, U.S. Marines escorted reporters and others to the fabled Northeast Gate, a passageway to Cuban-controlled territory.

For this visit, the sightseers were told they could take selfies at the often photographed gate but were forbidden to post or publish them.

To reach the gate, motorists drive past the remains of Camp X-ray, Guantánamo’s first wartime detention site, now a weed and rodent infested labyrinth of cells made of chain link fencing. Military officials for a time forbade reporters from filming there, invoking unspecified security reasons. A senior official intervened. Now, reporters who find themselves at the base on Jan. 11 can take pictures there — 20 years to the day of the arrival of Camp X-ray’s first prisoners.

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## TOPICS

### Truth and Reconciliation Commission

**Truth Commission wraps up 29 war-era cases of atrocities, victims unhappy (Kathmandu Post)** By Binod Ghimire  
December 25, 2021

**The Truth and Reconciliation Commission has concluded investigations into over two dozen cases providing compensation to the victims of the Maoist insurgency.**

Based on the commission's recommendations, the Cabinet last week decided to provide Rs2.32 million in compensation on 29 complaints with a maximum of Rs500,000. Purna Prasad Poudel from Surkhet district, who is a victim of illegal detention and destruction of property, will receive Rs500,000 in compensation.

Mana Dahal, a member and spokesperson for the commission, said in addition to the compensation, the victims in 29 other cases will receive reparation which includes interest-free loans, skill development training and scholarship for education. The government, however, is yet to decide on the reparation.

"We recommended compensation and reparation after a detailed investigation into 29 cases," she told the Post. "These cases have been closed and prosecution will not be necessary."

Formed in February 2015 to investigate the war-era crimes and atrocities, the commission has received 63,718 complaints.

In around seven years after its formation, the commission has conducted preliminary investigations of nearly 4,000 complaints and completed detailed investigations of just 29 cases.

Dahal said they are conducting detailed investigations of around 600 complaints.

The commission currently has prioritised the complaints that do not need prosecution.

Cases like brief detention and destruction of property fall under the category which can be settled through reparation and compensation. The cases of gross violation of human rights, however, need prosecution.

Officials at the commission say they recommended the compensation based on the Enforced Disappearances Enquiry and Truth and Reconciliation Commission regulation and the gravity of cases.

The conflict victims say while it is good that the commission is concluding the investigation, the basis on how the victims were compensated must be transparent.

"The commission hasn't revealed as to how someone was compensated," Janak Raut, a former general secretary of the Conflict Victims Common Platform and a victim of torture, told the Post. "Above all, the victims must be satisfied with the commission's decision."

Talking to the Post last month, Ganesh Datta Bhatta, chairperson of the commission, had claimed the victims are satisfied with the recommendation from the commission. He had claimed that their recommendation for compensation was higher than the victims' expectations.

The victims, who would be receiving the compensation, however, have a different say.

Poudel said the compensation is much lower than the loss he suffered.

The then Royal Nepal Army, according to Poudel, seized his two vehicles and looted jewelry items while he had to spend over a million in treatment as he was tortured in an army camp in Bardiya.

“Half a million rupees is very less compared to the losses I suffered while the commission also hasn’t booked the person involved in arresting and torturing me,” he said.

Poudel further said that the commission never communicated to him as to what made it determine the compensation sum at Rs 500,000 and let off the army personnel who tortured him without any action.

The officials at the commission, however, say they recorded a statement from the accused army officer, who is retired now, and there was no evidence to prove his involvement in the case.

“There was no proof to establish Poudel’s claim and some of his claims were contradictory,” said Dahal, the commission spokesperson.

Human rights lawyers aren’t convinced with the investigations conducted by the commission. They say the accused will never accept that s/he has committed the crimes they are accused of, and that the commission must find circumstantial evidence.

“I am not convinced with the detailed investigations by the commission,” Gyanendra Aran, a human rights lawyer who has filed several cases on the behalf of the victims, told the Post. “The commission must be transparent in its actions.”

**Gambian Ex-Dictator Faces Prosecution for Human Rights Abuses (National Interest)** By Trevor Filseth  
December 29, 2021

**An independent report released by the Gambian Truth, Reconciliation, and Reparations Commission (TRRC) on Friday, December 24, has concluded that former Gambian dictator Yahya Jammeh should be tried for human rights abuses.**

The report directly implicated Jammeh, accusing him of personal responsibility for a series of murders, incidents of torture, and rapes committed during his two decades as president of The Gambia, the small West African state surrounded on land by larger Senegal.

“Over a period of 22 years [...] Yahya Jammeh and [...] co-perpetrators committed very serious crimes against the people of The Gambia,” the report read—citing the twenty-two years of Jammeh’s rule, from his accession to power in a military coup in July 1994 to his downfall in early 2017. After losing an election to current president Adama Barrow in December 2016, Jammeh initially accepted the result, then changed his mind and forced Barrow to flee the country, leading to a military intervention from five neighboring nations which sent Jammeh into exile and allowed Barrow to accede to the presidency. Barrow comfortably won re-election in December 2021, in a contest that was certified as free and fair by the African Union and the European Union.

It is unclear what further steps the Gambian government will take to advance Jammeh’s case. The country’s Justice Minister, Dawda Jallow, indicated that the government was “committed to the implementation of the report,” but that it would carefully consider what to do next and would make a further announcement in May 2022.

The report noted the political difficulty of holding Jammeh’s trial within The Gambia, where the former leader remains popular in some areas. As alternative venues, it proposed holding a tribunal in Senegal, where former Chadian leader Hissene Habre was convicted of war crimes in 2017, or sending Jammeh to the International Criminal Court (ICC) in The Hague.

Since his 2017 exile, Jammeh has lived in Equatorial Guinea as a guest of that country’s leader, Teodoro Obiang, who has also been accused of widespread human rights abuses. It is unclear if Equatorial Guinea would extradite him if charges were pressed.

Jammeh has denied all wrongdoing and has remained active in Gambian politics during his exile, endorsing Barrow’s opponent and calling in to his political rallies during the 2021 election, to the president’s frustration.

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**He pleaded guilty in a terrorism case and did his time. Now the government wants to strip him of his American citizenship (Washington Post)** By Hannah Allam and Razzan Nakhlawi

December 18, 2021

**In the summer of 2018, Abdulrahman Farhane and his family were living together again for the first time since “the problem,” their delicate term for the federal terrorism sting that began after the Sept. 11, 2001, attacks and led to his decade-long imprisonment.**

Farhane’s six children, now adults, had grown up with the fallout: FBI agents raiding their apartment in Brooklyn. Long road trips to visit their dad in prison. The soothing words of their mother, Malika, when the stain of the case cost them job opportunities and made them pariahs at the mosque.

The family always maintained that the case was unjust, counting Farhane, a Moroccan-born naturalized U.S. citizen, among those they believe were persecuted in the government’s post-9/11 roundup of Muslims, which often relied on controversial sting operations. Farhane said he pleaded guilty to conspiracy to launder money and lying to agents to avoid the risk of an even longer sentence; he said his attorney had warned him that no Muslim would get a fair trial.

After serving 11 years, Farhane won early release in 2017, and by the next summer, the constant fog over the family had begun to lift. They allowed themselves to glimpse a future beyond “the problem.”

Then a letter arrived from the Justice Department, delivering a new blow.

“Dear Mr. Farhane,” it began. There was a lot of legal jargon, but the most important part was clear: The government plans to “revoke your United States citizenship.”

Farhane’s former attorney had not told him that a guilty plea could jeopardize his citizenship under laws that allow the government to reverse naturalization in certain cases. For decades, that punishment has been largely reserved for war criminals — naturalized Americans stripped of their citizenship for lying about participating in atrocities in, for example, Nazi Germany or the Balkans.

Farhane, now 67, was released just as the Trump administration was expanding the practice in overtly political ways, causing alarm among critics who argued that it defied the Supreme Court’s view of citizenship as virtually untouchable. In a 2017 bulletin to federal prosecutors, Attorney General Jeff Sessions encouraged stepped-up denaturalization, calling it “a crucial link” in immigration enforcement.

In its first two years, the Trump administration filed nearly three times the average number of civil denaturalization cases opened over the previous eight administrations, according to an Open Society Justice Initiative report, “Unmaking Americans,” published in 2019. The report concluded that “such measures are now applied almost exclusively to marginalized communities,” in a campaign targeting people based on their race and religion.

“The denaturalization statutes, already heavily flawed, are far too elastic to safeguard the rights of naturalized Americans in the face of this unprecedented and highly problematic new form of targeting,” the report stated.

In February, a month after taking office, President Biden issued an executive order on immigration that included a directive for agencies to “review policies and practices regarding denaturalization and passport revocation to ensure that these authorities are not used excessively or inappropriately.”

Since then, there’s been no word on the status of such a review, immigration analysts say. The Justice Department declined to comment.

To the Farhane family, the letter from the government felt like a trapdoor that dropped them back into their old life of anxiety and uncertainty. Only one of the six siblings, 38-year-old Salah, was willing to speak on the record; the others said they fear backlash or just want to move on. Some are delaying marriage and homeownership until it’s clear whether all of them can remain in the United States.

Farhane’s fate now lies with a federal appeals court that is weighing his argument of ineffective counsel, an urgent effort to save his citizenship and that of his two children who became citizens through him. It could take months or longer for the court to issue a ruling.

If Farhane loses, the family faces another open-ended separation. If he wins, there's a different risk — a vacating of the 2006 guilty plea would mean the government could prosecute him anew, potentially exposing him to more prison time.

For the family, the complex legal battle comes down to one question: Farhane is an American who has served his time, so why is the government still going after him?

“We're constantly trying to escape that period,” Salah said, “and they're constantly trying to drag us back in.”

### Becoming Americans

Farhane's journey from Casablanca to Brooklyn began with serendipity — or destiny, as the family sees it.

Farhane's father died when he was young, forcing him to drop out of high school to support the family. He found solace in martial arts, he said, and eventually became a nationally renowned competitor. The Moroccan government offered him the opportunity to travel abroad for training. When he found long lines at the French Embassy, Farhane said, he decided on a whim to try the U.S. Embassy.

He was granted a visitor's visa in 1989 and returned a couple of more times on brief trips in the early '90s. Then, in 1995, Farhane won the visa lottery, a State Department program that randomly selects applicants for green cards, and moved to the United States for good, with his wife and four young children following soon after. In New York, the couple had two more children. Of the four older siblings, two were naturalized through Farhane and are the ones at risk in the pending case.

Within a year of his arrival in 1995, Farhane bought an Islamic gift shop from an Egyptian friend; he sold books and incense to Muslims who frequented a nearby mosque on Atlantic Avenue in Brooklyn. Photos from the family's early days in the United States show them on strolls and picnics near the Brooklyn Bridge, the kids smiling as they posed next to a Bugs Bunny character or showed off school diplomas.

Farhane said his biggest reason for moving to the States was to give his children the educational opportunities he missed out on in Morocco. His wife, Malika, also was eager to figure out her new country, quickly learning English and making friends in her citizenship classes.

“We were happy. How could I have felt unhappy with these people?” Malika said, referring to the Americans who befriended her. “They pushed me and said, ‘Don't be scared, you're going to learn.’”

That carefree period ended with the terrorist attacks on Sept. 11, 2001. Like other U.S. Muslims, the Farhanes said, they barely had time to grieve along with their fellow Americans — fellow New Yorkers — before they felt the backlash.

That same day, Farhane said, an angry man stormed into his store, threatening him. Another time, the parents called the police after a stranger unleashed a dog on one of the girls, whose hijab identified her as Muslim. Malika, who also wears a headscarf, gave birth to her youngest child the February after the attacks; she said the joy was overshadowed by worry that her newborn might be mistreated in the hospital.

“After 9/11, there was no life for us,” Malika said of the fear that coursed through Muslim communities. “You walk in the streets but you're not walking, you're wooden. You don't even feel your body.”

For a public-speaking class during his freshman year at college, only weeks after the attacks, Salah said, he wrote about how Islam doesn't condone violent actions like those of the hijackers.

“I was nervous — it was my first time speaking in front of the whole class, but I felt I had to do it,” Salah said. “I had to let people know: This is where we stand.”

In the aftermath, with the nation in mourning and the national security apparatus reeling from deadly intelligence failures, agents fanned out across the country to hunt for Islamist militants and their enablers.

Farhane's shop came under surveillance when an FBI informant — a Yemeni man named Mohamed Alanssi — told authorities that the owner held “radical views of Islam,” according to court documents.

Starting that December, three months after the attacks, Alanssi began secretly recording conversations with Farhane, first inquiring about Islamic charities and gradually building up to asking him to help send money to militants overseas for “wireless communications and advanced weaponry,” prosecutors said. Investigators also found contacts for suspected militants, including one who was linked to bombings in Saudi Arabia and Morocco, in an address book belonging to Farhane, prosecutors said.

In court papers, Farhane denied involvement in plotting terrorism and emphasized his lack of criminal record or ties to any

militant group. At his first court appearance, Farhane insisted he was innocent, telling the judge, “I didn’t do anything. This is my country. I love my country.”

Throughout the case, Farhane’s lawyers have attacked Alanssi’s credibility, portraying the informant as a money-hungry “con man” who led their client into discussions of militancy that he never sought and made him uncomfortable. In 2004, Alanssi made his own headlines when he set himself on fire in front of the White House, saying that the FBI had failed to pay him for his services.

“Had Alanssi never come into his life, probably you never would have heard of Mr. Farhane,” Farhane’s then-attorney Michael Hueston said, according to court transcripts.

Fearing a worse outcome if he went to trial, Farhane said, he accepted the plea agreement on his attorney’s advice. In his plea agreement, Farhane “admitted that in November and December 2001 he agreed with others to transfer money for mujahideen fighters in Afghanistan and Chechnya.”

Farhane was sentenced to 13 years in prison and two years of supervised release.

Salah often says his father did the time inside but the family served on the outside. He lost a soccer team spot and, later, a police academy opportunity because of the stigma, he said. His mother grew paranoid and reclusive, trusting no one. When Muslim friends spotted them at the supermarket, Malika said, they abruptly turned their carts and went the other way.

Eventually, the family left Brooklyn and moved to more-affordable Newburgh, in an apartment for now because they’re too scared to invest in a house with the case still in flux.

One of the sisters, a promising fencer who saw her dreams thwarted by the ordeal, has distanced herself from the family, trying for a fresh start. As painful as the estrangement is, Salah said, he understands his sister’s decision. He admitted that he sometimes thinks of escape, too, picturing a Caribbean island where nobody knows about “the problem” and where he doesn’t feel watched around-the-clock.

“He’s 38 but his life is like an old man’s,” Malika said of her son, with sadness.

Listening to the recounting of the toll on his family, Farhane began to weep. Whatever his conviction, he said, why should his kids pay?

“I’m not a terrorist, but you want to say I’m a terrorist. Okay, kill me!” Farhane said, his shoulders heaving, his head bowed in sobs. “But my son ...”

After all they’ve endured, Salah said, it’s hard to fathom the risk that comes with the pending appeal. Farhane has diabetes and uses a wheelchair because of a spinal injury — Salah said his dad’s health isn’t up to another round with the government.

“I’m hoping for this nightmare to be over,” Salah said. “Just let us be. Whatever happened, happened. Just let us move on with our life.”

A ‘staggering’ increase in cases Throughout the 1930s, ’40s and ’50s, thousands of people were denaturalized on ideological grounds, often for labor activism, said Amanda Frost, an American University law professor whose new book, “You Are Not American,” examines the history of denaturalization.

Then, in a 1967 case, Frost said, “the Supreme Court said, ‘You can’t do this.’”

“But,” she added, “there was a footnote.”

The court left room for the government to revoke citizenship for fraud or error in the process, including under what Frost refers to as Cold War-era language that allows denaturalization in certain cases related to promoting communism, terrorism or totalitarianism.

In the five decades since, Frost said, Democratic and Republican administrations have used that wiggle room sparingly, typically denaturalizing fewer than a dozen people a year, most of them linked to war crimes and other violent offenses.

“They were the pretty extreme cases, and there were very few of them,” Frost said. “And then came Jeff Sessions under [President Donald] Trump, and he said it clearly: He wanted to use denaturalization as an immigration-control effort.”

In Oklahoma, the 1995 bombing offers lessons — and warnings — for today’s fight against extremism

The Justice Department division that handles denaturalization acknowledged a “staggering” increase in referrals, according to

its budget plan for fiscal 2020.

The Open Society Justice Initiative counted 168 filings in 2017 and 2018. Of those, 11 involved terrorism, as in Farhane's case. A third of the rest — the largest category of filings — came from a controversial review of thousands of files to identify people who might have become naturalized despite past fraud or criminality. The report said the aggressive approach was accompanied by Trump administration rhetoric disparaging immigrants and Muslims.

It's almost impossible to pin down where most of those cases stand now and what the current number of pending cases is. The opacity is a main complaint of activists. More than 77 percent of the 168 cases were "either completely blocked online or contained documents that were inaccessible online," the Justice Initiative report said.

Frost and other denaturalization critics said they haven't heard of new cases filed since the change of administration, but they remain concerned that Trump-era efforts like the one against Farhane are proceeding. Frost, the Justice Initiative and other critics of the tactic have called for a moratorium.

"I'd like to see the [Biden] administration take denaturalization off the table as a tool for threatening and intimidating and excluding people who are now full members of the community," Frost said.

In November, federal appellate judges heard Farhane's argument that the guilty plea should be voided because his previous attorney, Hueston, failed to inform him of the citizenship risks involved or to negotiate a plea without immigration consequences. Reached by phone, Hueston said he had no comment. Farhane is currently represented by attorneys from the CLEAR clinic at the City University of New York School of Law and the private firm WilmerHale.

Farhane's legal team argued that it's absurd that a U.S. citizen would have fewer rights than noncitizens, who by law must be informed of immigration consequences before entering into plea agreements. Government lawyers countered that Hueston was under "no obligation" to advise Farhane on immigration matters.

Until the ruling comes, the lives of the Farhane family are on pause. Malika's father died recently, but she couldn't go to Morocco to be with her family. The siblings are reluctant to make travel plans or apply for new jobs. They're also anxious about the toll another separation would take on the family — the strain on their father's health and the burden on their mother, his caretaker.

Farhane said he understands the weight of the looming court decision, yet all his discussions of the future are fixed on the idea of remaining at home, in New York. He obtained a GED while in prison, and he dug out a photo that shows him proudly holding the certificate.

"I want to go to college now!" he said.

"He's got to win this case first," Salah said gently. "Or he's going to college in Morocco."

**India To Chair Counter-terrorism Committee At UNSC In January 2022 (Republic World)** By Aakansha Tandon  
December 28, 2021

**As announced earlier this year, India will be chairing the Counterterrorism Committee in January 2022 at United Nations Security Council. The committee stands for greater significance for India, as the country has been pitching pertinent measures to evict and fight terrorism on the global platform. The UNSC Committee on Counterterrorism will be chaired by India after 10 years, as India last chaired this committee in 2012.**

Earlier this year, on January 8, 2021, India's Permanent Representative to the United Nations Ambassador TS Tirumurti had declared that India will chair 3 important committees at UN Security Council in 2022-23, including the Taliban Sanctions Committee, Libya Sanctions Committee and the counter-terrorism Committee.

In November 2020, two years ago, Tirumurti announced that India's annual resolution on the issue of counter-terrorism was co-sponsored by over 75 countries. It was adopted by consensus in the First Committee of the United Nations General Assembly.

India, which has been a victim of state-sponsored cross-border terrorism, has been at the forefront of emphasising the grave threat to international peace and security posed by terrorist groups 'acquiring weapons of mass devastation.' India has encouraged stronger international cooperation to prevent terrorists from gaining weapons of mass destruction and their delivery systems in its annual resolution, "Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction."

This resolution was adopted by consensus without a vote, with more than 75 countries co-sponsoring it. At the United Nations, India's call for stronger national measures to address this issue predates the Security Council's adoption of Resolution 1540, which requires all states to refrain from supporting non-state stakeholders in developing, acquiring, manufacturing, possessing, transporting, transferring, or using nuclear, chemical, or biological weapons and their delivery systems in any way.

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## Piracy

**Report: Piracy off West Africa Costs Half a Billion a Year (Organized Crime and Corruption Reporting Project)** By David Klein

December 16, 2021

**Piracy is drawing annually over US\$500 million from the countries which line the Gulf of Guinea, which has turned into the world's current maritime piracy hotspot, far outpacing the waters off the coast of Somalia and the rest of East Africa.**

Piracy is drawing annually over US\$500 million from the countries which line the Gulf of Guinea. With dozens of attacks and kidnappings each year, much of that cost, however, is not the value of stolen ships or cargo, but of anti-piracy measures that the crimes warrant, a new study by Stable Seas claims.

“For every \$1 pirates steal or extort from African victims, Gulf of Guinea governments spend around \$524 on counter-piracy efforts,” the study says.

The pirate's own gains are considerably lower, estimated at only about \$5 million a year according to Stable Seas. Most of that sum are ransoms paid for kidnapped crewmen.

“Direct losses due to ransoms paid for local hostages and the value of goods and oil stolen at sea probably sum to \$1 million to \$1.2 million per year,” the Stable seas report said. “This number is significantly lower than it was a decade ago when oil theft at sea was more common and a greater share of hostages taken by kidnappers were West and Central Africans.”

Though oil theft was lucrative, earning the pirates as much as \$20 million per year in the past, it was far more complex and difficult to pull off compared to the quick smash and grab raids the pirates are pulling now.

Instead of stealing an entire ship or trying to boost its cumbersome cargo, pirates have found that the far more portable human crew, can fetch high ransoms — especially for foreign sailors.

“Ransoms for non-African seafarers have climbed sharply in recent years, more than doubling from an average of \$15,000 per non-African hostage in 2014 to as much as \$40,000 per non-African in 2019,” said the report.

Meanwhile, ransoms for West Africans, and Nigerians and Ghanaian fishers and oil workers in particular, have remained steady between \$3,000 to \$4,000 or even as low as \$1,000 to \$2,000 per person.

Those rising prices have encouraged the pirates, who largely operate from jungle camps based in Nigeria's Niger Delta region to be more brazen and venture farther out into the Gulf.

“Piracy and robbery at sea are no longer concentrated in the waters near the Niger Delta. As we saw in the Western Indian Ocean a decade ago, the threat has spread outward from the shore and pirates are now operating over a vast region extending hundreds of miles from the coast,” Stable Seas says.

According to the transnational non-profit organization focused on maritime security and governance research, the increased targeting of non-African victims has left the perception around the Gulf that the crime is not an African problem, but a foreign one.

“These low direct costs to African nations have created the perception among some that Gulf of Guinea piracy and armed robbery are greater problems for international shipping companies and foreign seafarers than they are for African nations,” the report says. “These crimes happen in Africa, but they do not typically happen to Africa. Gulf of Guinea waters are crime scenes, but Gulf of Guinea nations are not the primary victims.”



According to Stable Seas this is a flawed mentality as the greatest costs are the incalculable opportunity costs associated with these piracy-related expenses.

“For every \$1 pirates take from Africans, Gulf of Guinea nations are robbed of around \$170 in port fees lost due to decreased shipping activity and another \$1,200 in lost import tariffs,” the organization says.

“This lost government revenue, totalling an estimated \$1.4 billion per year, is as much as double the best estimates of the direct costs of piracy paid by international navies, intergovernmental organizations, and the global marine transportation private sector each year,” the report concludes.

**Gulf of Guinea: Pirate captured by Danish forces hospitalized in Ghana (Ships and Ports) December 21, 2021**

**A suspected pirate wounded during an exchange of gunfire last month with the Danish navy in the Gulf of Guinea has been transferred to a hospital in Ghana.**

Four other suspected pirates were killed and three others are in custody after the Nov. 24 incident.

The Danish frigate HDMS Esbern Snare was sailing off West Africa on an international anti-piracy mission when it reacted to information that a vessel was approaching several commercial ships in the Gulf of Guinea off oil-rich Nigeria.

The frigate dispatched a Seahawk helicopter, whose crew reported seeing men on the vessel with “equipment connected to piracy, including ladders.”

A gun battle ensued shortly after and the Danes reacted in self-defence, the Danish military said in a statement at the time. No Danes were injured. After the exchange of gunfire, the vessel sank and eight suspected pirates were taken onboard Esbern Snare, including one who was wounded and the bodies of the four who were killed.

During a port call in Ghana on Sunday, the wounded man was transferred to a local hospital, where he is being guarded by Ghanaian police, the Danish military said, adding “it was no longer considered medically sound to have him on the frigate.”

No further details were given and the military didn’t say where in Ghana he was transferred.

The Danish military initially said a total of eight pirates were spotted, but now said there was the ninth person. No information was given on what happened to the ninth suspect, who was believed to have fallen overboard in the ensuing gun duel.

The three others in custody face preliminary charges of attempted murder. They are believed to still be on the Danish frigate. A Copenhagen court ordered them held in custody while authorities investigate the case. In Denmark, preliminary charges are one step short of formal charges.

The frigate, which had a crew of about 175, arrived in the Gulf of Guinea in November and will be deployed there for five months.

The Gulf of Guinea is one of the world’s most dangerous waterways with regular kidnappings. In 2019, the region accounted for more than 90% of global crew member abductions.

**Tanker Crew Accused of Stealing \$1.2M Worth of Diesel From Their Ship (The Maritime Executive)**

December 27, 2021

**Fuel theft is a classic form of maritime piracy, and it was common in Southeast Asia and the Gulf of Guinea for many years - but rarely did it involve the active participation of the entire crew. The Malaysian Maritime Enforcement Agency says it is investigating a rare case in which 12 crewmembers are accused of stealing 475,000 gallons of diesel from their own vessel.**

In early October, the product tanker Ocean Pride was operating off the coast of Tanjung Siang, Johor, on a voyage from Singapore to East Timor. At about 1300 hours on October 5, the MMEA received word that the tanker had been robbed about 24 nm off the coast, near the eastern entrance to the Strait of Singapore.

On arrival at the scene, the MMEA's officers found that the vessel had been abandoned. An inspection revealed that the ship was missing about 475,000 gallons of diesel fuel, with an estimated value of about \$1.2 million. The 12 members of the crew stand accused of siphoning off the fuel, then abandoning the vessel and fleeing.

Malaysian authorities have released the names and passport numbers of all 12 of the crewmembers, and the MMEA's Maritime Criminal Investigation Division is seeking information on their whereabouts. The suspects were named as Haryadi

Tri Tomi; Mangalik Despiandri; Nordiansyah Muhammat; Pasaribu Suhenni Nanda; Pinem Jendri; Prasetyo Agung; Saputra Pandu Prasetya; Siddiq Muhammad; Silaban Rusman; Syahputra Haloho Maraek; Tarigan Harry Pranata; and Yusran.

In addition to releasing its own wanted notice, the MMEA has enlisted the help of Interpol. It has distributed an international Red Notice requesting other nations to assist in the arrest and extradition of the suspects.

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## Gender-Based Violence

**Cyprus: Turkish Occupation and Unpunished Crimes Against Women and Children (Modern Diplomacy)** By Uzay Bulut

December 21, 2021

**On December 16 and 17, Democracy Today, an NGO that focuses on human rights issues, organized its annual international conference in Armenia's capital of Yerevan. This was part of a cooperation with the Working Group (WG) on women and gender realities in the Organization for Security and Co-operation in Europe (OSCE) region.**

This year's agenda of the conference was "displacement of women: gender implications and search for viable solutions to protect human rights."

I was invited to join the conference as an online panellist and my topic was "The Case of Cyprus: Turkish occupation and unpunished crimes against women and children".

Below is the full text of my speech:

"Villagers Driven from Cyprus Homes Charge Murder and Rape by Turks"

This was the title of a news report of the New York Times on Aug. 6, 1974 covering Turkey's invasion of Cyprus.

The report said, in part:

"Greek Cypriots from small villages around Kyrenia told stories today of murder, rape and looting by the Turkish Army after its invasion of Cyprus. The villagers are among 20,000 civilians driven from their homes by the Turks along the northern coast of the island.

One ashen-faced man told tearfully how his wife and two young children were shot before his eyes by Turkish soldiers who rounded up villagers before shooting them. A married woman whose husband was shot by the Turks and young girl who saw her fiancé shot told how they were then raped at gunpoint by Turkish soldiers.

Since the invasion began Greek Cypriotes in the Kyrenia area have fled in thousands to friends and relatives in other parts of the island, Those presented to journalists were among a group who are being cared for in an orphanage just across from the Hilton Hotel in Nicosia. Like the rest they fled with the clothes they wore and a few bare essentials.

Mrs. Mateidou said she and her family had just got to sleep on July 24, after the first cease-fire was to have gone into effect, when the village was surrounded by Turkish troops. "We went out with hands raised but the Turks started beating us," she said. "They took off the top clothes of my husband and father-in-law and led them to the river bed in the village. Then they were shot. The women of the village were taken to the house of a British woman who had been evacuated, They were there raped at gunpoint."

Another young woman, aged 20, who refused to be identified, told of how she was raped, after she had seen her fiance machine-gunned with other men in her village. "When my fiancé was killed I threw myself into a ditch to hide —I was terrified," she said, adding: "As I was lying there a Turkish soldier grabbed hold of me. He threw me, to the ground and tore off my clothes. I tried desperately to escape but he was holding me at gunpoint. He said he would kill me."

"At one point another soldier came up with a baby in his arms. He asked who was the mother. I thought if I said it was mine it might save me. However, when I said I was the mother he threw it to the ground."

In 1974, the UN and the rest of the international community looked the other way.

After 1974, in the case of Cyprus v Turkey, allegations of rape were among the gross human rights abuses investigated by the then European Commission of Human Rights, a body of the Council of Europe. The investigation resulted in a Report adopted in 1976, initially covered up, leaked to the British Sunday Times in 1977 and eventually declassified in 1979. On the issue of rape, the European Commission concluded: “The evidence shows that rapes were committed by Turkish soldiers and at least in two cases even by Turkish officers, and this not only in some isolated cases of indiscipline. ...”. This meant that “by 12 votes against one”, that “the incidents of rape ... regarded as established constitute ‘inhuman treatment’ in the sense of Art[icle]. 3 of the [European] Convention [on Human Rights], which is imputable to Turkey.” Despite this,

In 2016, Cyprus News Agency (CNA) secured the testimonies of two women who alleged that they had been raped repeatedly, Anna – not her real name – from a village in Kyrenia district and Maria – not her real name – from a village in Famagusta district. Both of them were fourteen years old in 1974.

The following was Maria’s story as reported by the CNA:

“Maria`s father, working in animal husbandry, did not want to leave his animals when war broke and so the whole family remained enclaved.

“We went to the fields, outside the village. We were about hundred people, four days hiding. The night became day. They threw flares and knew we were hiding. We heard tanks on the road going back and forth endlessly. They threw leaflets from a helicopter, depicting half of Cyprus painted white and the other half red and ordered us to surrender, otherwise they would kill us.

“We returned to the village, surrendering, arms up in the air. We saw people lying dead on the road. They gathered us in the school yard. They separated the men from the women, the babies, the elderly over sixty, and put them in classrooms. Two trucks loaded the prisoners of war. My father was one of them.

“My mother, my six-year-old sister and I were taken with other women and put in the last houses of the village. On the first night they came to count us. They dragged me and other girls and led us to nearby fields, in darkness. My mother tried to pull me away from them but was hit by a gun. They pulled me by force, outside. They raped me repeatedly. I pleaded with God to help me. I screamed. I was only fourteen. They had their fun and took us back. I heard the women in the house talking about leaving the kitchen gas supply on to commit suicide, to save ourselves from this torment.

“Every night this same scene was repeated. We tried to hide in the attic of the house, but they found us and dragged us by the hair. This torture continued for two to three months,” Maria recalled, tears rolling from her eyes”.

These people were among the 200,000 citizens of the Republic of Cyprus (mostly though not all of Greek ethnicity) who were forced to flee their homes and lands in the northern part of the Republic of Cyprus during Turkey’s two invasion campaigns in the summer of 1974. In addition to citizens of Greek ethnicity, Armenian, Maronite, and other non-Muslim Cypriots were also forcibly displaced. So, too, were citizens of the Republic of Cyprus of Turkish ethnicity. In line with the demands of Turkey and their local agents, they were forcibly uprooted from their homes in the south and, with the help of the United Kingdom and its Sovereign Base Areas adjacent to the Republic, they were arbitrarily relocated to the north. This mass – but unpunished – ethnic cleansing facilitated a pre-existing Turkish scheme to alter the demographic character of the Republic of Cyprus. Women and children suffered immensely.

Since 1974, Turkey has forcibly and illegally occupied around 36 % of the sovereign territory and 57% of the coastline of the Republic of Cyprus. The occupying Turkish regime in the north is not recognized under international law.

Amid a climate of impunity that continues to this day, many well-documented but unpunished atrocities were committed by Turkish occupation forces during each of its two invasions launched on 20 July and 14 August 1974. Civilians, including children were unlawfully killed, raped or otherwise subjected to inhuman or degrading conduct. Many were arbitrarily detained by the Turkish military authorities and placed in what amounted to concentration camps. The detainees were tortured or exposed to other types of inhumane treatment, including performing forced labor. Homes and business premises of those who had to leave were looted, seized, and arbitrarily appropriated. Furthermore, churches, monasteries and cemeteries were desecrated or allowed to fall into a state of disrepair.

Among these is an historic Armenian monastery in the Turkish-occupied north of the Republic of Cyprus. To quote from a publication of its Government:

“The monastery of Sourp Magar (Ayios Makarios) is the only Armenian monastery in Cyprus and the most important Armenian ecclesiastical site on the island... Because of the Turkish invasion and the abandonment of the Monastery, it is in a ruined state, and parts of its walls and roof have collapsed.”

Professor Van Coufoudakis notes in his 2008 report “Human Rights Violations in Cyprus by Turkey”: “Evidence of the gross and continuing violations of human rights by Turkey in Cyprus come from, among others:

Eyewitness accounts  
NGO investigations  
Various international organizations  
The European Commission of Human Rights  
The European Court of Human Rights  
Reports by international media”

In their article titled “Gender and Genocide: Armenian and Greek Women Finding Positive Meaning in the Horror,” scholars Artemis Pippinelli and Ani Kalayjian detail the sexual assaults by Turkish troops against Greek Cypriot women and children, which they call the “Cyprus gendercide.” They write:

“Rape victims suffered severe gynecological problems as well as psychological trauma. In some cases, women were forced into prostitution. Many were collected from different villages and held in separate rooms of empty houses where they were repeatedly raped by Turkish soldiers. In other cases, members of the same family were repeatedly raped, some in front of their children. Rapes also occurred in public before spectators. The brutality of these violent sexual attacks was followed by extreme physical trauma, including near suffocation. Children and pregnant or mentally retarded women were not spared.”

Today Turkey still calls the atrocities it committed in 1974 “a peace operation.”

In effect, displaced persons of non-Turkish origin, including Armenians, continue to be barred from returning to their homes or rebuilding their lives in the ancestral towns and villages from which they were forcibly expelled. Many of their churches have been plundered, arbitrarily converted into mosques, locked up or allowed to fall into a state of disrepair. Since 2019, the Turkish government has been opening fenced-off parts of the city of Famagusta although it legally belongs to the Republic of Cyprus. This illegal reopening also means further destruction of the indigenous Greek cultural heritage there. For instance, the Cultural Center of Lykion Ellinidon (Gymnasium for Girls) was recently Turkified, albeit on a de facto basis.

Another consequence of the conflict culminating in Turkey’s invasion of Cyprus is that many citizens of the Republic of Cyprus remain ‘missing’. According to the UN-backed Committee on Missing Persons in Nicosia, 779 ‘Greek Cypriot missing persons’ and 201 ‘Turkish Cypriot missing persons’ are ‘still missing’.

A further consequence has been the transformation of the Turkish-occupied north of the Republic of Cyprus into magnet for human traffickers who have trafficked vulnerable women as well as children at risk of being sexually abused or otherwise exploited. The annual US State Department Reports on Human Trafficking make that reality abundantly clear. I quote just a few sentences from page 205 of the latest Report published in 2021:

“[During the last year the de facto] Turkish Cypriot authorities did not investigate, prosecute, or convict any traffickers. Turkish Cypriot authorities did not identify any trafficking victims and provided no victim protection, including shelter and social, economic, and psychological services. Turkish Cypriot authorities did not allocate funding to anti-trafficking efforts or provide training on anti-trafficking issues. ... Despite business closures due to pandemic mitigation measures, night club owners continued to force victims into sex trafficking.”

## Conclusion

Despite all this, the UN has never established an international war crimes tribunal for Cyprus, as it did, for example, for the Former Yugoslavia.

Many women and children who were victims of Turkey’s aggression in 1974, as well as their children and grandchildren, are still forcibly displaced persons unable to return to their homes, pray in the churches where they were baptised or pursue a meaningful life in lands which have been ethnically cleansed and subjected to the destruction of cultural heritage. They are constantly living with the memory of the many unpunished war crimes and crimes against humanity committed against them and their families.

Despite these realities, the UN, the European Union (of which the Republic of Cyprus is now a member state), the rest of the international community and human rights organizations have largely failed to address these crimes. This is a continued injustice imposed on the island country by Turkey. However, ensuring that the most severe crimes do not go unpunished and promoting respect for international law should be one of the first agendas of human rights defenders.

47 years after Turkey’s invasion, the occupied northern part of Cyprus remains a crime scene. It is one of the biggest cases of ongoing colonization, ethnic cleansing and cultural heritage destruction. However, by combating impunity – particularly in relation to crimes against children and women (and upholding the rule of law), justice could still be secured for the victims of Turkey’s severe violations against Cyprus and violations in other areas by other powers.

Sadly, the international community does not seem to comprehend the full scope of Turkey’s atrocities in Cyprus. They are not

aware – or do not want to be aware – of the extent of the impunity Turkey enjoys and how it has affected the wider region. And as long as the Turkish government is not brought to account for its crimes against Cypriots, other nations, women and children – will continue being at risk of similar crimes and atrocities at the hands of aggressive, tyrannical regimes.

**Finland increases its support to victims of the most serious crimes of international concern (African Business)** December 29, 2021

**Finland’s support will be targeted at providing assistance to victims of sexual and gender-based violence in Uganda, the Central African Republic and the Democratic Republic of the Congo (DRC) and at implementing reparations awarded to former child soldiers in the Democratic Republic of the Congo (DRC) as ordered by the International Criminal Court.**

“One of Finland’s key foreign policy objectives is to support the international rules-based system, in which the International Criminal Court (ICC) has a unique role,” says Minister for Foreign Affairs Pekka Haavisto. According to the Minister, it is important that the victims be heard and involved in the process but they should also be supported in coping with their ordeal.

“Finland’s development cooperation is based on human rights. Finland supports victims of the most extensive and serious human rights violations. The majority of victims of sexual and gender-based violence are women and girls. Promoting their rights and status is one of the key objectives of Finland’s development policy,” says Minister for Development Cooperation and Foreign Trade Ville Skinnari.

The Trust Fund for Victims at the ICC assists victims of the most serious crimes of international concern and human rights violations, including genocide, war crimes and crimes against humanity. The Trust Fund for Victims carries out assistance programmes for victims and implements reparations ordered by the ICC.

Finland has supported the ICC Trust Fund for Victims since its establishment. By contributing EUR 575,000 in 2021, Finland significantly increases its support from previous years and becomes one of the largest donors of the Trust Fund for Victims.

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## **Commentary and Perspectives**

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## **WORTH READING**

**Holding Peacekeepers Accountable: Haiti and Cholera**

Abby Oakland

Virginia Journal of International Law

December 22, 2021

**Accountability for humanitarian actors is a challenging space in international law. Although the different bodies of law states have developed address various actors in various settings, gaps persist. A particularly challenging group to regulate, humanitarian actors often fall outside existing legal frameworks. Humanitarian actors do not fit cleanly into the categories of traditional state or individual actors, and many existing legal instruments shield peacekeepers from liability. This legal framework was created to incentivize states to send forces into situations that desperately needed help, but in practice, UN peacekeepers often commit atrocities and inflict serious harms on civilian populations. Then, victims are blocked from pursuing justice and accountability.**

In 2010, Haiti suffered a devastating cholera outbreak. Although the source was disputed initially, it quickly became clear that UN troops introduced the disease to the island nation. Thousands of Haitians died, and victims have tried, and failed for years to hold the United Nations accountable. This UN-created cholera outbreak in Haiti illustrates the gap in peacekeeping accountability. This Note explores peacekeeper responsibility for the outbreak and examines the potential applicability of existing bodies of international law. It ultimately concludes that the United Nations can currently exploit gaps to escape justice. Thus, the Note proposes modifying Status of Forces Agreements (SOFAs) to allow host states to assert concurrent jurisdiction over peacekeepers for criminal offenses. Although the solution is not perfect, it aims to narrow the accountability gap and better achieve the goals and purposes of international law.

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