



SCHOOL OF LAW  
CASE WESTERN RESERVE  
UNIVERSITY

War Crimes Prosecution  
Watch



**FREDERICK K. COX**  
INTERNATIONAL LAW CENTER

**Founder/Advisor**  
**Michael P. Scharf**

**Faculty Advisor**  
**Jim Johnson**

Volume 18 - Issue 3  
May 23, 2022

**Editor-in-Chief**  
Matthew Koutsky

**Technical Editor-in-Chief**  
Alexa Stovsky

**Managing Editors**  
Spencer Luckwitz  
Harper Fox

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.

Opinions expressed in the articles herein represent the views of their authors and are not necessarily those of the War Crimes Prosecution Watch staff, the Case Western Reserve University School of Law or Public International Law & Policy Group.

## Contents

### AFRICA

#### NORTH AFRICA

##### Libya

- **Libya's west-based government denounces rights report (The Philadelphia Inquirer)**

#### CENTRAL AFRICA

##### Central African Republic

- **Russian-linked forces 'tortured' and 'executed' civilians in Central African Republic since 2019, HRW says (CNN)**
- **Mercenaries from the Russia-linked Wagner group have been accused of raping moms in a maternity ward in the Central African Republic: report (Yahoo News)**

##### Sudan & South Sudan

- **Massacres in West Darfur: Depopulation campaign on mineral-rich lands by Sudan's military junta? (Peoples Dispatch)**
- **Deadly Attack on Otash Camp in South Darfur (Dabanga)**
- **South Sudan: UN must renew arms embargo amid persistent impunity and ongoing sexual violence**

(Amnesty International)

## **Democratic Republic of the Congo**

- **Fears of massacre in DR Congo gold mine attack (The East African)**

## **WEST AFRICA**

### **Côte d'Ivoire (Ivory Coast)**

### **Lake Chad Region — Chad, Nigeria, Niger, and Cameroon**

- **Terror Group, Islamic State Releases Video Showing Execution Of 20 Nigerian Christians To ‘Avenge Killing Of Leaders In Middle East’ (Sahara Reporters)**
- **ISWAP Fighters Now In Suleja Town Near Abuja, Claim Responsibility For Killing Of Three Policemen, Motorcyclist (Sahara Reporters)**
- **Radical Boko Haram Preacher And Terrorist Recruiter, Ari-Difinoma, Reportedly Surrenders To Nigerian Army (Sahara Reporters)**

### **Mali**

- **Lawyers Ask ICC Not to Convict Accused Malian Islamist (U.S. News & World Report)**

### **Liberia**

- **Welcoming Ambassador McCarthy’s and Mayor Kojjee’s Call for Establishment of War and Economic Crimes Court for Liberia and Economic Crimes Court for Liberia (Daily Observer)**
- **Liberia: Agnes Taylor Sues War Crimes Court Advocates for Wrongful Prosecution Despite “Evidence of Torture” against Her (Front Page Africa)**

## **EAST AFRICA**

### **Uganda**

### **Kenya**

### **Rwanda**

- **The Hunters: the small UN unit that tracked down Rwanda’s worst killers (The Guardian)**
- **Rwanda president suggests UK extradite genocide suspects after asylum deal (The Guardian)**

### **Ethiopia**

- **Rising tension, Skirmishes between the Ethiopian gov’t and TPLF “concerning” says rights group (Borkena)**
- **Eritrea accuses TPLF of planning fresh attacks against Asmara (The East African)**

## **EUROPE**

### **Court of Bosnia & Herzegovina, War Crimes Chamber**

- **US Court Refuses to Lift Sanctions on Radovan Karadzic’s Brother (Balkan Transitional Justice)**
- **Serbia Convicts Bosniak Military Prison Chief of Beating Prisoners (Balkan Transitional Justice)**
- **Bosnia Indicts Two Ex-Policemen for Wartime Murders of 22 Civilians (Balkan Insight)**

- **Bosnian Ex-Fighter Acquitted of Assaulting Minor (Balkan Insight)**

## **International Criminal Tribunal for the Former Yugoslavia**

- **Kosovo Guerrilla Leaders Plead Innocent to Fresh War Crime Charges (Balkan Transitional Justice)**

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

### **Turkey**

- **Catalan Parliament condemns Turkish attacks on Guerrillas, north and east Syria (Hawar News Agency)**
- **Settling million refugees by Turkey is a war crime: Luqman Ahme (Medya News)**

### **Kosovo Specialist Chambers**

- **Kosovo veterans jailed for war crimes witness intimidation (France 24)**

### **Azerbaijan**

- **Military prosecutor's office probing criminal case into mine blast that wounded MES officer (Azernews)**

### **Russia**

- **WHO gathers evidence on possible war crimes in Ukraine (Al Jazeera)**
- **War Crimes Watch: Targeting schools, Russia bombs the future (Associated Press)**
- **ICC sends 42-member team to probe alleged war crimes in Ukraine (Al Jazeera)**
- **HRW documents 'apparent war crimes' by Russian forces in Ukraine (Al Jazeera)**
- **Russian soldier pleads guilty in first war crimes trial of Ukraine conflict (BBC)**

## **MIDDLE-EAST**

### **Iraq**

- **Iraq exhumes remains of Saddam-era victims from mass grave (Alarabiya News)**

### **Syria**

- **Syrian rights groups urge UN to probe Tadamon massacre (Al Jazeera)**
- **'Crimes against humanity' charge upheld over Lafarge collusion with IS in Syria (RFI)**
- **Suspended sentence for German woman who joined ISIS aged 15 (Alarabiya News)**

### **Yemen**

### **Special Tribunal for Lebanon**

### **Israel & Palestine**

- **Israeli court approves mass forced transfer of Palestinians (Electronic Intifada)**
- **Israel destroys home of Palestinian accused of killing settler (Al Jazeera)**
- **Palestinian man shot dead for trying to cross West Bank barrier (Al Jazeera)**
- **Shireen Abu Akleh killing: Israel's record of killing Palestinian journalists (Middle East Eye)**
- **Israel interrogators sleep-deprived, tortured Palestinian detainee, Shin Bet review finds (Middle East Monitor)**

## **Gulf Region**

- **Shireen Abu Akleh's killing is a 'possible war crime', says UN Rapporteur on Palestine (MEMO Middle East Monitor)**
- **Qatar: Quash life sentences for activists who protested discriminatory election law (Amnesty International)**
- **Qatar, key US ally, faces new accusations of terror funding (The Washington Post)**

## **ASIA**

### **Afghanistan**

- **Fighting in Panjshir triggers fresh claims of Taliban war crimes (National Herald)**
- **Fear Grips Afghanistan's Sufi Community Following Deadly Attacks (Gandhara)**
- **Witness first heard allegations Ben Robert-Smith kicked unarmed Afghan off cliff in 2017 interview, court hears (The Guardian)**

### **Extraordinary Chambers in the Courts of Cambodia**

- **Was justice served? Tribunal keeping KR history (Khmer Times)**

### **Bangladesh International Crimes Tribunal**

### **War Crimes Investigations in Myanmar**

- **Arrests of Activists, Journalists Continue in Myanmar as Military Tribunals Impose Harsh Sentences (Civicus)**
- **Myanmar's junta is blocking pathways for transitional justice (Myanmar Now)**

## **AMERICAS**

### **North & Central America**

- **Canada to investigate sexual violence against women in Ukraine as war crimes (Toronto Sun)**
- **Canada's Trudeau says Putin responsible for 'war crimes' (Al Jazeera)**
- **Russian Atrocities Prompt Bipartisan Push to Expand U.S. War Crimes Law (NY Times)**

### **South America**

### **Venezuela**

## **TOPICS**

### **Truth and Reconciliation Commission**

- **Politics of denial: South Korean war crimes in Vietnam (New Mandala)**
- **'Justice Delayed is not Justice Denied for Liberia's War Perpetrators,' Says U.S Congressman Smith (Front Page Africa)**

## Terrorism

- **The U.S. will remove 5 groups from its foreign terrorism blacklist (NPR)**

## Piracy

- **W/African countries to strengthen fight against piracy, sea robbery (Business Day)**
- **Piracy: Nigeria Celebrates Two-Quarters Of Zero Attack In Gulf Of Guinea (Independent)**
- **Major decline in West African piracy, but Gulf of Guinea remains world hotspot (Defense Web)**

## Gender-Based Violence

- **Russian soldiers are raping Ukrainian men and boys as well as women, says UN war crimes investigator (The Daily Mail)**

## Commentary and Perspectives

- **Israel Welcomes Ukrainian Refugees. Why Can't It Do the Same for Palestinians Married to Israelis, Like My Spouse? (Human Rights Watch)**

## Aiding and Abetting

- **UK Government's Proposed Laws Will Embolden Autocrats (Human Rights Watch)**
- **Biden escalates the forever war in Somalia (Politico)**

## WORTH READING

- **By Khadiza Nasrin: War Victim's Rights and Reparation within International Crimes Tribunal Bangladesh (ICT-BD): An Evaluation of Issues and Challenges**

## AFRICA

## NORTH AFRICA

### Libya

#### **Libya's west-based government denounces rights report (The Philadelphia Inquirer)**

By Noha Elhennawy  
May 13, 2022

#### **One of Libya's rival governments has said that a report by an international rights group accusing it of abuses contains false accusations**

One of Libya's rival governments has said that a report by an international human rights group accusing it of abuses contains false accusations. Earlier this month, the London-based watchdog Amnesty International issued the report, which documents

abuses against migrants by a state-funded security agency in western Libya.

The Tripoli-based government of Prime Minister Abdel Hamid Dbeibah said late Thursday that Amnesty's report "lacked professionalism and credibility."

"We consider it a manifestation of the systematic and long-held bias against the interests of the Libyan state," it said in a statement released by the Ministry of Foreign Affairs and International Cooperation.

The report, issued on May 4, accuses the state-funded Stability Support Authority (SSA) of committing a long list of abuses — including unlawful killings, arbitrary detentions, detention of migrants and refugees, torture, forced labor and sexual crimes.

The SSA is headed by Abdel-Ghani al-Kikli, a militia leader who controls a detention center in Tripoli's Abu Salim neighborhood. Although he has been previously implicated in war crimes by global rights groups, Dbeibah appointed him as SSA head and granted him broader arrest powers last year.

The report said that an Amnesty delegation had visited Libya in February and spoke to victims, their families and activists. Representatives from the Tripoli-based Interior Ministry confirmed to Amnesty that the SSA runs its detention centers without any ministerial oversight and that it reports directly to Dbeibah, noted the report.

"Legitimizing abusive militia leaders and putting them on state payroll with no questions asked only empowers them to continue trampling on the rights of more people with complete impunity," said Diana Eltahawy, Deputy Regional Director for the Middle East and North Africa at Amnesty International.

However, the Libyan government said the Amnesty delegation did not visit any security agencies and did not inquire about any violations during their visit. Migrants regularly try to cross the Mediterranean from Libya in a desperate attempt to reach European shores. The country has emerged as the dominant transit point for migrants fleeing war and poverty in Africa and the Middle East.

Human traffickers in recent years have benefited from the chaos in Libya, smuggling in migrants across the oil-rich country's lengthy borders with six nations. The migrants are then typically packed into ill-equipped rubber boats and set off on risky sea voyages.

At least 476 migrants died along the Central Mediterranean route between Jan. 1 and April 11, according to the International Organization for Migration. The EU has partnered up with Libya's coast guards to intercept migrants, who are usually returned back to Libyan shores and held in detention centers plagued with abuses.

Eltahawy said that the abuses documented in this month's report are "yet another grim reminder that refugees and migrants intercepted at sea should never be returned to Libya."

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

## CENTRAL AFRICA

### Central African Republic

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

**Russian-linked forces 'tortured' and 'executed' civilians in Central African Republic since 2019, HRW says (CNN)**

By Hannah Ritchie

May 5, 2022

**Forces identified by witnesses as Russian have "summarily executed, tortured, and beaten civilians" in the Central African Republic (CAR) since 2019, a report by rights group Human Rights Watch (HRW) has alleged.**

The report -- which is based on interviews with 40 people, including 10 victims of violence and 15 witnesses -- details abuses that were allegedly committed by men "with white skin speaking Russian" who wore "beige khaki clothes" and used military-grade weapons.

Citing evidence from "several Western governments, United Nations experts and special rapporteurs," HRW attributed the crimes to "forces linked to Russia operating in the Central African Republic," including "a significant number of members of the Wagner Group," which is a private military security contractor with ties to the Russian government.

The Wagner group first came to prominence in 2014, when Russian-backed separatists in Donbas began their war with the Ukrainian government. Since then, independent research and CNN investigations have found that the private military contractor has operated in Syria and multiple countries in Africa. They have been accused by US officials and human rights watchdogs of sustained human rights abuses. In late March, Pentagon spokesperson John Kirby said about 1,000 people associated with the Wagner group were in the Ukraine's eastern Donbas region. That same month, a senior Ukrainian adviser told CNN that Wagner was involved in an alleged assassination plot against the Ukrainian president and prime minister.

The group is thought to be connected to -- and financed by -- Yevgeny Prigozhin, an oligarch so close to the Kremlin that he is known as Russian President Vladimir Putin's "chef."

The Kremlin has repeatedly denied any links to the group. Prigozhin also denies any connection to Wagner.

"There is compelling evidence that Russian-identified forces supporting the Central African Republic's government have committed grave abuses against civilians with complete impunity,"

'It was our children they killed'

"The failure of the Central African Republic government and its partners to forcefully denounce these abuses, and to identify and prosecute those responsible, will most likely only fuel further crimes in Africa and beyond," Sawyer added.

CNN has reached out to the government of CAR for a response to the HRW report. Fighting along ethnic and sectarian lines has plagued CAR since 2013. The role of Russia-linked forces in the ongoing conflict -- and their reasons for being in the country -- remain unclear. One of the atrocities alleged in the report involved the killing of at least 13 unarmed men near the town of Bossangoa in western CAR.

The alleged incident took place on the morning of July 21, 2021, when Russian-speaking forces set up a roadblock, "stopped the men, beat, and shot them dead, and then put at least eight of the bodies in a shallow hole next to the road," according to HRW. CNN has not been able independently to verify the claim. In August 2021, the CAR government submitted a public report to the UN Security Council in which it promised to "set up a special commission of inquiry" to investigate who was responsible for the killings and "take appropriate measures." The commission is yet to publish its findings, according to HRW.

HRW also spoke with six men who alleged they were unlawfully detained for weeks by the CAR national army and Russian-speaking forces, who the men said kept them in "inhuman conditions in an open hole at a national army base" in Alindao, Basse Kotto province in southern CAR. According to the victims, several of those detained were beaten, and two were executed. HRW could not independently verify the allegations, according to its report.

Arrival of Russian Wagner mercenaries in Mali condemned by European governments Arrival of Russian Wagner mercenaries in Mali condemned by European governments Former Prime Minister of CAR Henri-Marie Dondra -- who stood aside in February this year -- asserts that there is no contract between his country and any Russian private security companies, according to local media reports cited by HRW.

In 2017, the UN Security Council waived an arms embargo on CAR, agreeing to the deployment of 175 Russian trainers for the local military. A formal agreement was then signed between CAR and the Kremlin in 2018 to allow Russian "former military officers" to train CAR forces, according to a 2021 United Nations report on the "use of mercenaries as a means of violating human rights."

The United States, European Union, France and several UN Panels of Experts have all reported that the Wagner Group is present and operating in CAR.

In an interview with an Italian broadcaster last week, Russia's Foreign Minister Sergey Lavrov reiterated Moscow's long-held position that the Wagner Group has "nothing to do with" the Kremlin.

The United States Treasury defines the Wagner Group as a "Russian Ministry of Defense proxy force," believed to be managed and financed by a Russian oligarch close to Putin. In 2020, the Treasury imposed sanctions targeting eight "entities and individuals" it said were working to "advance Russia's influence in the Central African Republic."

According to HRW, Russian-linked forces operating inside the country "do not wear a designated uniform with official insignia or other distinguishing features," which can make it difficult for civilians to identify them.

### **Mercenaries from the Russia-linked Wagner group have been accused of raping moms in a maternity ward in the Central African Republic: report (Yahoo News)**

By Sarah Al-Arshani

May 7, 2022

#### **Mercenaries with the Wagner group have been accused of raping mothers who had just given birth at a maternity ward in the Central African Republic (CAR), the Daily Beast reported.**

Several unnamed officials stationed at CAR's military headquarters told the Daily Beast that three Russian Wagner mercenaries "stormed the maternity ward and began to sexually assault women on admission," on April 10.

The ward was located at the Henri Izamo military camp in the capital Bangui.

The Wagner group is owned by Yevgeny Prigozhin, a close associate of Russian President Vladimir Putin. The mercenaries have operated in multiple countries including Syria and are now also operating in Ukraine.

The three mercenaries allegedly entered the ward with pistols and whisky in their hands, a witness told the HumAngle, a West and Central Africa-focused news site.

The men then began "indecently touching" two women who had just given birth and signaled for sex. When a nurse intervened and asked them to stop, they took turns raping her as well.

This isn't the first incident of rape and harassment by Wagner Group mercenaries in CAR. In October 2021, UN experts issued a report expressing concern that civilians, including peacekeepers, journalists, aid workers, and minorities, were violently harassed or intimidated by Wagner mercenaries.

The experts called on the CAR government to end all relations with the group. Additionally, they said women, men, and young girls experienced sexual violence in many parts of the country, but it's unclear how many since most are terrified to report their assaults.

An official told the Daily Beast it's difficult to prosecute mercenaries for assault or wrongdoing.

"Disciplining a Russian instructor who has committed a crime is not what the military can confidently act on," a senior CAR military official told The Daily Beast privately. "Only the president can decide on how to deal with the Russians."

Earlier this week, Human Rights Watch also released a report that Russian Wagner mercenaries summarily executed, tortured, and beaten civilians since 2019, and called for either CAR's Special Criminal Court or the International Criminal Court to investigate.

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

## **Sudan & South Sudan**

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

### **Massacres in West Darfur: Depopulation campaign on mineral-rich lands by Sudan's military junta? (Peoples Dispatch)**

By Pavan Kulkarni

May 5, 2022

**Around 100,000 people have been displaced as a result of the massacres which unfolded in Sudan's West Darfur State between April 22 and April 30, according to a flash update by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) on Monday, May 2.**



At least 200 deaths were confirmed by the Central Committee of Sudanese Doctors (CCSD) on April 30 after four people were killed in the State's capital city El Geneina. Violence spread to the capital after starting around 80 kilometers away in the town of Kereinik, engulfing several small villages in between. 24 of the total killed are children and 23 are elderly.

95 people were killed after being shot in the head. Another 51 were shot in the chest and 19 in the abdomen. Five people were burnt to death. The survivors are suffering a severe shortage of food, clean water and medicine. Most of the victims were Internally Displaced People (IDP) living in camps after having fled their homes during the civil war.

Eyewitnesses, civil society organizations and the Resistance Committees (RCs) that are leading the country-wide protests since the military coup on October 25 last year have blamed the notorious Rapid Support Forces (RSF) for the massacres. West Darfur's governor Khamis Abdallah Abkar also confirmed the involvement of the RSF. The RSF is led by the military junta's second-in-command, General Mohamed Hamdan Dagalo, aka Hemeti.

“Military junta is fully involved in this massacre”

The Sudanese state, which is de-facto the military junta that seized power in the coup, “is fully involved in this massacre,” said Mohammad (name changed), whose uncle and two cousins were killed in El Geneina's market on April 29, allegedly by RSF men.

Speaking on behalf of the RC in the city's Al Shati neighborhood, he told Peoples Dispatch that the military junta is “using all of its military might and planning” to aid the RSF in carrying out an alleged depopulation campaign over the mineral rich land containing gold, diamonds, uranium and copper.

Other Janjaweed militias – from which the RSF was organized in 2013 – are also involved in the attacks. Utilizing the conflict over land and water between the nomadic herdsman and the sedentary farmers and pastoralists, which has been intensifying since the increased desertification since the mid-1980s, the Sudanese state created these militias from the nomads in the 2000s during the civil war in Darfur.

They were armed and trained to suppress the rebel groups which sprung up among the sedentary communities in Darfur. These sedentary communities were politically and economically marginalized under the regime of former dictator Omar al-Bashir. They are also an impediment in the way of cashing in on the mineral wealth of the region.

### Bloody Gold

After displacing them in millions through a campaign of massacres, rapes, torture and burning down of entire villages, the Janjaweed with the connivance of the state had taken control of the bulk of the gold mines in this region by the end of the decade. Over the next four years – between 2010 and 2014 – an estimated 48,000 kg of gold, worth over USD 2 million, was illegally exported from war-torn Darfur.

After much of these Janjaweed militias were formally organized as the RSF in 2013 under the command of Hemeti, he quickly defeated his rival Janjaweed leaders, and brought all the gold mines in the region under his control by 2017 after the RSF took over the mines in Jebel Amer.

The “only large concession operational in Darfur” is under the control of the gold-trading company Al Gunade, owned by Hemeti's brother and his brother's two sons, according to an investigation by Global Witness. Hemeti himself is on the company's board of directors.

By the time al-Bashir was ousted from power in April 2019 by the pro-democracy December Revolution which began in 2018, the RSF had become so wealthy that it donated over USD 1 billion to stabilize the finances of Sudan's central bank.

Despite the dictator's overthrow by the revolution, the inner circle of Bashir's generals, including Hemeti, managed to retain power by deploying the RSF to clear the sit-in demonstration outside the army HQ in Sudan's capital Khartoum on June 3, 2019.

An RSF captain told the BBC that the order to clear the demonstration was issued by Abdul Rahim Dagalo, which is also the name of Hemeti's brother who owns Al Gunade. What ensued was a massacre of over 100 pro-democracy protesters, followed by a week of terror against the residents of capital as the RSF took control over the city, beating, torturing and killing residents who stepped out to the streets, in effect confining the population to a house arrest.

The RSF was then incorporated into the state's security forces under the subsequent joint civilian-military transitional government formed in August 2019, after the military yielded a share of state power (taken back after the coup last October) to centrist and right-wing parties.

The Janjaweed militias which were not under the RSF have not been disbanded and disarmed. These militias retain close links with the RSF and receive its support during attacks. Mohammad argues that the RSF is “a natural outgrowth of the Janjaweed militia” and they “are inextricably linked”.

The current spiral of killings began with an attack on Kereinik on April 22 by these militias, supposedly in retaliation after two nomadic herdsmen were found dead in this town, which is dominated by farmers. According to the UN, 30%, or 146,700 of the 487,000 residents in this town are IDPs from the war living in camps.

The Um Dwayne camp was burnt down by the Janjaweed militias in this attack – for the second time. At least 20,000 people were displaced (in many cases re-displaced) as their homes were burnt down, the Darfur Bar Association said on April 23.

West Darfur governor Khamis Abdallah Abkar said that after this attack, he had reinforced the 25 vehicles of security forces, mainly the SAF, by dispatching another 12 vehicles, with 10 fighters in each. But the SAF had to withdraw because they were massively outnumbered by the attack that followed on April 24, he maintains.

Adam Regal, spokesperson of the General Coordination of Displaced and Refugees, said there were only 15 security vehicles, which retreated when the attack started.

#### Army collaborating with RSF?

Given that the region had been witnessing regular large and well-coordinated attacks by Janjaweed militias and the RSF itself month after month, killing hundreds and displacing tens of thousands, 15 vehicles were bound to be an under-deployment.

The heavily armed attackers, wearing RSF uniforms, came in from all sides on 300 landcruisers along with several motorbikes and cars, according to the West Darfur committee of the pro-democracy group TAM. The four-wheel drives and weapons that were used in this attack are military grade and cannot be procured by ordinary citizens, the Coordination of Resistance Committees in El Geneina pointed out.

Mohammad believes that the SAF is guilty of more than simply withdrawing in the face of an overwhelming attack. He accuses the SAF of actively collaborating with the RSF and deceiving the victims into their trap.

He reiterated the allegations that those who had fled the town and taken to the mountains, armed with relatively smaller weapons which are awash in the region, were convinced to disarm and return to the town on the guarantee that the SAF would protect them. They were convinced after being tricked into believing that the SAF plane flying at low-altitude over Kereinik at the time was brought in to bomb the Janjaweed militias should they attack.

Just as the attack started, the plane disappeared from sight of those defenselessly trapped and encircled, while the SAF vehicles beat a retreat. TAM 's West Darfur committee added in a statement that “the plane was sent not for the purpose of protecting citizens, but to explore the region and provide anti-citizen intelligence to the RSF.” Initial reports indicated that 80,000 families had been displaced in this attack and 168 people killed.

While most media referred to this massacre as “tribal violence”, it is important to note that most farmers and nomads are not racially or ethnically distinct groups. Nevertheless, the largely Arabic-speaking nomads are portrayed as Arab tribes and the sedentary farmers and pastoralists who speak local languages are deemed to be non-Arab, African tribes. The massacres in Darfur are thus dressed up as a “tribal conflict.”

Sharing a video of the rows and rows of land-cruiser pick-up trucks carrying the heavily armed and uniformed RSF men on their invasion of Kereinik, the twitter handle of @SudanZUprising pointed out “No “tribe” has this amount of manpower, vehicles or artillery. Any reference to tribal clashes is categorically false.”

IDP and refugees camp spokesperson Regal added that “the government collaborates with the militias, supplies them with weapons and logistics, and guarantees immunity from prosecution.” He maintains that “the real purpose of war crimes and crimes against humanity in Darfur is to take over their lands. Now the final step is to get rid of the witnesses in the IDP camps so no one can contest the new settlers’ claims.” Allegations are being made that the new settlers the government is bringing in include the Arabic-speaking “tribes”, often fighters from neighboring countries.

#### Violence spreads to West Darfur’s capital

Footage of the destruction in Kereinik show thick black plumes of smoke rising from the burning houses, markets and camps, as armed RSF men roamed the streets. Municipal buildings and a police station were also burnt. Medical workers, along with some patients, were reportedly killed in the attack on the Kereinik hospital, which has since been shut.

Many victims injured in this attack were transferred to the hospital 80 kilometers away in El Geneina. Later that evening, the

Coordination of El Geneina Resistance Committees reported that heavy firing had begun in parts of this city. 126,700 of the 646,000 residents here are IDPs. This hospital here too had to be shut down and all the patients evacuated on April 25, when the intermittent firing escalated to blasts and shelling as the RSF clashed with rebel forces who fought back.

Silent protests were held across the country on April 26 condemning the military junta for being complicit in and responsible for the violence spreading in Darfur again. Later on that day, joint security forces were deployed in large numbers to bring the area under control. Along with the SAF, these included the RSF. While the rebel groups which shook hands with the military after the Juba peace agreement were also supposed to be included in this force, this is yet to materialize.

While the intensity of the violence and scale of the attacks have reduced after the deployment, the killings in El Geneina continued over several days, at least until April 30 when the CCSD confirmed a total of at least 200 deaths since April 22. The “surgical emergency is still operating at half capacity”, while the emergency services for women and childbirth, and the department of internal medicine “are not working”, the CCSD added. It called for “concerted efforts to fully return to work in the hospital.” Reports of violence and looting by armed militias came also from Al-Fasher in the neighboring North Darfur State that day. Hundreds of thousands displaced since the Juba peace agreement

Across the Darfur region, at least 300,000 people have been killed and over 2.5 million displaced in the course of the civil war which peaked in the 2000s. While the Juba peace agreement was signed in October 2020 between most of the rebel groups and the military, critics maintain that it was merely a power-sharing agreement. Without addressing the questions of land and water, the return of the IDPs to the lands from which they were displaced, and the disarming of the Janjaweed, this agreement has brought no peace to the restive region.

The rebel groups which were offered a share in state-power as a part of this agreement went on to support the military coup a year later in October 2021. Last year alone, another 430,000 were displaced in Darfur, followed by many more tens of thousands, including in El Geneina and Kereinik, in the early months of 2022. While some displaced in the recent surge of violence in West Darfur have begun returning to their homes, anywhere between 85,000 to 115,000 remain displaced, according to the UN.

“Families have lost their food stocks and sources of income (labor wages from working on farms, domestic work or in the market). Prices of basic commodities such as sorghum, sugar, millet, and oil have soared, and people have no cash or disposable income.. Many IDPs have not eaten anything but green mangoes and sorghum for the past five days as all their food stocks were looted or burnt,” the OCHA said on May 2. With no water containers available, “an estimated 90 per cent of the IDPs are drinking water from unprotected sources.”

### **Deadly Attack on Otash Camp in South Darfur (Dabanga)**

May 12, 2022

**An attack by gunmen on Otash camp for the displaced in Nyala, capital of South Darfur, in Tuesday evening has left one man dead, and a woman injured. Angry residents closed the main road between Nyala and the North Darfur capital El Fasher to condemn the incident.**

Sheikh Abdelrazek of Otash camp told Radio Dabanga that gunmen in a Land Cruiser opened fire on the camp. Abdelrahman Hamid (38) was killed, and Soraya Adam (35) was wounded on Tuesday evening in an attack launched by gunmen on Otash camp for internally displaced people in Nyala, capital of South Darfur.

The sheikh says that the perpetrators then fled the scene, leaving the residents of the camp in a state of panic.

The Executive Director of Nyala North locality, Abusufyan Abdullah, said that the gunmen opened fire in the northern side of the camp after some young men voiced disapproval at their presence. He promised to take the necessary measures to provide security for the displaced in the camp and protect their property. He said that the camp falls under the jurisdiction of the Humanitarian Aid Commission, explaining that the locality will carry out protection measures outside the camp. He appealed to the people of the camp to resort to the voice of reason.

The General Administration of IDPs and Refugee Camps said that what is happening in the camps in South Darfur is a similar scheme to what is happening in West Darfur, which has seen extensive violence over the last week.

In a statement, the administration described the security situation in the Kalma, Atash, El Salam and Derej camps in South Darfur as “fragile, dangerous, and potentially explosive”. It demanded that the security committee in the state fulfil its responsibilities in protecting the camps. It also called on the United Nations and the UN Security Council to take a decisive stance towards the perpetrators of war crimes in Darfur and hand them over to the International Criminal Court.

**South Sudan: UN must renew arms embargo amid persistent impunity and ongoing sexual**

## violence (Amnesty International)

May 18, 2022

### **The United Nations Security Council must renew its arms embargo on the territory of South Sudan amid the state's failure to ensure accountability for conflict-related sexual violence (CRSV) and to protect survivors, witnesses and judicial actors, Amnesty International said today in a new report.**

"Amnesty International has documented over a dozen cases of conflict-related sexual violence from recent years, including women who were raped at gunpoint. The UN Security Council must therefore renew its arms embargo on the territory of South Sudan" Deprese Muchena, Amnesty International's Director for East and Southern Africa.

The report, "If you don't cooperate, I'll gun you down": conflict-related sexual violence and impunity in South Sudan, reveals how CRSV is ongoing in the country, and how guns can be used to facilitate sexual violence. It also reveals how two sections of an action plan that was drafted to address CRSV in the country, adopted by the government in January 2021, are yet to be fully implemented.

On 28 May 2021, the UN Security Council renewed its arms embargo on the territory of South Sudan, which it first imposed in 2018, and identified the implementation of the 2021 action plan as one of five benchmarks against which renewal of the arms embargo would be reviewed in May 2022.

"Amnesty International has documented over a dozen cases of conflict-related sexual violence from recent years, including women who were raped at gunpoint. The UN Security Council must therefore renew its arms embargo on the territory of South Sudan," said Deprese Muchena, Amnesty International's Director for East and Southern Africa.

"Our new report highlights the urgent need for thorough, independent and impartial investigations into these crimes. The perpetrators of conflict-related sexual violence must face justice; widespread impunity for these offences must come to an end."

CRSV survivors told Amnesty International that they were raped by a wide range of individuals, including government soldiers; a member of the National Security Service (NSS); members of the Sudan People's Liberation Movement-in-Opposition (SPLM-IO) – the main armed opposition group – the National Salvation Front (NAS) – a non-state armed group that refused to sign the 2018 peace deal; armed men; "rebels", and unarmed men; including teenage boys.

Three survivors said they were abducted and made to carry out forced labour or used as sex slaves for between two and four years. Three survivors told Amnesty International that they gave birth after being raped.

Angelina\* told Amnesty International that, in February 2022, government soldiers came to her house at night and demanded she come outside. When she did, they raped her.

"Our new report highlights the urgent need for thorough, independent and impartial investigations into these crimes. The perpetrators of conflict-related sexual violence must face justice...impunity for these offences must come to an end." -Deprese Muchena

"When the first one was done, the second started. When the second finished, the first one came back," she said.

Conflict-related sexual violence often goes underreported, especially when it involves male survivors. Jacqueline\*, a survivor of conflict-related sexual violence, said she saw armed men rape her male neighbour in late 2018. She said: "[They] undressed him, [told him] that he should squat down. When he knelt down, they started raping him from behind." According to Jacqueline, the man later hung himself.

"The South Sudan authorities must urgently address these cases of conflict-related sexual violence. Their response must be rooted in survivors' medical, psychological and socio-economic needs. It must also address root causes of the violence and include survivors in decision-making on matters that affect them," said Deprese Muchena.

#### Raped at gunpoint

Nine survivors of CRSV told Amnesty International that their perpetrators raped them at gunpoint and threatened to kill them or their relatives with their gun if they did not comply. Gloria\*, who was raped at gunpoint in 2016, said she encountered five armed men, and that: "The soldier asked me [...] choose [...] whether I will have sexual intercourse with you, or I will kill you and your children all."

In another incident documented by Amnesty International, Elizabeth\*, a survivor of conflict-related sexual violence, said

government soldiers shot her husband after they forced him to watch them rape her. She said seven armed government soldiers raped her in 2019.

Human rights defenders in South Sudan support the renewal of the arms embargo as a measure to reduce human rights violations and abuses, including rape and killings of civilians. One women's rights defender said: "The more weapons [South Sudanese] have, the more violations... the gun is their strength to rape women."

Ongoing impunity for heinous sexual violence

Despite hundreds of CRSV cases documented by the United Nations, Amnesty International and others over the last decade, prosecutions of suspects of conflict-related sexual violence remain rare amid widespread impunity. Since January 2020, only a handful of CRSV cases committed against civilians by state security officials have been brought to trial in military or civilian courts, which only scratches the surface of the scale of cases. To date, no alleged perpetrators of CRSV have been charged with war crimes or torture. South Sudan has not included crimes under international law into its legal framework.

Amnesty International opposes the use of South Sudanese military courts to deal with serious human rights violations against civilians because they do not meet fair trial standards. They lack independence, in part because the President has veto power over verdicts and sentences passed by court martials.

The organization is calling on the South Sudanese authorities to establish the Hybrid Court for South Sudan which it committed to in the 2015 and 2018 peace deals. It also calls on the government to suspend any officials reasonably suspected of ordering, committing or facilitating violations of international humanitarian law, including acts of sexual violence, until an effective, independent and impartial investigation has been carried out.

"Suspending officials who are suspected of being perpetrators of sexual violence is a vital step towards changing attitudes. To ensure behavioral change of government soldiers and armed groups and to achieve justice, however, the South Sudanese authorities must investigate all conflict-related sexual violence and prosecute alleged perpetrators, including those who give the orders" -Deprese Muchena.

"Suspending officials who are suspected of being perpetrators of sexual violence is a vital step towards changing attitudes. To ensure behavioral change of government soldiers and armed groups and to achieve justice, however, the South Sudanese authorities must investigate all conflict-related sexual violence and prosecute alleged perpetrators, including those who give the orders," said Deprese Muchena.

Background

Amnesty International conducted its investigation amid fighting between government forces and the National Salvation Front in Central Equatoria State in February and March 2022. During this period, the organization received further reports of CRSV, yet chose not to interview the women as they had not yet received psychological support.

In 2014, the UN Secretary General listed the South Sudan army, the SPLM-IO, the police and other armed groups in his annual report on CRSV as parties suspected of committing, or being responsible for, patterns of sexual violence in conflict situations that are on the agenda of the UN Security Council. This started a process that culminating in January 2021 with the adoption of the Action Plan for the Armed Forces on addressing conflict related sexual violence in South Sudan.

In 2019, Amnesty International research found that, since the war started in 2013, the government had failed to investigate and prosecute suspected perpetrators of crimes committed against civilians in relation to the conflict, including CRSV, which allowed impunity to thrive.

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

## **Democratic Republic of the Congo**

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

**Fears of massacre in DR Congo gold mine attack (The East African)**  
By Patrick Ilunga

May 9, 2022

**A militia attack has left at least 40 civilians dead in the northeastern Congolese province of Ituri. Local sources say more than 100 people are missing after the suspected Sunday massacre by the armed group Cooperative for the Development of Congo (Codeco) in the Mongwalu territory. The rebels targeted an artisanal gold mine in the province and there are fears the missing miners could have been killed.**

"The enemy, the Codeco militia, stormed the town of Kablangete, located seven kilometres from Mongwalu in the Banyali Kilo sector of the mine site, and unleashed untold terror," said Jean-Pierre Bikilisende, mayor of Mongwalu.

"For the moment, the provisional toll is at least 40 dead and more than 100 civilians missing and several properties looted by the rebels."

The attackers, he said, struck after taking advantage of the weekend absence of military personnel in the area.

"We condemn this killing of civilians. This is a criminal act that must not go unpunished," he added.

Villagers have fled the territory, fearing fresh attacks by the armed group.

Codeco, also known as Congo Economic Development Cooperative, is a loose association of various Lendu militia groups operating in DR Congo.

The group, described variously as an armed political-religious sect, was once a peaceful agricultural cooperative before transforming into an armed rebel movement.

Several of the militias that claim Codeco affiliation, which declared a unilateral ceasefire in August 2020, stand accused of massacres and war crimes by the United Nations.

The troubled Ituri Province has been under siege for over a year now and Congolese (FARDC) and Ugandan (UPDF) armies have been conducting joint operations there since late November 2021.

Despite the operations, recurrent attacks by militia and rebel groups cause civilian casualties almost every week.

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

## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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

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

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

**Terror Group, Islamic State Releases Video Showing Execution Of 20 Nigerian Christians To 'Avenge Killing Of Leaders In Middle East' (Sahara Reporters)**

May 12, 2022

**The Islamic State of Iraq and Syria (ISIS) has published a video that shows the**

## **execution of about 20 Christian civilians in northeast Nigeria's Borno State, BBC reports.**

One of the masked militants who spoke in Hausa language during the execution said it was to avenge the killing of the group's leaders in the Middle East earlier in 2022.

The video was published on an IS-linked news outlet and shows three groups of captives in civilian clothes.

The time of the video and location of execution is however unknown.

Nigerian authorities are also yet to speak on the video.

Its authenticity, was, however, confirmed by SITE Intelligence.

IS leader Abu Ibrahim al-Hashimi al-Qurashi died in February during a brazen nighttime airborne raid carried out by the United States special forces in northwestern Syria.

The operation, in which Kurdish forces also took part, was conducted in the Idlib region where his better-known predecessor Abu Bakr al-Baghdadi was killed in a similar raid in 2019.

Qurashi, who was also known as Amir Mohammed Said Abd al-Rahman al-Mawla, replaced Baghdadi after his death in a US raid in October 2019. He had a reputation for brutality.

The IS militants operate in the Lake Chad region under the name Islamic State West Africa Province (ISWAP), along with another Islamist militant group, Boko Haram. The group has recently suffered huge losses as a result of attacks by a multi-national military force.

Boko Haram jihadist group in June 2021 confirmed the death of its chief Abubakar Shekau, who sources say died during infighting with the rival Islamic State-allied faction, according to a video message from its presumed new commander.

Shekau's death has since caused a huge division amongst the ranks of Boko Haram with some of its commanders pleading loyalty to ISWAP.

This caused a major shift in Nigeria's conflict, though Islamic State in West Africa Province or ISWAP has recently emerged as the dominant force in the more than decade-long Islamist insurgency in the country's northeast.

### **ISWAP Fighters Now In Suleja Town Near Abuja, Claim Responsibility For Killing Of Three Policemen, Motorcyclist (Sahara Reporters)**

May 14, 2022

**The Islamic State-backed faction of the 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 responsibility for the killing of three policemen and a commercial motorcyclist in Suleja, Niger State.**

Suleja is less than 20 Kilometres away from the Federal Capital Territory, Abuja.

Gunmen had on Thursday ambushed the policemen while responding to a distress call near a place called Old Barracks in the town.

The slain officers were identified as Hosea Saba, Yahaya Yakubu and Aminu Sani, all attached to the B Division command in Suleja.

About three persons, including a vigilante member, were also injured during the attack. However, ISWAP said the attack was carried out by "soldiers of the caliphate".

This comes a few weeks after the group claimed responsibility for an attack on a police station in the Adavi Local Government Area of Kogi state.

This is the first time ISWAP will be claiming an attack in Niger State.

If the attack was executed by the insurgents as claimed, it, therefore, indicates the expansion of the terror group in the Northern part of the country.

### **Radical Boko Haram Preacher And Terrorist Recruiter, Ari-Difinoma, Reportedly Surrenders To**

## **Nigerian Army (Sahara Reporters)**

May 17, 2022

**The leader of the Jama'at Ahl as-Sunnah lid-Da'wah wa'l-Jihad (JAS), popularly known as the Boko Haram terrorist group, Alhaji Ari-Difinoma, has reportedly surrendered to the Nigerian Army.**

Zagazola Makama, a counter-insurgency expert and security analyst in Lake Chad, reported that the radical preacher surrendered to the troops of 21 Special Armoured Brigade Bama, Operation Hadin Kai, on Monday, May 16, 2022, after he was forced out of his hideout following sustained bombardment by troops of Operation Hadin Kai.

Daily Post also reports intensified infighting between Boko Haram and its rival faction, the Islamic State of the West African Province (ISWAP).

Zagazola noted that ISWAP terrorists had launched a surprise attack against Boko Haram at Ukuba, a camp that had been repeatedly destroyed by the Nigerian troops but reoccupied by the terrorists, forcing Boko Haram fighters to flee.

Sources told Zagazola that Ari-Difinoma and others ran to hide in a small village located in Mantari village, within the axis of Bama Local Government Area, but were forced out of their hideout by hunger and unending artillery bombardments by the Nigerian troops.

"It was at that point that Mr Ari-Difinoma decided to abandon the rest of his colleagues and ran out to surrender himself," he said.

Alhaji Ari-Difinoma, who is an indigene of Monguno in Borno State, ran one of the radicalisation schools in Ukuba camp in Sambisa Forest under the Darul-Qur'an. He has reportedly recruited many children and youths through his teaching of extremist ideologies in the past 10 years.

**[back to contents]**

## **Mi**

### **Lawyers Ask ICC Not to Convict Accused Malian Islamist (U.S. News and World Report)**

By Stephanie van den Berg

May 9, 2022

**Lawyers for a Malian Islamist rebel accused of being central to the persecution of residents in Timbuktu and the destruction of the city's holy sites told judges at his war crimes trial he was wrongly targeted**

"He should not be convicted because he happened to be in the wrong place at the wrong time, with the wrong ethnicity," defence lawyer Melinda Taylor said of her client Al Hassan Ag Abdoul Aziz.

According to prosecutors Al Hassan was a key member of the Ansar Dine Islamist group which controlled every aspect of daily life after their takeover of Timbuktu in 2012. Al Hassan headed an Islamic police force that terrorized the population of Timbuktu, the prosecutors say.

He is charged with war crimes including torture and sexual slavery.

As well as trying to impose sharia Islamic law across a divided Mali, the al Qaeda-linked fighters used pick-axes, shovels and hammers to shatter earthen tombs and centuries-old shrines reflecting the local Sufi version of Islam in what is known as the "City of 333 Saints".

Defence lawyers in their opening statement did not deny Al Hassan was a member of Ansar Dine. However, they painted him as a man simply trying to maintain order in a chaotic situation in Timbuktu after it was taken by the rebels.

In addition the defence says Al Hassan has mental problems after being allegedly tortured while in detention in Mali before being sent to the ICC.



The ICC, the world's only permanent war crimes tribunal, has been examining events in Mali since 2012. French and Malian troops pushed the rebels back the following year

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

## iberia

### **Welcoming Ambassador McCarthy's and Mayor Koijee's Call for Establishment of War and Economic Crimes Court for Liberia and Economic Crimes Court for Liberia (Daily Observer)**

May 9, 2022

**The recent call by Monrovia City Mayor Jefferson Koijee for the establishment of a war and economic crimes court for Liberia as contained in the recommendations of the Truth and Reconciliation Commission (TRC) report, although belated, is nonetheless welcomed.**

There are suggestions from some quarters that Mayor Koijee's statement was induced by expressed concerns by US Ambassador McCarthy about runaway corruption and a growing culture of impunity as well as the apparent lack of official resolve to implement the TRC recommendations.

The TRC was established through an Act of Legislature in 2004 and began active work in 2006, charged with a mandate to examine the root causes of conflict in Liberia, produce a historical narrative of the root causes of the Liberian conflict, and make recommendations for Institutional Reform, Accountability and Reparations.

The TRC recommended, amongst a host of recommendations, the establishment of a War and Economic Crimes Court for Liberia to try those responsible for the commission of atrocities and economic crimes. The TRC also identified a number of institutions, economic institutions and foreign governments that aided and abetted the commission of war and economic crimes in Liberia.

It was generally hoped by most Liberians that the TRC recommendations, especially those concerning Criminal Accountability, would have been implemented as a way of breaking the culture of impunity. Although both President Sirleaf and her successor George Weah had committed to the implementation of the TRC recommendations, they reneged and, up to present, not a single individual has faced prosecution — neither for the commission of war crimes nor that of economic crimes.

It was also hoped that the United States of America would have lent full support to the establishment of a war and economic crimes court for Liberia. Most Liberians felt that way convinced in the belief that the abduction and murder of 6 Americans, five of them Catholic nuns, would not have gone with impunity. Unfortunately the killers of those Americans as well as those who sponsored them have so far gone with impunity. Most Liberians spoken to have expressed the opinion that if the Americans really wanted justice for the murdered Americans they would have supported the establishment of a war and economic crimes court for Liberia.

While it is true that a handful of perpetrators have been deported from the US to Liberia, they have not been deported to facilitate criminal prosecution for war and economic crimes. Some of those deportees even occupy high offices in government while others are members of the Legislature. All this is possible because of the culture of impunity which eventually leads to disrespect for the rule of law and hastens a general and total breakdown of law and order. Such is the situation that obtains today. Official mismanagement and outright theft of public resources have become more of the rule than exception. Officials of this government, many of whom just a few years ago were virtually penniless, are today filthy rich and they do not fail to flaunt their ill-gotten wealth in the faces of the people. In view of expressed concerns by the US Ambassador and other US officials about corruption and what they see a growing culture of impunity which inevitably leads to a breakdown of law and order, the Daily Observer appeals to the Government of the United States of America to help Liberians overcome the menace of corruption and impunity by doing all it can to assist in the establishment of a war and economic crimes court for Liberia.

The establishment of such a court with the full assistance of the US government will help reassure Liberians that the US is an ally on which it can count and depend. In 1990, according to many Liberians the US betrayed its traditional ally when it dispatched a flotilla of ships, troops and planes to Liberia to evacuate their nationals, after which they idled offshore and watched the nation burn.

As Charles Taylor would recall later, just a single US helicopter gunship hovering in the skies above Monrovia with loudspeakers ordering the leaderships of the ragtag rebel armies besieging Monrovia to halt their action, was all it would have required to stop them in their tracks. But sadly it never happened. The Daily Observer shares the opinion of most Liberians that the US can do much more to help Liberia succeed in combating the scourge of corruption and impunity. Current outlook of the 2023 elections appear bleak with rising public suspicion.

Former NEC Commissioners, James Fromayan and Jonathan Weedor highlighted these concerns in a press conference held recently. They noted with concern what they see as the impartial conduct of the NEC, especially its head, Madame Davidetta Browne Lansanah, specifically in the cases of Brownie Samukai and the current dispute in the CPP.

Other expressed concerns were the proposed Biometric vs Optical Mark voter registration system, the cleanup of the Voters Registry, the establishment of an ad hoc panel of jurists to adjudicate election disputes and thereby relieve the NEC of its current role as Judge and Jury, which has proved to be very controversial and conflict inducing.

In view of these concerns, the Daily Observer calls on President Weah to do all he can to ensure the creation of a level playing field for elections. Those elections and the results will significantly determine whether the country will once again slide into violence or whether the nation will be firmly placed on the path to sustainable democracy.

Finally we call on President Weah to officially request the assistance of the International Community including the United States of America to assist in the establishment of a war and economic crimes court for Liberia, and to ensure the creation of enabling conditions for the conduct of free, fair, transparent and credible elections in 2023.

We believe that the United States can do much by lending its weight and support to the attainment of these national imperatives.

### **Liberia: Agnes Taylor Sues War Crimes Court Advocates for Wrongful Prosecution Despite "Evidence of Torture" against Her (Front Page Africa)**

By Lennart Dodoo

May 13, 2022

**Ms. Agnes Reeves Taylor, ex-wife of jailed President Charles Taylor, has filed for action for damages for malicious prosecution and action for wrong against Global Justice and Research Project (GJRP), represented by Mr. Hassan Bility and Civitas Maxima (CM), based in Geneva, Switzerland.**

On 2 June 2017, she was arrested in London by the Metropolitan Police and charged with torture on the grounds of her suspected involvement with the National Patriotic Front of Liberia (NFPL) rebel group, which was led by her ex-husband, during the First Liberian Civil War, from 1989 to 1996.

As the second Liberian civil war broke out in 1999, Agnes Reeves Taylor was appointed by Charles Taylor to serve as Permanent Representative of Liberia to the International Maritime Organization, which headquarters in London, from 1999 to 2005.

In 2007 she claimed asylum in the UK, while she was still on UN travel ban list, which was updated to include her location as being in the United Kingdom. She was removed from the travel ban list in 2012.

She settled in the UK, where she worked as a lecturer at the London School of Commerce and Coventry University.

In 2017, she was charged with seven counts of torture allegedly committed in Gbarnga, in northern Liberia, and in Gborplay, in north-eastern Liberia. The torture charges were brought under section 134(1) of the UK Criminal Justice Act 1988. She was also charged with one count of conspiracy to commit torture between 23 December 1989 and 1 January 1991, under section 1(1) of the UK Criminal Law Act 1977.

Her residence in the UK allowed the UK authorities to arrest and charge her, based on universal jurisdiction laws, with the crimes she allegedly committed in Liberia.

She filed the suit before the Civil Law Court in Monrovia for damages for malicious prosecution/wrong, accusing the institutions, along with Bility and Werner of allegedly conniving and inflicting untold suffering and pains against her.

She is asking the civil law court to hold the pair and their institutions to pay over US\$1 million for their alleged false accounts which led the criminal justice system in the United Kingdom to prosecute her for alleged torture charges, though the U.K. court systems later dismissed the charges against her. Despite her claims, the Central British Court, according to court documents available to FrontPageAfrica, did not release Dr. Taylor based on her innocence of the allegations brought against her by Mr. Bility's GJRP and Civitas Maxima.

On 6 December 2019 the Central Criminal Court (The Old Bailey) in London decided to dismiss the charges against Agnes Reeves Taylor. The Court's decision came after the UK Supreme Court confirmed, in a historic judgment on 13 November 2019, that members of non-State armed groups may be prosecuted for crimes of torture under section 134(1) of the UK Criminal Justice Act 1988, thus legally paving the way for the case against Agnes Reeves Taylor to proceed to trial. However, after rendering its judgment, the UK Supreme Court sent the case back to the Central Criminal Court to consider further evidence from the prosecution's expert and apply the legal standard confirmed by the Supreme Court to the facts of the case.

In order for a member of a non-State armed group to be prosecuted for torture, the group must have been exercising "governmental functions". The Central Criminal Court ruled that the evidence presented by the Crown Prosecution Service (CPS) failed to prove that the NPFL had the requisite authority over the relevant territory at the time the crimes in question were committed. Therefore, the Court dismissed the case. However, in its decision, the Court noted that "there is prima facie evidence that she held a high rank in the NPFL and carried out, whether personally, or by giving orders, or by acquiescing in, the acts of torture which took place in, or on the border of, Nimba County." Thus, Reeves Taylor was not found innocent.

Civitas Maxima and the Monrovia-based Global Justice and Research Project (GJRP) provided the initial information to the UK authorities which led the Metropolitan Police to conduct an investigation into Agnes Reeves Taylor for several years. UK law allows the CPS in these circumstances to return to court if further evidence of government-like control is gathered. It remains to be seen if CPS will do this.

Seven months after the dismissal of her case, Agnes Reeves Taylor returned to Liberia. Although she had claimed asylum in the UK, her application to settle there permanently was refused under a Home Office rule that there were serious reasons to consider that she had, amongst other things, committed a crime against peace, a war crime, or a crime against humanity.

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

## **EAST AFRICA**

### **Uganda**

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

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

### **Kenya**

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

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

### **Rwanda (International Criminal Tribunal for Rwanda)**

**Official Website of the ICTR**

## **The Hunters: the small UN unit that tracked down Rwanda's worst killers (The Guardian)**

By Julian Borger

May 12, 2022

### **Protais Mpiranya was pursued to his grave by a small but relentless posse of seven UN investigators and analysts known as the tracking team.**

The unit has played an essential role in finding all but a handful of the 93 accused war criminals indicted by the International Criminal Tribunal for Rwanda (ICTR). A similar tracking team worked for the parallel Yugoslav tribunal (ICTY), and by 2011 had helped bring to justice, or otherwise account for, all 161 of those charged with war crimes from the Balkan wars.

Few UN operations can boast such striking success rates with such few resources, and the team's advocates argue the methods and lessons learned by the two ad hoc tribunals, and the "residual mechanism" that followed them, should not be allowed to go to waste if there is to be any hope of delivering international justice for war crimes in the future. The International Criminal Court, at present, has no comparable unit.

When the Yugoslav and Rwandan tribunals were established in 1993 and 1994 respectively, there was no model for how to hunt war criminals. In the Nuremberg tribunal, the defendants had almost all been caught by the allies occupying Germany, so there was little need for trackers.

That did not apply in the Yugoslav and Rwandan cases.

"One thing is absolutely clear, that we didn't fully appreciate when this started in the 90s: you should really assume that every person indicted is going to be a fugitive," said Kevin Hughes, the chief of staff in the mechanism's prosecutor's office and co-leader of the tracking team. "These guys are not just waiting around to be arrested."

The tribunals' first tracking teams were led by veterans of military and police intelligence, with experience of handling informants and conducting surveillance.

That worked for the low-hanging fruit among the fugitives, the careless and unlucky. But as others sought haven from sympathetic governments – many Hutu genocidaires initially flocked to Cameroon for example – it became clear that diplomatic skills would be required, to cajole and pressure those governments into cooperation.

The tracking teams also brought in analysts able to find patterns in the huge amount of data generated by the investigations, and to dig deeper into the worlds in which the fugitives lived.

By the time the Rwanda tribunal was wound up at the end of 2015 and its last cases were handed over to the residual mechanism, just eight of the 93 indictees were still at large. But among them were some of the most important figures behind the genocide, and the pursuit showed signs of flagging.

Serge Brammertz was brought over from the ICTY to be the chief prosecutor under the mechanism, with responsibility for Rwanda. The Belgian lawyer, who had overseen the capture of Bosnian Serb leaders Radovan Karadžić and Ratko Mladić, brought some of the ICTY team with him and a fresh approach.

They found the investigations were drowning in a sea of data and leads generated by more than 80 paid sources, who had sent the trackers chasing their tails around the world. Under Brammertz, the payments were stopped and the number of informants shrunk to 10.

Then the trackers went back to the case files, stripping out dubious tips from questionable informants, and interviewed or re-interviewed witnesses, looking for ways to establish more detailed profiles of the wanted men.

"You have to be able to investigate the whole narrative of your fugitive and the whole arc of your fugitives. We needed to understand his complete story. We need to understand his family and his associates," said Ewan Brown, a former British army officer and the tracking team's other co-leader, who has also investigated war crimes in the former Yugoslavia and Darfur. "To do that effectively we need creative thinkers exploiting creative sources."

Over the past two years, the team has steadily crossed the last major fugitives off its list. Felicien Kabuga, a Hutu businessman whose radio stations had stoked hatred of Tutsis and who imported half a million machetes on the eve of the genocide, was caught in Paris on 15 May 2020. The remains of former defence minister Augustin Bizimana were identified in Congo-Brazzaville on 22 May 2020.

After that Mpiranya was their most wanted man, the last of the big fish. Five more junior fugitives remain, but Brammertz's team is confident of more breakthroughs in the near future.

The main lesson from the 20-year manhunt for Mpiranya, the trackers say, is to start laying the ground for the hunt as soon as you start investigating the crime.

“An investigative approach from the very beginning is what we really recommend now as being the way forward,” Hughes said.

“Some of these things could have probably been closed earlier, because you would have already been asking questions in 1994.”

## **Rwanda president suggests UK extradite genocide suspects after asylum deal (The Guardian)**

By Jason Burke

May 16, 2022

**Paul Kagame, the president of Rwanda, has suggested the UK extradite suspects wanted in the east African country for alleged roles in the 1994 genocide, after a controversial deal with the Home Office to process asylum seekers there.**

Speaking less than two weeks after the deal was announced, Kagame told an audience of diplomats in Kigali that included the British high commissioner he hoped “that when the UK is sending us these migrants, they should send us some people they have accommodated for over 15 years who committed crimes [in Rwanda]”.

“We sent case files [to the UK] and ... investigated. These are clear case files. Instead of being accommodated there in that beautiful place of [the] UK, they should be in jail, either in the UK or here,” Kagame said.

The presence in the UK of five men alleged to have played an active and important role in the killing of more than 800,000 ethnic Tutsis and some moderate Hutus over three months in Rwanda in 1994 has been an irritant in relations with Kigali for many years.

British judges have blocked extradition on the grounds the suspects would not receive a fair trial in Rwanda. Officials in Kigali have called for a trial in the UK instead.

All five, aged between 61 and 69, came to the UK in the immediate aftermath of the genocide where they applied for asylum. They deny the allegations against them.

The Home Office denied any link between the deal and the issue of extraditions.

“Any matters on extradition with Rwanda are not part of our migration and economic development partnership and to suggest otherwise would be completely wrong. This is an independent Metropolitan police inquiry and it would be inappropriate for us to comment further,” a spokesperson said.

However, the comments will raise concerns that the British government has made undisclosed promises to Kagame, or will find it more difficult to refuse pressure from Kigali on sensitive issues.

Under the deal, Rwanda will be paid an initial £120m to receive refugees who arrive illegally in the UK. The full details of the agreement have not been made publicly available.

Weeks before the deal was announced, the government confirmed the appointment of Rwanda’s new ambassador to the UK, after a delay of eight months. Johnston Busingye, Rwanda’s long-serving justice minister, was named as the new envoy amid international scrutiny over the alleged “rendition” and trial of Paul Rusesabagina, the hotelier credited with saving many lives during the genocide – portrayed in the film *Hotel Rwanda*.

On 29 April, Busingye was received by the Queen at Buckingham Palace in a virtual audience.

In his speech, Kagame denied the deal with the UK meant Rwanda was “buying and selling people”. He said: “No, we don’t do that kind of thing. We can’t do that because of our core values ... “When the UK approached us and because of a problem they have ... we are happy to deal with that problem,” Kagame told the diplomats. “There is nothing bad about this ... There is nothing we cannot be transparent about.”

Kagame’s reference to the five alleged genocide suspects may be embarrassing for the UK government and fuel criticism of the asylum deal.

In 2019, ministers told parliament the government was “not shielding any war criminals” and had spent £3m “trying to get the right outcome” on an investigation launched after the court rulings on extradition and requests from the Rwandan government.

Last year, MPs formed an all-party parliamentary group (APPG) on war crimes to “look into matters relating to the presence of alleged Rwandan war criminals in the UK and the prosecution of those who participated in the Rwandan genocide”.

In April last year, Busingye, as minister of justice, pledged that “Rwanda does not seek revenge” and that though extradition was denied, Rwanda had agreed to a trial by the UK courts.

“We are still watching and waiting, waiting for the one signal that will show the genocide victims, in their lifetime, that finally there is commitment to bring these fugitives to justice,” he said.

Rusesabagina was tricked into returning to Rwanda in August 2020, in what amounted to an enforced disappearance, a serious violation of international law, the New York-based Human Rights Watch said at the time. He was later convicted of involvement in a rebel group blamed for deadly attacks in Rwanda. A 25-year jail sentence was upheld by Rwanda’s court of appeal, a ruling his family says is in effect a death sentence for the ailing 67-year-old.

In his speech to the diplomats, Kagame criticised those whose understanding of Rwanda’s history was based on “a movie”, a reference to Hotel Rwanda. “He’s a hero, people say ... But what about the families of the victims, people who were lost [at] the hands of this person and the group he led?” the president said.

Kagame became head of state in 2000 after he and his rebel forces halted the genocide in 1994 after 100 days of killing resulted in about 800,000 deaths. He brought stability, security and economic growth to a shattered country but has also been accused of running a repressive, authoritarian state.

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

## **Ethiopia**

### **Rising tension, Skirmishes between the Ethiopian gov’t and TPLF “concerning” says rights group (Borkena)**

May 15, 2022

**The Ethiopian Human Rights Commission (EHRC) on Sunday said that is concerned about the rising tension between what it called “forces of the Tigray region” and the Federal government.**

The rights group also confirmed reported skirmishes between the two forces.

The Tigray People’s Liberation Front (TPLF) earlier week engaged in extensive mobilization claiming that the peace effort to resolve the conflict with the Federal government did not succeed, and ordered people in the region to be on standby for the self-determination of Tigray.

The Federal government responded this same week, by saying the defense force is ready to respond to attempts to disrupt “peace” in the country. It was the Communication Minister, Legese Tulu, who announced the government position.

Amhara regional state on its part released a statement on Friday ordering security forces in the region to be on standby to deal with possible attacks from TPLF and internal anarchists and other forces whom it said are facilitating for TPLF.

Ethiopian Human Rights Commission (EHRC) said the renewed conflict, wherever it is in the country, “will devastate civilian populations and would result in further gross human rights and humanitarian law violations.”

Read the full statement from EHRC below :

“The Ethiopian Human Rights Commission is concerned about rising tensions and reported sporadic fighting between forces of the Tigray Region and the Federal Government.

On 30 March 2022, EHRC welcomed the announcement of cessation of hostilities by the Federal Government and the Tigray Authorities indicating that it will “significantly contribute to alleviating the dire humanitarian needs in Afar, Amhara and Tigray Regions and lay the foundation for a political solution to the conflict.” Indeed, both the Tigray Authorities and the Federal Government acknowledge the need to “take extraordinary measures to save lives and reduce human suffering” and that “political problems should be resolved through peaceful means”. The Commission has also made repeated calls for

improved humanitarian assistance, restoration of basic services, rehabilitation of victims and affected areas in Afar, Amhara and Tigray, as well as sustainable political solution and accountability measures for justice.

Since the start of the conflict on November 3, 2020, EHRC has documented first-hand the effects of the war in Northern Ethiopia on civilian men, women and children. Grave human rights and humanitarian law violations have been committed by all parties to the conflict, some of which may amount to war crimes and crimes against humanity; including unlawful and extra-judicial killings; torture and ill-treatment; arbitrary detention and enforced disappearances; pillaging, looting and destruction of property; sexual and gender-based violence; forced displacement; unlawful restrictions on freedom of movement and violations of economic, social and cultural rights. Women, children, older persons, and persons with disabilities have been disproportionately affected.

Civilian men, women and children who continue to bear the direct and indirect effects of the war and suffering from deep trauma, loss of their livelihood and loved ones, and lack of access to essential services, still await full redress and justice including rehabilitation, recovery, healing, and full reintegration into society. Accountability for the appalling atrocities which were committed by all parties to the conflict in Afar, Amhara and Tigray Regions is yet to be achieved.

The rising inflation, shortages of basic supplies and suspension of productive activities from large parts of Northern Ethiopia, as well as humanitarian needs in other parts of the country have also significantly affected socio-economic rights. In such a context, the cost of further conflict and war in any part of the country will be incalculable. It will devastate civilian populations and would result in further gross human rights and humanitarian law violations.

EHRC therefore calls:

On all parties to the conflict, national actors, civil society organizations, the media, religious leaders, and other actors, to renew efforts for a peaceful resolution to the conflict including by contributing to constructive discussions and dialogue, by refraining from engaging in any act of incitement or hate speech, and instead contributing towards mutual understanding, tolerance, and peace.

On the African Union, the Inter-Governmental Authority on Development (IGAD), the United Nations, and Ethiopia's international partners to support national efforts to prevent war, facilitate dialogue, and achieve peace.

On the Federal Government, as well as the Afar and Amhara Regional authorities, to enhance their facilitation of safe and unhindered passage for humanitarian relief entering Tigray.

On the Tigray Regional Authorities to provide all cooperation necessary to humanitarian relief efforts to allow civilian populations to receive much needed assistance including refraining from occupying areas in the neighboring regions through which humanitarian relief enters Tigray and refraining from seizing the trucks which transport humanitarian relief."

### **Eritrea accuses TPLF of planning fresh attacks against Asmara (The East African)**

By Tesfa-Alem Tekle

May 18, 2022

#### **War drums are beating again on the restive Ethiopia-Eritrean border after Asmara accused the Tigray People's Liberation Front (TPLF) of plotting to launch attacks to reclaim lost territory.**

Asmara's accusations on Tuesday came a few days after rebel TPLF forces and Eritrean forces clashed in two fronts in Badme and Rama towns which lie along their bordering territories.

The Eritrean Ministry of Information said, "It was no secret that the TPLF leaders were preparing for a new military attacks."

"Their main target is to re-occupy our land, which international law has recognised as the sovereign territory of Eritrea, and to re-commit their hatred-driven looting and atrocities on Eritrean soil.

"TPLF's plot has the blessing and support of western powers...They (Western powers) are rushing to deliver grain, medicine, fuel and other supplies in the name of humanitarian assistance before TPLF starts the new war," the ministry added, said without naming the Western powers.

A long-standing tense relation between Ethiopia's Tigray region and Eritrea deteriorated in 2020 after President Isaias Afwerki sent his forces to join the Ethiopian federal army in fighting the TPLF, a proscribed group.

The Eritrean Ministry of Information further said that the Eritrean people will fight to defend country from any attacks.

The international community has repeatedly urged the Eritrean government to withdraw its forces from Tigray in northern Ethiopia.

Sumur Tsehay, a local political commentator, says Eritrea has “almost done nothing” to pull its forces from Tigray and neighbouring areas.

“It is such an irony when Eritrean officials accuse Tigrayan forces of preparing for war while their military forces are illegally present inside Western Tigray, which directly violates international law,” Mr Sumur told The EastAfrican.

“The Eritrean military has committed war crimes and crimes against humanity and alleged genocide in Tigray...If Eritrea wants to give peace a chance in the region, it should withdraw all its troops from Tigray.”

TPLF leaders have not reacted to Eritrea's fresh allegations.

All parties to the Tigray conflict, including Eritrean forces, are accused of committing grave human rights abuses, including genocide and sexual violence.

Badme, the main source of the 1998-2000 border war between Eritrea and Ethiopia, was granted to Eritrea in 2002 by an Intermediate Boundary Commission.

The border conflict claimed the lives of over 70,000 people.

In 2018, long-time rivals Ethiopia and Eritrea formally restored diplomatic ties, ending 20 years of enmity with Ethiopia accepting to obey the Commission's findings.

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

## EUROPE

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

**Official Court Website [English translation]**

#### **US Court Refuses to Lift Sanctions on Radovan Karadzic's Brother (Balkan Transitional Justice)**

By Lamija Grebo

May 9, 2022

**The US District Court in Washington DC rejected a request by Luka Karadzic to remove sanctions imposed on him for aiding his brother, Bosnian Serb war criminal Radovan Karadzic.**

The US District Court in Washington DC has ruled against Luka Karadzic's to get sanctions lifted that were imposed on him in 2003 by the US Treasury's Office of Foreign Assets Control, OFAC, while his brother, wartime Bosnian Serb political leader Radovan Karadzic, was on the run.

The court said in its decision, which was made on Friday, that “several years ago, Luka [Karadzic] asked OFAC to remove those sanctions because, he said, the reasons it sanctioned him no longer applied. OFAC refused.”

Luka Karadzic went to court, arguing that he saw no reason for maintaining the sanctions after his brother's arrest and conviction.

But the District Court rejected this, saying that Luka Karadzic has “recently made statements in support of his brother that justify continued sanctions”.

In March 2019, the UN tribunal in The Hague sentenced Radovan Karadzic to life in prison for the genocide of Bosniaks from



Srebrenica, the persecution of Bosniaks and Croats throughout Bosnia and Herzegovina, terrorising the population in Sarajevo during the siege of the city and taking UN peacekeepers hostage.

Lawyer Peter Robinson, who defended Radovan Karadzic at the Hague Tribunal and is now representing his brother Luka in the US case, told BIRN that he was put on the sanctions list in 2003, when the international community was putting pressure on the family of Radovan Karadzic, who was in hiding at the time, in an attempt to detain him and bring him to justice.

Luka Karadzic asked in 2018 to be removed from the sanctions list, claimed that he “had nothing to do with the crimes for which his brother was convicted and has never been charged with any crimes arising from the war in the former Yugoslavia”, the court said.

He also claimed he didn't support his brother while he was in hiding from the Hague judiciary, nor did he offer him financial support.

But the US Finance Ministry rejected the request, citing Luka Karadzic's public statements criticising the Hague Tribunal and expressions of support for his brother during the trial and appeals process. The case then went to the District Court for a ruling.

Robinson said he was disappointed by the decision.

“In my opinion, the decision went against democratic principles, including freedom of speech, which the US says it promotes all over the world. It is unlikely that we will complain, because court practice gives the judge a full discretionary right to comply with decisions of executive authorities in the area of foreign affairs,” he said.

Robinson explained that the sanctions make it more difficult for Luka Karadzic to maintain his bank accounts, even in Serbia, “because banks have to deal with the American banking system and fear the consequences should they allow a person on the sanctions list to have an account in their bank”.

### **Serbia Convicts Bosniak Military Prison Chief of Beating Prisoners (Balkan Transitional Justice)**

By Milica Stojanovic

May 9, 2022

#### **A Belgrade court sentenced Husein Mujanovic to ten years in prison after a retrial for assaulting Serb prisoners at a Bosnian Army-run military prison in Hrasnica near Sarajevo during wartime.**

Belgrade Higher Court on Monday sentenced Husein Mujanovic, the commander of a military prison in Hrasnica near Sarajevo during the Bosnian war, to ten years of prison for the abuse of Bosnian Serb inmates in 1992.

According to the indictment, some 30 Serb prisoners were held at the Hrasnica prison, which was run by the Bosniak-led Army of Bosnia and Herzegovina, from July 8 to October 15, 1992.

The prisoners were held in poor conditions and abused. Some of them were beaten in a nearby fallout shelter, and six died as a result of the beatings. Mujanovic was charged with personally beating two prisoners who survived.

In his initial trial, Mujanovic was also sentenced to ten years in prison in July 2020.

But in February 2021, Belgrade Court of Appeal quashed the verdict and ordered a retrial. Mujanovic's lawyer Dusan Ignjatovic claimed at the appeal hearing that the first-instance procedure had been unfair to his client because Belgrade Higher Court did not accept any of the witnesses proposed by the defence.

Explaining its decision to quash the verdict, the Appeals Court backed up Ignjatovic's claims, saying that the Higher Court “violated the constitution... as well as the provisions of the Criminal Procedure Code” by rejecting all motions for the examination of defence witnesses.

Five defence witnesses were heard at the retrial, most of them Mujanovic's co-workers from the Army of Bosnia and Herzegovina. They claimed Mujanovic was appointed as the head of the prison in August 1992 and only held the position for a short time.

But judge Dejan Terzic said that their memories about when exactly Mujanovic become prison chief were “unclear”.

“It does not mean they are biased witnesses, just that they did not have a strong reason to remember that, while the witnesses who were heard previously, the victims [of the violence], had life-and-death memories of those events, so they remember more precisely,” Terzic said.

Mujanovic's lawyer Dusan Ignjatovic told media after the verdict that he expected a different outcome from the retrial.

"The defence thinks this verdict is even more wrong than the previous one, because there was a lot of evidence [at the retrial] that was in favour of the defence's claims," Ignjatovic said.

"We think this verdict will not stand, like the previous one did not," he added.

Mujanovic was arrested in July 2018 by Serbian police at a border crossing between Bosnia and Serbia. He has been in custody in Serbia ever since.

This is a first-instance verdict and can be appealed.

### **Bosnia Indicts Two Ex-Policemen for Wartime Murders of 22 Civilians (Balkan Insight)**

By Emina Dizdarevic

May 13, 2022

#### **Wartime Bosnian Serb policemen Milenko Samardzija and Kosta Stanic were charged with participating in the shooting of 22 civilians, including women, children and elderly people, in the Bijeljina area in September 1992.**

The state prosecution in Sarajevo on Friday charged ex-policemen Milenko Samardzija, alias Travka or Zabac, and Kosta Stanic, alias Kole, with willingly participating in the murders of 22 Bosniak civilians in the village of Balatun, near the eastern Bosnian city of Bijeljina.

"The defendants have been charged with having participated, personally and directly, in the shooting and killing of the victims, the oldest of whom was a 72-year-old woman and the youngest a six-year-old boy. Five victims who were younger than 18 were killed in the crime," the prosecution said in a statement.

The indictment alleges that in September 1992, the suspects participated in forcibly removing the civilians from their houses, transporting them in military trucks and shooting them on the banks of the River Drina in the village of Balatun.

The 22 victims were members of the Sarajlic, Sejmenovic and Malagic families. After being shot, their bodies were thrown into the Drina.

The victims had not participated in hostilities or military operations in any way, the prosecution said.

Samardzija is also charged with having participated, about ten days prior to the shootings, in the unlawful forced removal of three Bosniak civilians from their houses and from public spaces to the police station, where he tortured and abused them.

He then allegedly transported them to the banks of River Drina in the village of Balatun, where he personally killed three civilians by shooting them at close range.

The indictment has been filed to the state court for confirmation.

This is the second indictment to be raised over the killings in Balatun; the first was confirmed by the state court in January.

The first indictment charged Zivan Miljanovic, assistant commander of the Public Security Station in Bijeljina, Stevo Bokaric, member of the State Security Service in Bijeljina, Jovica Petrovic and Mirko Simic, members of the Interventions Squad at the Public Security Station, Goran Saric, former commander of the Special Brigade of the Republika Srpska Police, and Ljubo Markovic, Slavenko Kocevic and Zvonko Przulj, members of a Republika Srpska Interior Ministry special squad known as the Pahuljice (Snowflakes).

The trial in this case was due to begin on March 29, but it was postponed because defendant Saric failed to appear.

### **Bosnian Ex-Fighter Acquitted of Assaulting Minor (Balkan Insight)**

By Aida Trepanic

May 17, 2022

#### **Former Territorial Defence force fighter Agan Ramic was cleared of committing a crime against humanity by hitting a minor in the village of Brdjani in the Konjic area during the war in 1992.**

The Bosnian state court handed down a first-instance verdict on Tuesday acquitting Agan Ramic, ruling that the crime was incorrectly classified as a crime against humanity in the indictment.

Presiding judge Dalida Burzic said that the prosecution had not offered concrete evidence for this legal classification, and that the court had not found, on the basis of the evidence presented, that Ramic acted in the way portrayed in the indictment.

Burzic cited inconsistencies between the indictment and the victim's evidence, adding that the victim did not even confirm where the incident took place.

"The injured party described it in a different way than the prosecution," she said.

Ramic was indicted as a member of the municipal headquarters of the Territorial Defence force of the Bosnian Army in Konjic.

The indictment said that he went to the minor's family's house in the village of Brdjani, near Konjic, on an undetermined date in May 1992, wearing an army uniform, and asked the minor to catch a lamb for him.

The minor caught a lamb but Ramic was dissatisfied with it and started hitting him with a rifle butt. Other members of the Territorial Defence then joined in, the indictment claimed. Ramic was charged with having committed the crime as part of a widespread and systematic attack on the Serb population in the Konjic area.

But judge Burzic again pointed to inconsistencies between the indictment and the victim's evidence.

"The prosecution claims that the injured party caught only one lamb, while the injured party claims to have caught two lambs on two occasions," Burzic said.

Under the original indictment, Ramic was charged with committing crimes against the Serb civilian population in the Konjic area between May 1992 and May 1993 alongside Esad Ramic, Omer Boric, Sefik Niksic, Adnan Alikadic, Mitko Pirkic, Redzo Balic, Hamed Lukomirko, Safaudin Cosic, Muhamed Cakic, Ismet Hebibovic, Enes Jahic, Senadin Cibo, Zeljko Simunovic and Zdenko Grbavac.

However, Ramic's case was separated from the others' because he was unavailable to the Bosnian judiciary at the time.

Tuesday's verdict can be appealed.

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

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

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

#### **Kosovo Guerrilla Leaders Plead Innocent to Fresh War Crime Charges (Balkan Transitional Justice)**

By Perparim Isufi and Illirjana Hoti  
May 10, 2022

#### **Kosovo Liberation Army ex-leaders turned politicians Hashim Thaci and Kadri Veseli pleaded not guilty to additional charges filed by Hague prosecutors alleging they committed further wartime and post-war crimes against civilians.**

Kosovo's former President Hashim Thaci and former head of parliament Kadri Veseli pleaded not guilty at a pre-trial hearing on Tuesday to new charges filed by war crimes prosecutors at the Kosovo Specialist Chambers in The Hague.

"I plead not guilty although I have not read the [amended] material... Your amendments are redacted, I have tried to read them but I couldn't so I have not understood them. Anyway I plead not guilty," Thaci told the court.

Veseli also said he is pleading not guilty and asked the court for a swift start to the trial process.

"I have read [the amendments] and I wish the trial starts soon so I have the right to express my position and innocence before Kosovo citizens, KLA fighters and this honourable court," Veseli said.

Last week, the Kosovo Specialist Prosecutor's Office added fresh war crime charges to the indictment of Thaci, Veseli and two other wartime KLA leaders turned politicians who have been awaiting trial in detention in The Hague since November 2020.

The updated indictment says that between July 1998 and September 1998 and around April 28 or 29, 1999, certain KLA members detained at least 12 people without due process of law in the village of Budakova/Budakovo in Kosovo's southern municipality of Suhareka/Suva Reka.

"Detainees, who were held for varying periods of time, were physically restrained, and held in locked rooms and under armed guard. Immediately following detention in Budakova/Budakovo, at least one of the detainees was transferred to Semetishta/Semetiste and also detained there between around 19 to 20 August 1998," the updated indictment says.

"Detainees were hit all over their bodies. Detainees, including at least one LDK [Democratic League of Kosovo political party] supporter, were interrogated about and accused of associating, collaborating, or assisting Serbs and Serbian authorities," it adds.

The updated indictment also says that in late June and July 1999, certain KLA members detained at least three people without due process of law at a guerrilla headquarters located in a former boarding school and dormitory in the eastern town of Gjilan/Gnjilane and subjected them to severe beatings and psychological abuse.

Thaci and Veseli are accused alongside the former head of the parliamentary group of the Vetevendosje Movement party, Rexhep Selimi, and the chairman of the national council of the Social Democratic Initiative (NISMA) party, Jakup Krasniqi, who also were senior KLA leaders during 1998-99 war.

The indictment contains ten counts and lists their alleged offences as "war crimes of illegal or arbitrary arrest and detention, cruel treatment, torture, and murder, and the crimes against humanity of imprisonment, other inhumane acts, torture, murder, enforced disappearance of persons, and persecution".

It says that the crimes were committed "from at least March 1998 through September 1999". All four men were senior figures in the KLA during the war and Thaci was the guerrilla organisation's political leader.

Thaci, Veseli, Selimi, and Krasniqi are accused of being responsible for crimes committed by themselves and other former members of the KLA in various parts of Kosovo but also in northern Albania, "against hundreds of civilians and persons not taking part in hostilities".

Most of the crimes were committed in detention centres in 17 municipalities in Kosovo and two districts of Albania, Kukes and Has.

The Kosovo Specialist Chambers were set up to try crimes allegedly committed during and just after the Kosovo war from 1998 to 2000. They are part of Kosovo's judicial system but located in the Netherlands and staffed by internationals.

They were set up under pressure from Kosovo's Western allies, who feared that Kosovo's justice system was not robust enough to try KLA cases and protect witnesses from interference.

The so-called 'special court' is widely resented by Kosovo Albanians who see it as an insult to the KLA's war for liberation from Serbian rule.

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

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

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

### **Turkey**

## **Catalan Parliament condemns Turkish attacks on Guerrillas, north and east Syria (Hawar News Agency)**

May 10, 2022

**Today, the Catalan parliament made a statement condemning the Turkish attacks aimed at annihilating the Kurds, and called on the United Nations, the European Union and the Arab League to take urgent measures to stop the Turkish attacks.**

The statement was read by the President of the Catalan Parliament, Laura Borrás.

"Turkish President Recep Tayyip Erdoğan, while trying to mediate the Ukraine war and pretending to be a peacemaker, launched a large-scale military offensive against southern Iraqi Kurdistan, another campaign by the Turkish Armed Forces of invasion with the aim of vacating and later occupying this region," Laura said at the beginning of the statement.

The policy of denial and war against the Kurdish people is a central principle of the Turkish state.

She noted that "the policy of denial and war against the Kurdish people is a central principle of the Turkish state and its leadership, Erdoğan. His efforts as a mediator in the foreign arena also seek to divert attention from the destructive role he continues to play in Turkey, Kurdistan and the region as a whole."

On April 17, the Turkish state launched a new military campaign with the aim of occupying the Zab region in southern Kurdistan. In this illegal cross-border campaign, the Turkish Armed Forces used heavy artillery, combat aircraft, drones, and helicopters, and flew ground forces by helicopter into the area as part of a parallel ground offensive. From the Zab region, the Turkish forces intend to extend their occupation to the regions of Matina and Avashin.

Laura warned that the use of heavy weapons and ground forces "poses a serious threat to the entire region," and stressed that "unity among the Kurds throughout Kurdistan and the diaspora is the response to this aggression."

### **Killing political prisoners**

Laura highlighted the escalation of Turkish crimes against the Kurds, "The recent Nowruz celebrations on March 21 included the declaration of the position of Kurdish national unity, and more than 10 million Kurds in northern Kurdistan and Turkey sent a clear message to Erdoğan: not to bow to the brutality of his attacks. Since the celebration of Eid Nowruz, the torture and killing of Kurdish political prisoners in Turkey's prisons increased, as did the attacks on the offices of the Peoples' Democratic Party, and those who participated in the Nowruz celebrations were arrested. Meanwhile, Turkish air strikes against the Kurds intensified in Rojava and northern and eastern Syria.

Laura recalled the peace efforts launched by the leader Abdullah Öcalan and the Kurdish people, "Millions of Kurds paved the way for peace in Turkey and expressed to the peoples of Turkey and the world that the freedom of the leader of the Kurdish people, Abdullah Öcalan, will pave the way for peace in Turkey and abroad."

And she warned of a great danger to Kurdistan and the Middle East as a result of the international silence, "Erdoğan is currently facing multiple internal crises, including the negative economic situation, and is trying to preserve and strengthen himself by intensifying the wars and attacks of the Turkish state against the Kurds to mobilize national support, while working to strengthen Turkey's position. Act as a mediator in the Ukrainian crisis and claim a unique geostrategic position between NATO and Russia. If the world continues to turn a blind eye to Erdoğan's aggression, we will witness more bloodshed, displacement and instability in Kurdistan and the Middle East."

The statement demanded, "For all this, the Speakers' House of the Catalan Parliament:

Calls on all governments and international organizations, including the United Nations, NATO, the European Union, the Council of Europe and the League of Arab States, to take urgent action against violations of international law in the Zab region of South Kurdistan.

- Demands a halt to the supply of military equipment from Spain to the Turkish state, and also denounces the political alliances between the European Union and its member states with Turkey.
- Condemns this aggression and demands Turkey to withdraw its forces from southern Kurdistan.
- It calls on political parties, human rights organizations, peace organizations, trade unionists and activists to oppose this Turkish aggression and occupation.
- Defends the legitimacy of the Kurdish parties that are fighting democratically to defend the interests, rights and freedoms of Kurdish citizens.

Rejects the life imprisonment sentence against Osman Kavala and calls for his release in accordance with the decision of the European Court of Human Rights dated December 10, 2019.”

### **Settling million refugees by Turkey is a war crime: Luqman Ahme (Medya News)**

May 13, 2022

**Speaking to Hawar News, Luqman Ahme, spokesperson for the Autonomous Administration of North and East Syria (AANES) said that settling a million refugees by Turkey in parts of Syria that are occupied by the Turkish state and Turkey backed factions, the indigenous people of which have largely been displaced, would be a war crime.**

Turkish President Recep Tayyip Erdoğan had announced that they were ‘making preparations for one million Syrians to return’ speaking on the occasion of the opening ceremony for ‘briquette houses’ built in Idlib with the coordination of the Disaster and Emergency Management Administration (AFAD) of Turkey on 3 May.

Erdoğan had emphasised in his speech he made at the ceremony in Idlib through a video conference, that 500 thousand Syrians returned from Turkey to ‘safe regions established in Syria’ since 2016.

Luqman Ahme of AANES stressed that Afrin, Sere Kaniye and Gire Spi in North Syria was occupied by Turkey and said that “new settlements were being built to house families of mercenaries and other people from other areas after indigenous people are forcibly displaced.”

He added that already settlements were built by Turkey in those areas under occupation and financed by Qatari and Kuwaiti funds and foundations under various charities.

According to Ahme, this would amount to a war crime against the people of the region. Ahme said “everyone that supports this project whether politically or financially is responsible for the crimes committed by the Turkish regime. They would be held accountable in front of international courts and they will be indicted.”

Ahme said that there are 600 thousand people living in areas controlled by AANES after being forcibly displaced from areas under Turkish occupation or displaced forcibly by mercenary groups. “They come from Afrin, Sere Kaniye and Gire Spi” Ahme said.

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

## **Kosovo Specialist Chambers**

### **Kosovo veterans jailed for war crimes witness intimidation (France 24)**

May 18, 2022

**A war crimes court in The Hague jailed two Kosovo former separatist fighters to four-and-a-half years on Wednesday for intimidating witnesses, in its first verdict over Kosovo's 1990s independence war from Serbia.**

Hysni Gucati and Nasim Haradinaj, the head and the deputy head of a group of veterans from the Kosovo Liberation Army (KLA), were found guilty of revealing the details of hundreds of witnesses after receiving classified files from the court.

The two men, who were arrested in September 2022, called witnesses “traitors, spies and collaborators” in a bid to scare them off testifying to the Netherlands-based Kosovo Specialist Chambers, the court found.

“This judgment clearly paints those acts for what they are: criminal and not patriotic,” presiding judge Charles Smith said as he handed down the sentences at the high-security court.

“The message of the accused to these witnesses was: now that everyone knows who you are, no one can protect you.”

The time the men have already served in detention since their arrest will be deducted from the sentence, Smith said. They were also fined 100 euros each.

Gucati and Haradinaj, who had denied the charges, listened to the judgment through headphones and stood to be sentenced.

They were found guilty on five counts including intimidating witnesses and violating the secrecy of the court and cleared of one charge of “retaliation”.

The Kosovo Specialist Chambers operates under Kosovo law but is based in the Netherlands to shield witnesses from intimidation in Kosovo, where former KLA commanders have long dominated political life.

The court has issued war crimes charges against several senior members of the KLA, an ethnic Albanian guerrilla group that waged a 1998-99 independence struggle against Serbia.

They include Kosovo's former president Hashim Thaci, who resigned after being indicted.

'Traitors, spies, collaborators' Gucati and Haradinaj were arrested by heavily armed EU police in a raid on the veterans' headquarters Pristina in September 2020 and sent to The Hague for trial.

The veterans' association said it had received anonymous packages of the court's confidential files including information about protected witnesses and upcoming indictments.

Judges said Gucati and Haradinaj received three batches of classified information from the court and revealed them during three press conferences between September 7 and 25, 2020.

They also handed out the information to journalists and gave interviews, the judges said.

"These acts took place in a climate of witness intimidation," judge Smith said.

"The accused referred to witnesses and potential witnesses using derogatory and threatening language, calling them traitors, spies, collaborators."

The court is investigating claims that the Kosovo rebels waged a campaign of revenge attacks on Serbs, Roma and ethnic Albanian rivals during and after the war.

Thaci -- the rebels' former political chief -- was accused by prosecutors of being "criminally responsible for nearly 100 murders".

He pleaded not guilty when he appeared in court in November 2020.

Another former commander, Salih Mustafa, compared the court to Nazi Germany's Gestapo secret police when he appeared in the dock in September last year.

Many KLA veterans fiercely oppose the tribunal's mandate, defending their "just" liberation war against Belgrade's oppression of Kosovo's ethnic Albanian population.

The conflict left 13,000 people dead, mainly ethnic Albanians, and saw several top Serbian politicians and generals later jailed for war crimes.

Tensions between Belgrade and Pristina have remained high.

Serbia as well as its powerful allies China and Russia still do not recognise Kosovo's 2008 independence declaration, which has been recognised by more than 100 countries.

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

## Azerbaijan

### **Military prosecutor's office probing criminal case into mine blast that wounded MES officer (Azernews)**

May 20, 2022

**The Azerbaijani Military Prosecutor's office has launched a criminal case into the 13 May mine blast that wounded an officer of the Emergencies Ministry, Azernews reports, citing the prosecutor's office.**

According to the press service of the Military Prosecutor's Office, the Aghdam Military Prosecutor's Office has initiated a criminal case under Article 29, 120.2.12 of the Azerbaijani Criminal Code (attempted murder with intent to incite national, racial, religious hatred or enmity). Witnesses were interrogated, relevant examinations were appointed and other necessary investigative actions were carried out, the report added.

The investigation is underway and all measures will be taken in line with the law.

Capt Suleyman Heydarov, chief of the fortification and pyrotechnic training department of the Special Risk Rescue Service of the Emergencies Ministry, was injured in a mine-clearing operation in Aghdam, the ministry reported on May 13.

The victim is being provided with necessary medical care, the report said.

Although about 18 months have passed since the 44-day war between Azerbaijan and Armenia, mines of different types planted by Armenia in the formerly occupied territories continue to endanger human lives in the liberated lands.

Almost every day, there is news of civilians or military personnel being injured or killed as a result of mine explosions in Azerbaijan's liberated lands.

This once again proves that Armenia continues its mine warfare against Azerbaijan's both civilian and military personnel. Reports coming from official sources indicate that nearly 80 percent of the minefield maps submitted by Armenia to Azerbaijan are wide of the mark. Armenia appears to be committing war crimes by concealing the locations of landmines, allowing more innocent people to die.

Azerbaijani presidential aide Hikmat Hajiyev earlier described as accurate only 25 percent of minefield maps provided by Armenia. The Azerbaijani regions liberated from Armenian occupation in the second Karabakh war in 2020 are the most mine-littered region in the world.

In violation of the 1949 Geneva Convention, Armenia deliberately and constantly planted mines on Azerbaijani territories, thereby being a major threat to regional peace, security, and cooperation.

In an address to the 6th Eastern Partnership Summit of the European Union in Brussels on December 15, 2021, President Ilham Aliyev said that about 200 people had been killed or injured in mine explosions to that date. In this regard, he stressed the importance of the European Union and member states providing technical and financial assistance to Azerbaijan in eliminating the mine problem.

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

## Russia

### **WHO gathers evidence on possible war crimes in Ukraine (Al Jazeera)**

May 7, 2022

**The World Health Organisation (WHO) says it has “documented 200 attacks on hospitals and clinics” in Ukraine, adding that it was gathering evidence for a possible war crimes investigation into the attacks.**

“Intentional attacks on healthcare facilities are a breach of international humanitarian law and as such – based on investigation and attribution of the attack – represent war crimes in any situation,” WHO Emergencies Director Mike Ryan said on Saturday in the Ukrainian capital Kyiv.

“We continue to document and bear witness to these attacks ... and we trust that the UN system and the International Criminal Court and others will take the necessary investigations in order to assess the criminal intent behind these attacks.”

Ryan, on an unannounced visit together with WHO chief Tedros Adhanom Ghebreyesus, told a news conference it was the explicit responsibility of warring parties to avoid attacking health facilities.

Russia has denied previous accusations by Ukraine and Western nations of possible war crimes and has also denied targeting civilians in the war.

Ryan said the 200 cases did not represent the totality of attacks on Ukrainian medical facilities, only those the WHO had verified. Kyiv has said there have been approximately 400 such attacks since Russia invaded Ukraine on February 24.

Tedros told the same news conference: “My message to all the people of Ukraine is this: ‘WHO stands by you’ ... We continue to call on the Russian Federation to stop this war.”

WHO member states will on Tuesday consider a resolution against Russia that includes the possible closure of a major regional office in Moscow, a document obtained by Reuters showed last Thursday.



The draft resolution stops short of harsher sanctions such as suspending Russia from the UN global health agency's board, as well as a temporary freeze of its voting rights, three diplomatic and political sources said.

The draft, prepared largely by EU diplomats and submitted to the WHO's regional office for Europe this week, follows a request by Ukraine signed by at least 38 other members including Turkey, France and Germany.

Moscow calls its actions since February 24 a "special military operation" to disarm Ukraine and rid it of what it calls anti-Russian nationalism fomented by the West.

Ukraine and the West say Russia launched an unprovoked war of aggression.

### **War Crimes Watch: Targeting schools, Russia bombs the future (Associated Press)**

By Jason Dearen, Juliet Linderman, and Oleksandr Stashevskiy

May 17, 2022

**As she lay buried under the rubble, her legs broken and eyes blinded by blood and thick clouds of dust, all Inna Levchenko could hear was screams. It was 12:15 p.m. on March 3, and moments earlier a blast had pulverized the school where she'd taught for 30 years.**

Amid relentless bombing, she'd opened School 21 in Chernihiv as a shelter to frightened families. They painted the word "children" in big, bold letters on the windows, hoping that Russian forces would see it and spare them. The bombs fell anyway.

Though she didn't know it yet, 70 children she'd ordered to shelter in the basement would survive the blast. But at least nine people, including one of her students — a 13-year-old boy — would not.

"Why schools? I cannot comprehend their motivation," she said. "It is painful to realize how many friends of mine died ... and how many children who remained alone without parents, got traumatized. They will remember it all their life and will pass their stories to the next generation."

The Ukrainian government says Russia has shelled more than 1,000 schools, destroying 95. On May 7, a bomb flattened a school in the eastern village of Bilohorivka, which, like School No. 21 in Chernihiv, was being used a shelter. As many as 60 people were feared dead.

Intentionally attacking schools and other civilian infrastructure is a war crime. Experts say wide-scale wreckage can be used as evidence of Russian intent, and to refute claims that schools were simply collateral damage.

But the destruction of hundreds of schools is about more than toppling buildings and maiming bodies, according to experts, to teachers and to others who have survived conflicts in the former Yugoslavia, in Syria and beyond. It hinders a nation's ability to rebound after the fighting stops, injuring entire generations and dashing a country's hope for the future.

In the nearly three months since Russia invaded Ukraine, The Associated Press and the PBS series "Frontline" have independently verified 57 schools that were destroyed or damaged in a manner that indicates a possible war crime. The accounting likely represents just a fraction of potential war crimes committed during the conflict and the list is updated daily.

In Chernihiv alone, the city council said only seven of the city's 35 schools were unscathed. Three were reduced to rubble.

The International Criminal Court, prosecutors from across the globe and Ukraine's prosecutor general are investigating more than 8,000 reports of potential war crimes in Ukraine involving 500 suspects. Many are accused of aiming deliberately at civilian structures like hospitals, shelters and residential neighborhoods.

Targeting schools — spaces designed as havens for children to grow, learn and make friends — is particularly harmful, transforming the architecture of childhood into something violent and dangerous: a place that inspires fear.

A geography teacher, Elena Kudrik, lay dead on the floor of School 50 in the eastern Ukrainian town of Gorlovka. Amid the wreckage surrounding her were books and papers, smeared in blood. In the corner, another lifeless body — Elena Ivanova, the assistant headmaster — slumped over in an office chair, a gaping wound torn into her side.

"It's a tragedy for us ... It's a tragedy for the children," said school director Sergey But, standing outside the brick building shortly after the attack. Shards of broken glass and rubble were sprayed across the concrete, where smiling children once flew kites and posed for photos with friends.

A few kilometers away, at the Sonechko pre-school in the city of Okhtyrka, a cluster bomb destroyed a kindergarten, killing a

child. Outside the entrance, two more bodies lay in pools of blood.

Valentina Grusha teaches in Kyiv province, where she has worked for 35 years, most recently as a district administrator and foreign literature instructor. Russian troops invaded her village of Ivankiv just as school officials had begun preparations for war. On Feb. 24, Russian forces driving toward Kyiv fatally shot a child and his father there, she said.

“There was no more schooling,” she said. “We called all the leaders and stopped instruction because the war started. And then there were 36 days of occupation.”

They also shelled and destroyed schools in many nearby villages, she said. Kindergarten buildings were shattered by shrapnel and machine-gun fire.

Despite the widespread damage and destruction to educational infrastructure, war crimes experts say proving an attacking military’s intent to target individual schools is difficult. Russian officials deny targeting civilian structures, and local media reports in Russian-held Gorlovka alleged Ukrainian forces trying to recapture the area were to blame for the blast that killed the two teachers there.

But the effects of the destruction are indisputable.

“When I start talking to the directors of destroyed and robbed institutions, they are very worried, crying, telling with pain and regret,” Grusha said. “It’s part of their lives. And now the school is a ruin that stands in the center of the village and reminds of those terrible air raids and bombings.”

UNICEF communications director Toby Fricker, who is currently in Ukraine, agreed. “School is often the heart of the community in many places, and that is so central to everyday life.”

Teachers and students who have lived through other conflicts say the destruction of schools in their countries damaged an entire generation.

Syrian teacher Abdulkafi Alhamdo still thinks about the children’s drawings soaked in blood, littered across the floor of a schoolhouse in Aleppo. It had been attacked during the Civil War there in 2014. The teachers and children had been preparing for an art exhibit featuring student work depicting life during wartime.

The blast killed 19 people, including at least 10 children, the AP reported at the time. But it’s the survivors who linger in Alhamdo’s memory.

“I understood in (their) eyes that they wouldn’t go to school anymore,” he said. “It doesn’t only affect the kids who were running away, with shock and trauma. It affects all kids who heard about the massacre. How can they go back to school? You are not only targeting a school, you’re targeting a generation.”

Jasminko Halilovic was only 6 years old when Sarajevo, in present-day Bosnia-Herzegovina, was besieged. Now, 30 years after the Bosnian war ended, he and his peers are the ones still picking up the pieces.

Halilovic went to school in a cellar, as many Ukrainian children have done. Desperately chasing safety, the teachers and students moved from basement to basement, leaning chalkboards on chairs instead of hanging them walls.

Halilovic, now 34, founded the War Childhood Museum, which catalogs the stories and objects of children in conflict around the world. He was working in Ukraine with children displaced by Russia’s 2014 invasion of the Donbas region when the current war began. He had to evacuate his staff and leave the country.

“Once the fighting ends, the new fight will start. To rebuild cities. To rebuild schools and infrastructure, and to rebuild society. And to heal. And to heal is the most difficult,” he said.

Alhamdo said he saw firsthand how the trauma of war influenced the development of children growing up in Aleppo. Instilling fear, anger and a sense of hopelessness is part of the enemy strategy, he said. Some became withdrawn, he said, and others violent.

“When they see their school destroyed, do you know how many dreams have been destroyed? Do you think anybody would believe in peace and love and beauty when the place that taught them about these things has been destroyed?” he said.

Alhamdo stayed in Aleppo and taught children in basements, apartments, anywhere he could, for years. Continuing to teach in spite of war, he said, is an act of defiance.

“I’m not fighting on the front lines,” he said. “I’m fighting with my kids.”

After the attack on School 50 in Gorlovka, shattered glass from blown-out windows littered the classrooms and hallways and the street outside. The floors were covered in dust and debris: cracked ceiling beams, slabs of drywall, a television that crashed down from the wall. A cell phone sat on the desk next to where one of the teachers was killed.

In Ukraine, some schools still standing have become makeshift shelters for people whose homes were destroyed by shelling and mortar fire.

What often complicates war crimes prosecutions for attacks on civilian buildings is that large facilities like schools are sometimes repurposed for military use during war. If a civilian building is being used militarily, it is a legitimate wartime target, said David Bosco, a professor of international relations at Indiana University whose research focuses on war crimes and the International Criminal Court.

The key for prosecutors, then, will be to show that there was a pattern by the Russians of targeting schools and other civilian buildings nationwide as a concerted military strategy, Bosco said.

“The more you can show a pattern, then the stronger the case becomes that this was really a policy of not discriminating between military and civilian facilities,” Bosco said. “(Schools are) a place where children are supposed to feel safe, a second home. Obviously shattering that and in essence attacking the next generation. That’s very real. It has a huge impact.”

As the war grinds on, more than half of Ukraine’s children have been displaced.

In Kharkiv, which has undergone relentless shelling, children’s drawings are taped to the walls of an underground subway station that has become not only a family shelter but also a makeshift school. Primary school-age children gather around a table for history and art lessons.

“It helps to support them mentally,” said teacher Valeriy Leiko. In part thanks to the lessons, he said, “They feel that someone loves them.”

Millions of kids are continuing to go to school online. The international aid group Save the Children said it is working with the government to establish remote learning programs for students at 50 schools. UNICEF is also trying to help with online instruction.

“Educating every child is essential to preventing grave violations of their rights,” the group said in a statement to the AP.

On April 2, Grusha’s community outside Kyiv began a slow reemergence. They are still raking and sweeping debris from schools and kindergartens that were damaged but not destroyed, she said, and taking stock of what’s left. They started distance learning classes, and planned to relocate children whose schools were destroyed to others close by.

Even with war still raging, there is a return to normal life including schooling, she said.

But Levchenko, who was in Kyiv in early May to undergo surgery for her injuries, said the emotional damage done to so many children who have experienced and witnessed such immense suffering may never be fully repaired.

“It will take so much time for people and kids to recover from what they have lived,” she said. The kids, she said, are “staying underground without sun, shivering from siren sounds and anxiety.”

“It has a tremendously negative impact. Kids will remember this all their life.”

### **ICC sends 42-member team to probe alleged war crimes in Ukraine (Al Jazeera)**

May 17, 2022

**The International Criminal Court (ICC) has sent its “largest-ever” team of experts to Ukraine to investigate alleged war crimes since the Russian invasion in February, according to the chief prosecutor of the Hague-based court.**

Karim Khan said on Tuesday that the 42-member team comprised of investigators, forensic experts and support staff “advance our investigations into crimes falling into the jurisdiction of the International Criminal Court and provide support to Ukrainian national authorities”.

The team will improve the gathering of witness testimony, the identification of forensic materials and help ensure that “evidence is collected in a manner that strengthens its admissibility in future proceedings” at the court, he said.

Khan thanked the Netherlands, where the court is based, for sending a “significant number of Dutch national experts” to help the mission.

The experts are to interview witnesses, secure and analyse evidence and support national investigators in securing evidence.

In addition, the team is also to work together with French forensic experts who are already in Ukraine. The work of all those involved in the conflict area must be effectively coordinated, according to the prosecution.

‘Ukraine is a crime scene’

The ICC prosecutor announced an investigation into alleged war crimes and crimes against humanity just four days after the February 24 Russian invasion.

In April, Khan said that “Ukraine is a crime scene” during his visit to the town of Bucha near Kyiv, where bodies were found lying in the streets after Russian forces withdrew in late March.

To be classed as crimes against humanity, attacks have to be part of what the ICC’s founding treaty, the Rome Statute, calls “a widespread or systematic attack directed against any civilian population”.

Khan says that “now more than ever we need to show the law in action” in Ukraine.

Russia does not recognise the court. Ukraine, however, has explicitly recognised the court’s jurisdiction over its basic territory.

The United Nations Human Rights Monitoring Mission in Ukraine said last week that it corroborated 7,061 civilian casualties, with 3,381 killed and 3,680 injured.

The team also said most of the deaths took place from the use of explosive weapons. The high toll suggests that Russian troops are attacking indiscriminately and disproportionately, according to the UN team.

Meanwhile, more than six million refugees have fled the fighting since the beginning of Russia’s invasion, the UN High Commissioner for Refugees said. Some 90 percent of them are women and children, it added.

Most have made their way to neighbouring countries including Poland and Romania.

### **HRW documents ‘apparent war crimes’ by Russian forces in Ukraine (Al Jazeera)**

May 18, 2022

**A leading human rights watchdog has accused Russian troops of carrying out summary executions, torture and other grave abuses in two regions of Ukraine, as it published a report documenting further cases of “apparent war crimes” by the invading forces.**

Human Rights Watch (HRW) in its report published on Wednesday documented 22 apparent summary executions, nine other unlawful killings, six possible enforced disappearances and seven cases of torture from late February through March.

Twenty-one civilians told HRW about unlawful confinement in inhuman and degrading conditions during the period the Russian forces controlled much of the Kyiv and Chernihiv regions, it said.

HRW called for the alleged abuses to be “impartially investigated and appropriately prosecuted”.

Kremlin spokesman Dmitry Peskov and Russia’s defence ministry did not immediately respond to the Reuters news agency requests for comment on the HRW report. Russia has denied targeting civilians or involvement in war crimes and has accused Ukraine of staging atrocities to smear its forces.

Asked more broadly about war crimes allegations against Russian forces in Ukraine, Peskov told Reuters, “We consider it impossible and unacceptable to throw such terms around.”

“Many of the cases that Ukraine is talking about are obvious fakes, and the most egregious ones are staged, as has been convincingly proved by our experts,” he said.

Global outrage

There was a global outrage dozens of bodies, some with their hands bound, were found in towns, including Bucha, near the Ukrainian capital after invading Russian troops retreated from the area.

HRW said it had visited a total of 17 villages and small towns in the Kyiv and Chernihiv regions and interviewed 65 people between April 10 and May 10, including former detainees, people who said they had survived torture, families of victims and other witnesses.

The report went further than a statement issued in April in which HRW said it had documented “several cases of Russian military forces committing laws-of-war violations” in Russian-controlled regions such as Chernihiv, Kharkiv and Kyiv.

“The numerous atrocities by Russian forces occupying parts of northeastern Ukraine early in the war are abhorrent, unlawful, and cruel,” said Giorgi Gogia, associate Europe and Central Asia director at Human Rights Watch. “These abuses against civilians are evident war crimes that should be promptly and impartially investigated and appropriately prosecuted.”

Russia calls its actions in Ukraine a “special military operation” aimed at weakening its southern neighbour’s military capabilities and capturing what it regards as dangerous nationalists.

A Kyiv district court on Wednesday began hearing its first war crimes trial against a Russian soldier who took part in Moscow’s February 24 invasion. The soldier, who is accused of murdering a 62-year-old civilian, told the court he pleaded guilty.

Ukraine has said it has identified more than 10,000 possible war crimes in total.

### **Russian soldier pleads guilty in first war crimes trial of Ukraine conflict (BBC)**

By Sarah Rainsford

May 19, 2022

#### **A 21-year-old Russian soldier has pleaded guilty to killing an unarmed civilian, in the first war crimes trial in Ukraine since the war started.**

Vadim Shishimarin admitted shooting a 62-year-old man a few days after the invasion began. He faces life in jail.

The prisoner was brought into the tiny Kyiv courtroom in handcuffs, flanked by heavily armed guards. He looked nervous, and kept his head bowed.

The widow of the man killed was sitting just a couple of metres from him.

She wiped tears from her eyes as the soldier entered court, then sat with hands clasped as the prosecutor set out his case, describing the moment Kateryna's husband, Oleksandr Shelipov, was shot in the head.

"Do you accept your guilt?" the judge asked. "Yes," Shishimarin replied.

"Totally?" "Yes," he replied quietly from behind the glass of his grey metal-and-glass cage.

Prosecutors say Shishimarin was commanding a unit in a tank division when his convoy came under attack.

He and four other soldiers stole a car, and as they travelled near Chupakhivka, they encountered the 62-year-old on a bicycle, they said.

According to prosecutors, Shishimarin was ordered to kill the civilian and used a Kalashnikov assault rifle to do so.

The Kremlin said earlier it was not informed about the case.

Shishimarin's trial was adjourned shortly after the civilian's widow heard for the first time the Russian soldier admit to the murder. This high profile hearing will restart on Thursday in a larger courtroom.

Oleksandr's widow told the BBC how she was coping, before she left the court for the day.

"I feel very sorry for him [Shishimarin]," she said. "But for a crime like that - I can't forgive him."

Ukraine has so far identified more than 10,000 possible war crimes committed by Russia.

The country's chief prosecutor Iryna Venediktova tweeted: "By this first trial, we are sending a clear signal that every perpetrator, every person who ordered or assisted in the commission of crimes in Ukraine shall not avoid responsibility,"

Moscow has denied its troops have targeted civilians, but investigators have been collecting evidence of possible war crimes to bring before the International Criminal Court (ICC) in The Hague.

The ICC is sending a team of 42 investigators, forensics experts and support staff to Ukraine. Meanwhile, Ukraine has also set up a team to preserve evidence to enable future prosecutions.

**[back to contents]**

# MIDDLE-EAST

## Iraq

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

#### **Iraq exhumes remains of Saddam-era victims from mass grave (Alarabiya News)**

May 14, 2022

**Iraqi authorities have exhumed the remains of 15 people from a mass grave believed to hold dozens more likely killed under former president Saddam Hussein, an official said Saturday.**

The mass grave was first discovered in April near the southern city of Najaf, during work to build a residential compound.

It is believed to date back to the 1990s, when Saddam unleashed a deadly campaign against members of the majority Shia Muslim community in southern Iraq that left nearly 100,000 dead. “There could be 100 victims in this grave. It is an estimation, the number could be higher due to the large size of the area,” said Abdul Ilah al-Naeli, who heads a government foundation tasked with finding mass graves and identifying the remains.

Calling the burial “the scene of the crime,” Naeli said the mass grave dates back to the “1991 popular (Shia) uprising” against Saddam.

An AFP correspondent saw skulls and other human remains near the construction site where cement buildings have been erected.

According to Iraqi authorities, Saddam’s regime forcibly disappeared more than one million people – including from the Kurdish minority – in the 1980s and 1990s, and many of their families are still trying to ascertain what happened to them.

Iraq pays tribute to the missing on May 16, which is known in the war-racked country as the National Day of Mass Graves.

Saddam was toppled in the US-led invasion of Iraq in 2003 and executed in December 2006 after being convicted by an Iraqi court of crimes against humanity.

The oil-rich country has been hit by waves of conflict in subsequent decades, culminating in the fight against ISIS terrorist group, which ended in 2017.

ISIS alone left behind an estimated 200 mass graves that could hold up to 12,000 bodies, the United Nations has said.

Authorities in Iraq are frequently announcing the discovery of mass graves, the latest in March when the remains of 85 ISIS fighters and their relatives were exhumed in the northern city of Mosul.

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

## Syria

### **Syrian rights groups urge UN to probe Tadamon massacre (Al Jazeera)**

May 9, 2022

**Several prominent Syrian human rights organisations and civil society groups have urged the United States' top diplomat to the United Nations to launch an investigation into the killing of 41 civilians in the neighbourhood of Tadamon in Syria's capital Damascus in 2013.**

"We are writing to demand immediate action to address this massacre, which amounts to a war crime, and hold perpetrators accountable at the UN Security Council," read a letter to Linda Thomas-Greenfield and published by the Syrian Network for Human Rights (SNHR) on Monday.

The network also called on the US to convene a meeting at the Council during its presidency in May and launch an independent probe.

The SNHR's appeal comes nearly two weeks after a leaked video appeared to show evidence of gruesome crimes committed by Syrian forces.

The distressing footage shows blindfolded and handcuffed civilians being told to run towards an execution ditch lying just in front of them in one of the capital's southern suburbs.

It also shows intelligence officers of the infamous Branch 227 smiling and laughing as they assassinate the men before pouring gasoline over their bodies in the pit and setting it ablaze to hide the evidence.

The Tadamon district at the time was a battlefield between Syrian government forces against opposition forces.

A horrified military recruit filmed the vicious incident and leaked the video, date-stamped April 16, 2013, after fleeing war-torn Syria.

Syrian activists and international human rights organisations have accused the Syrian government and its allies of committing atrocities in the country's uprising turned-civil war.

Throughout the 11-year-long war, an estimated 500,000 people have been killed and millions displaced. Syria today is reeling from a crippling economic crisis, while President Bashar al-Assad in Damascus remains in power with military support from Russia, Iran and the Lebanese Hezbollah. "Never before have we seen such clear evidence of a war crime committed and videotaped by Assad's intelligence services in broad daylight, in cold blood, with no regard for the humanity of the victims or concern for consequences," read the SNHR statement.

The release of the video footage has triggered an outcry, with some families recognising their relatives being executed in the video.

"Many Syrians are rightfully expressing outrage about the lack of response from the international community to such a shocking report, especially in the context of similar crimes being committed by Russian forces in Ukraine," the SNHR added, referring to the alleged war crimes committed since Russia invaded its neighbouring country on February 24.

"It's high time that the international community learned that impunity for grave human rights violations in Syria has far-reaching consequences beyond its borders," the SNHR said.

More than 100,000 Syrians are missing, according to advocacy groups, including tens of thousands of children. The Syrian government holds the majority of them, but many families await the fate of missing loved ones who ISIL (ISIS) and other armed groups detained.

**'Crimes against humanity' charge upheld over Lafarge collusion with IS in Syria (RFI)**

By David Coffey

May 18, 2022

**Following a judicial investigation, which has been the subject of numerous procedural twists and turns, the Lafarge group - which is now a subsidiary of the Swiss conglomerate Holcim - was charged with having paid several million euros to terrorist groups, including the Islamic State armed group and its intermediaries, between 2013 and 2014.**

It was done in order to maintain the operations of a cement plant in the northern Syrian town of Jalabiya while the country spiralled into civil war

The group had reportedly invested €680million in the construction of the site near the city of Aleppo which was completed in 2010.

Regarding the multi-million euro investment, the Paris court concurred with the prosecution's assertion that the company had "financed, via its subsidiaries, the activities of the Islamic State to the tune of several million dollars, with precise knowledge of its actions".

Lafarge will appeal latest ruling

After declining recommendations from France's public prosecutor's office, the court of appeal upheld Lafarge's indictment for "endangering the lives of others" - essentially former Syrian employees who were forced to continue working in the Jalabiya cement plant while the region was in the throes of civil war.

In November 2019, Lafarge had its 2018 indictment for "complicity in crimes against humanity" cancelled by the appeals court.

But in September 2021, the Court of Cassation - France's highest judicial court - overturned the decision, referring the charges to a judicial investigation.

In a statement released on Wednesday, Lafarge's parent group Holcim said it would appeal the indictment.

### **Suspended sentence for German woman who joined ISIS aged 15 (Alarabiya News)**

May 18, 2022

#### **A German woman who joined ISIS terrorist group in Syria as a 15-year-old was handed a two-year suspended prison sentence on Wednesday but cleared of aiding and abetting crimes against humanity.**

Judges found Leonora Messing, now 22, guilty of membership of a terrorist organization, a spokesman for the higher regional court in Naumburg said in a statement.

Prosecutors had accused Messing and her husband of purchasing and enslaving a Yazidi woman in Syria in 2015.

But the judges found this could not be proven during her trial in the eastern city of Halle, held behind closed doors because Messing was a minor at the time of the alleged events.

The high-profile case prompted some soul-searching when it came to light over how a teenage girl from a small German town became radicalized and joined ISIS.

Messing, a former high school band majorette, ran away from home bound for the ISIS-controlled part of Syria in March 2015.

After reaching al-Rigga., then the de facto "capital" of ISIS in Syria, she became the third wife of a German national and known extremist.

Messing's father, a baker from the German village of Breitenbach, only learned his daughter had converted to a radical brand of Islam by opening her abandoned computer and reading her journal after her disappearance.

Six days after she vanished, her father received a message informing him his daughter "chose Allah and Islam" and that she had "arrived in the caliphate."

Messing, who had given birth to two small girls, wound up detained in a Kurdish-controlled camp in northern Syria.

Her husband, Martin Lemke, was captured in 2019 by the US-backed Syrian Democratic Forces (SDF), the Kurdish administration's de-facto army, two of his wives told AFP at the time.

In December 2020, Messing was repatriated in one of four operations bringing a total of 54 people, most of them children, back to Germany.

Messing was arrested upon her arrival at Frankfurt airport but later released.

She now lives close to where she grew up in Germany with her two children, according to local media.

A German court in November issued the first ruling worldwide to recognize crimes against the Yazidi community as genocide, in a verdict hailed by activists as a "historic" win for the minority.



The Yazidis, a Kurdish-speaking group hailing from northern Iraq, have for years been persecuted by ISIS militants who have killed hundreds of men, raped women and forcibly recruited children as fighters.

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

## Yemen

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

## Special Tribunal for Lebanon

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

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

## Israel and Palestine

### **Israeli court approves mass forced transfer of Palestinians (Electronic Intifada)**

By Maureen Clare Murphy  
May 5, 2022

**Israel's high court approved the forced expulsion of more than 1,000 Palestinians from eight villages in the Masafer Yatta area of the southern West Bank overnight Wednesday.**

If Israel carries through with the forcible transfer, it will be one of the single largest expulsions of Palestinians since it occupied the West Bank and Gaza Strip in 1967.

It will also be a war crime, despite the creative legal analysis put forth by the Israeli judges who signed off on the decision and who may be liable for prosecution by the International Criminal Court. That tribunal is currently investigating alleged war crimes perpetrated in the occupied West Bank and Gaza Strip since 2014.

In 2018, Fatou Bensouda, the court's former chief prosecutor, warned Israel that "extensive destruction of property without military necessity and population transfers in an occupied territory constitute war crimes under the Rome Statute," the ICC's founding treaty.

Bensouda's warning was in reference to Israel's plans to forcibly transfer the Palestinian residents of Khan al-Ahmar in the southern West Bank. Israel has refrained from carrying out those plans, likely in large part because of ICC scrutiny.

That tribunal in The Hague investigates individuals rather than states. By approving the Israeli government's plans to forcibly transfer Palestinians in Masafer Yatta, the judges who unanimously ruled in favor of the state this week may attract unwanted court attention.

No justice in “occupier’s court” The judges’ decision will also bolster the arguments of Palestinians and international observers that there is scant justice to be found in “the occupier’s court,” as the Israeli human rights group B’Tselem put it on Thursday.

As a court of last resort, the ICC defers to national proceedings under the principle of complementarity – meaning that it privileges a country’s internal investigations into suspected war crimes, where they exist.

By contrast, with this week’s ruling, Israel’s high court once again demonstrates that its role is to legitimize and facilitate war crimes.

In the Masafer Yatta ruling, the judges reject the claim that forcible transfer is prohibited under international law, treating it as a treaty norm – meaning that it reflects “agreements between states but is not enforceable in a domestic court,” according to Michael Sfard, a human rights lawyer who characterized that analysis as “an embarrassing legal error.”

His view was shared by Francesca Albanese, the new UN special rapporteur for human rights in the West Bank and Gaza Strip, who said that “dismissing the binding force of almost universally ratified [international] treaties” in the context of the occupation amounts to “apartheid.”

This week’s high court ruling would not be the first time that Israel has invented a legal paradigm to justify oppressive measures against Palestinians.

Israel’s judicial system as a whole exists to provide a liberal and democratic facade to a brutal settler-colonial regime.

The ruling should also serve as a reminder that just about every facet of the Israeli government is implicated in Israel’s settlement enterprise in the occupied West Bank – likely to be a primary focus of the ICC investigation, should it move forward.

The same goes for Israeli government personnel, including David Mintz, one of the three justices who issued the Masafer Yatta verdict. Mintz, who was born in England, lives in Dolev, a settlement in the West Bank built in violation of international law. “Expel us one by one” The ruling by Mintz and the other judges finds that the residents of eight villages in Masafer Yatta, near Hebron, began living illegally in the area after it was declared a military firing zone in 1981, despite Palestinians having resided there before the establishment of Israel in 1948.

The Association for Civil Rights in Israel presented aerial footage to the court to demonstrate that the villages had existed in Masafer Yatta for generations, according to the Tel Aviv daily Haaretz.

“The court rejected the claim that turning the area into a closed military zone was contrary to international law, and said that when international law contradicts Israeli law, the latter prevails,” Haaretz added.

Ariel Sharon, then Israel’s agriculture minister, admitted in 1981 that the area was declared a firing zone for the purpose of displacing Palestinians from their land so it may be seized by Israel.

Palestinians in Masafer Yatta have mounted a legal challenge to Israel’s plans ever since then.

The high court decision concluding two decades of legal proceedings was delivered overnight on the eve of this year’s commemoration of Israeli “Independence Day.”

Israel declared its independence on 14 May 1948 following a bloody campaign of ethnic cleansing that left hundreds of Palestinian cities, towns and villages destroyed and depopulated.

The hundreds of thousands of Palestinians forced from their homes and lands around the time of Israel’s declaration of independence, as well as their descendants, remain refugees or internally displaced within Israel.

Basel Adra, a Palestinian resident of Masafer Yatta, stated after the Israeli high court ruling on Thursday that “the army can now place us on trucks ... and expel us from our ancient villages, one by one.”

Breaking the Silence, a group of whistleblowing former Israeli soldiers, said that the forced transfer of Masafer Yatta residents “is not only a humanitarian catastrophe that could set a precedent for other communities across the West Bank, but a clear step in de facto annexation ... and cementing military rule indefinitely.”

### **Israel destroys home of Palestinian accused of killing settler (Al Jazeera)**

May 7, 2022

**Human rights groups regularly condemn Israel’s policy of home demolitions as collective punishment.**

Clashes broke out when Israeli forces raided a village in the occupied West Bank and demolished the house of a Palestinian they say killed an Israeli settler last December.

Using explosives, soldiers destroyed the home of Omar Jaradat on Saturday in the village of Silat al-Harithiya near the flashpoint city of Jenin, a statement by the Israeli army said.

Palestinians, mostly young men, threw stones and Molotov cocktails and soldiers responded with semi-automatic fire, it said.

At least three Palestinians were wounded, Palestinian medical sources told Al Jazeera.

Jaradat's apartment was located on the first floor of a building. It was destroyed but the external structure was left standing. The demolition took place after an Israeli court rejected legal appeals by Jaradat's family to leave their home alone.

Israel accuses Jaradat of being part of a Palestinian Islamic Jihad cell that shot dead an Israeli settler near the illegal Homesh settlement last year. Two other Israelis were lightly wounded in the shooting.

Israeli forces have previously demolished other homes of Jaradat's family members in Silat al-Harithiya – two other suspects in the attack, Muhammad Jaradat and Ghaith Jaradat. Those operations in February and March also led to clashes, in which the army shot dead a Palestinian teenager.

Israel regularly demolishes the homes of Palestinians suspected of carrying out attacks, a policy human rights groups and some Israeli defence officials say is ineffective, does not deter Palestinians from carrying out further attacks, and is an unfair act of collective punishment.

The clashes add to tensions in Israel and the West Bank as a large-scale manhunt continued for a pair of Palestinians suspected of killing three Israelis in an axe attack on Thursday night near Tel Aviv.

A string of anti-Israeli attacks since March 22 have killed dozens of people. Over the past month, Israeli forces and Palestinians have also clashed at the Al-Aqsa Mosque compound in Jerusalem's Israeli-annexed Old City.

About 475,000 Israelis live in the West Bank in settlements regarded as illegal under international law, alongside 2.9 million Palestinians.

### **Palestinian man shot dead for trying to cross West Bank barrier (Al Jazeera)**

May 8, 2022

#### **Israeli soldiers killed the Palestinian man in the occupied West Bank for trying to cross a 'security fence', the army says.**

Israeli soldiers have shot dead a Palestinian man who tried to enter Israel through a barrier in the northern occupied West Bank, the military said.

The Israeli military said on Sunday that soldiers "spotted a suspect who attempted to illegally cross the security fence" near the northern West Bank city of Tulkarem and fired at him.

"The force shot at him in accordance with procedures. The suspect was taken for medical care."

The Palestinian Health Ministry confirmed the man's death, identifying the deceased as Mahmud Eram.

A spokesman for the Sheba hospital in central Israel told AFP the Palestinian man had died of his wounds.

Palestinian Wafa news agency reported that Israeli forces killed Eram near the Jabara military checkpoint, according to the health ministry. He was from Khan Younis, in the southern Gaza Strip.

In a separate incident in occupied East Jerusalem, a 19-year-old Palestinian without an Israeli entry permit stabbed a police officer outside the Old City before being shot at the scene, a police statement said.

The officer was taken to hospital in moderate condition, police said, with medics saying the teenager also survived.

Police also said on Sunday that Israeli forces arrested two Palestinians who are suspected of killing three people in a stabbing attack last week in the settlement of Elad near Tel Aviv.

The two Palestinians, identified as Asad Yussef al-Rifai, 19, and Subhi Imad Sbeihat, 20, were detained near a quarry not far from Elad following a huge manhunt.

Israeli forces with military vehicles later raided the suspects' home in Rummaneh village west of Jenin, eyewitnesses told the Maan news site.

### **Shireen Abu Akleh killing: Israel's record of killing Palestinian journalists (Middle East Eye)**

By Frank Andrews and Mustafa Abu Sneineh

May 11, 2022

#### **83 Palestinian reporters have reportedly been killed by Israeli forces since 1972**

Shireen Abu Akleh, who was shot and killed by an Israeli sniper on Wednesday as she arrived to cover a dawn raid in the West Bank city of Jenin, is the latest in a long list of Palestinian reporters killed by Israeli forces.

Israel has for decades been documented killing and maiming journalists.

In April, a formal complaint was filed with the International Criminal Court (ICC), alleging that Israel's "systematic targeting" of Palestinian journalists and its failure to investigate their killings amounted to war crimes.

Israeli authorities have led an unprecedented crackdown on local journalists attempting to cover violent developments on the ground since the outbreak of Palestinian protests in East Jerusalem, the West Bank, and across Israel in May 2021.

Police and armed forces have beaten and fired live ammunition on journalists covering the unfolding of events, particularly following attacks on al-Aqsa Mosque and Israel's deadly bombardment of Gaza.

In the West Bank, photojournalists were targeted with steel bullets while doing their job at the northern entrance to the city of al-Bireh, near the settlement of Beit El, Middle East Eye reported last year.

Israeli police were also seen intimidating members of the press covering the events, as well as disrupting reports and footage coming from the ground.

Additionally, Israeli airstrikes on Gaza destroyed al-Jalaa Tower last year, which housed a number of media offices used by outlets including Middle East Eye, Al Jazeera, the Associated Press, and other local media organisations.

The Israeli airforce also destroyed al-Shorouk Tower, which housed seven media outlets; and al-Jawhara tower, which houses the offices of over a dozen media organisations, including the Palestine Newspaper, Al Kufiya Channel, Bawaba 24, and the Palestinian Media Forum.

Palestinian news agency Wafa has a list of dozens of journalists killed since 1972, with the tally increasing significantly since the start of Second Intifada in 2000.

Palestinian journalists were targeted while covering the Israeli assaults on the West Bank cities in 2002, while during the summer of 2014, Israeli killed 17 Palestinian journalists during its war on Gaza Strip.

Both the UN and the Committee to Protect Journalists have documented 17 Palestinian journalists being killed since 2000. This does not include Abu Akleh or several journalists killed from other countries: two Italians, one Turk, and one Welshman.

The Palestinian Journalists Syndicate, however, says the number is far higher. In 2020, the group said that Israeli forces had killed more than 46 Palestinian journalists since the Second Intifada in 2000.

"The Syndicate counts annually between 500 and 700 [Israeli] occupation attacks and crimes against Palestinian journalists and it's time for these crimes to stop and to hold accountable those who committed them and those who issued the orders," Tahseen al-Astal, the deputy head of the syndicate, told Anadolu Agency at the time.

He added that Israel's "aim [is] to silence and prevent the factual press image from being conveyed to the world."

The journalists killed by Israeli fire or airstrike since 2000 include the following:

- 1- Aziz Yousef al-Tineh, 32, of Wafa news agency, was shot by Israeli forces near Bethlehem on 28 October 2000.
- 2- Othman Abdul Qader al-Qatnani, 24, from Askar refugee camp in Nablus, was killed in an Israeli airstrike on 31 July 2001. He was a reporter for the Kuwaiti Kona news agency, working at the Nablus Press office.
- 3- Muhammad Abdul-Karim al-Bishawi, 27, from Nablus, a photojournalist at an-Najah Journalism Center, was killed in an Israeli airstrike on 31 July 2001.

- 4- Ahmed Numaan, 38, the manager of Bethlehem TV, was killed during an Israeli assault on the city of Bethlehem on 8 March 2002.
- 5- Raffaele Ciriello, 42, an Italian veteran journalist who covered conflicts in Afghanistan and Kosovo, was shot by Israeli fire near the Manara Square in Ramallah during fierce gunbattles between Israeli soldiers and Palestinian militants on 11 March 2002. He reported for Corriere della Sera.
- 6- Jamil Abdullah al-Nawawra, 35, from Bethlehem, died on 14 March 2002 from a wound he received by shrapnel from an artillery shell fired by an Israeli tank during an assault on Ramallah. He worked for Palestine TV.
- 7- Amjad Bahjat al-Alami, 22, a cameraman working for Palestine TV and Al Nawras TV, was shot by Israeli soldiers with an exploding bullet in Hebron on 18 March 2002.
- 8- Imad Abu Zahra, 30, a freelance photographer and manager of a local media company, was killed in Jenin after being shot by Israeli soldiers on 12 July 2002.
- 9- Issam Hamza Tillawi, 30, worked for the Voice of Palestine radio station. He was shot by Israeli soldiers while covering a peaceful public protest in solidarity with the besieged Palestinian president Yasser Arafat in Ramallah on 22 September 2002. Tillawi was wearing a press jacket.
- 10- Nazih Darwazeh, 46, a cameraman with Palestine TV and APTN media network, was shot while covering the Israeli assault on the Old City of Nablus on 19 April 2003.
- 11- Mohammed Abu Halima, 21, was a correspondent for the university-affiliated an-Najah radio station when he was shot by Israeli forces at the entrance of the Balata refugee camp in Nablus on 22 March 2004.
- 12- James Henry Dominic Miller, 34, a Welsh cameraman, producer, director, and an Emmy Awards winner, was killed by Israeli forces while he was filming a documentary in Rafah in Gaza Strip on 2 May 2003.
- 13- Hassan Ziyad Shaqwra, 23, worked as a photographer for the Quds Radio when he was killed in an Israeli airstrike on a car in Beit Lahia in Gaza Strip on 15 March 2008.
- 14- Fadel Shanaa, 24, a Reuters cameraman, was killed by several darts, known as flechettes, which burst from a shell fired by an Israeli tank on 16 April 2008, while he was covering an Israeli assault in Gaza Strip. According to Reuters, the Israeli tank firing and shell bursting were the final images on tape before Shanaa's camera was destroyed.
- 15- Umar Abdul Hafez al-Silawi, 28, worked as a cameraman for Al-Aqsa TV when he was killed in an Israeli airstrike in Beit Lahia in Gaza Strip on 3 January 2009.
- 16- Basel Ibrahim Faraj, 22, a cameraman assistant, worked with an Algerian TV when he was killed in an Israeli airstrike on a civilian building in Tel al-Hawa neighbourhood in Gaza Strip on 6 January 2009.
- 17- Ehab Jamal al-Wahidi, 33, was a cameraman for Palestine TV. He was killed during an Israeli airstrike on the Tower of Doctors (Burj al-Atbaa) in Gaza city on 8 January 2009.
- 18- Alaa Hammad Murtaja, 26, a correspondent of the local al-Buraq Radio, was killed in an Israeli airstrike in Gaza Strip on 9 January 2009.
- 19- Cevdet Kiliclar, a Turkish Journalist who was killed by Israeli commanders unit, which stormed the Mavi Marmara Ship that sailed for Gaza on 31 May 2010.
- 20- Hossam Mohammed Salameh, 30, was a cameraman with Al-Aqsa TV. He was killed in an Israeli airstrike at a car belonging to Al-Aqsa TV in Gaza Strip on 20 November 2012. Irina Bokova, the Director-General of UNESCO, condemned the incident then, saying that "I am deeply concerned about the reported targeting of media facilities and personnel that have left three Palestinian journalists dead: Mahmoud Al-Komi, Hossam Salameh, and Abu Eisha."
- 21- Mahmoud al-Komi, 29, was also killed in the same Israeli airstrike on 20 November 2012. He worked as a cameraman for Al-Aqsa TV.
- 22- Mohammed Abu Eisha, 24, worked for Al-Quds Educational radio station. He was also killed in the Israeli airstrike along with Komi and Salameh on 20 November 2012, while he was in the area.

In July and August 2014, seventeen Palestinian who worked in media and journalism were killed during Israel's 51-day military offensive against the Gaza Strip. Middle East Eye published their names then. They are:

- 23- Hamed Abdullah Shihab, 33, worked with 24 Media. An Israeli airstrike hit a car, which carried the press logo, while Shihab was in it.
- 24- Najla Mahmoud al-Haj, 29, was media and social activist. She was killed in an Israeli airstrike along with seven members of her family.
- 25- Khalid Hamad, 25, from Continue Media Production.
- 26- Abdul Rahman Ziad Abu Hin, 28, an editor in al-Kitab TV channel.
- 27- Ezzat Duheir, 23, a radio correspondent of both Prisoners and Liberty radios, is also a member of the governing body of the Palestinian Youth Media Rally in Rafah. He was killed along with 21 family members in an Israeli airstrike.
- 28- Bahauddin Quraib, 58, Palestine TV's Hebrew news chief-editor.
- 29- Ahed Zaqqot, 50, a sports journalist at Palestine TV.
- 30- Rami Rayan, 26, journalist and photographer for the Palestinian Network for Media.
- 31- Sameh al-Arian, 29, worked for al-Aqsa TV.
- 32- Mohammed Daher, 27, was an editor at al-Resalah newspaper. He was killed in an airstrike along with his daughter and five family members.
- 33- Abdullah Fahjan, 22, a sports journalist for Sada al-Malaeb website and al-Aqsa Sports.
- 34- Hamada Khaled Mqat, 29, a director of Saja news website and a member of the Palestinian Youth Media Rally in northern Gaza.
- 35- Shadi Hamdi Ayad, 26, was a freelance journalist and editor.
- 36- Mohammed Nouredine al-Deeri, 22, a photojournalist in the Palestinian Network
- 37- Ali Abu Afash, 36, worked for Doha Centre for Media as a programs manager.
- 38- Simone Camilli, 35, an Italian journalist and photographer who worked for the Associated Press.
- 39- Abdullah Fadel Murtaja, 26, worked as a journalist at Al-Aqsa TV and Shehab Agency
- 40- Ahmed Abu Hussein, 26, a photojournalist, died on 25 April 2018 from bullet wounds to his abdomen sustained after being shot by Israeli forces on 13 April 2018 in Gaza Strip.

### **Israel interrogators sleep-deprived, tortured Palestinian detainee, Shin Bet review finds (Middle East Monitor)**

May 17, 2022

#### **Israeli interrogators torture and sleep-deprive Palestinian detainee Tarek Bargut**

A Palestinian prisoner was subjected to days-long interrogation 14 times while cuffed by Israeli security agency Shin Bet. He was also forced into painful stress positions, beaten and deprived of sleep.

However, the Israeli Justice Ministry refused to launch a criminal case investigating the torture, which Palestinian prisoner Tarek Bargut described as "cruel, inhuman and humiliating."

Tarek, a criminal attorney who represented many Palestinians accused of terror attacks and other security offences, was arrested in February 2019, for shooting at vehicles near Ramallah.

According to a complaint filed against Shin Bet on 29 March 2019, which the Israeli Justice Ministry ignored, Tarek suffered sleep deprivation and psychological torture, including seeing interrogators arresting his wife and forcing him to watch her being led away in handcuffs.

Tarek added that the Shin Bet interrogator beat him every time he fell asleep and cursed and shouted at him during the interrogation.

Shlomi Abramson, the head of the Investigations Unit for Special Missions in the police service, confirmed that the "the

complainant was indeed deprived of sleep during long periods of interrogation."

According to the details of the report, Tarek was interrogated 14 times in "extended interrogations," lasting between 27 hours and 47 hours and 55 minutes. Only when Tarek began to accept the accusation against him under pressure, did the interrogations become shorter.

A person close to Bargut told Haaretz: "Sitting on a chair when your hands are cuffed tightly for two days and nights, and you are treated brutally to wake you up, shouldn't this be called torture? Beyond this, improper use made of the arrest of family members to wring out a confession. When they showed him his wife under arrest, it was intended to pressure him as he saw her crying and shaking."

Despite the findings, Shin Bet said: "It was determined that the findings do not justify launching a criminal investigation or taking disciplinary or other steps against any of the interrogators."

"Tarek Bargut was convicted by his confession in the framework of a plea bargain of serious security offences, and he was sentenced to a lengthy prison term."

The Israeli Justice Ministry also responded, "The supervisors of security interrogations monitored the interrogation of Tarek Bargut at various segments of time. In the segments that were monitored no irregularities or support for the complainant's claims were found and exceptional events did not emerge."

Israeli authorities routinely commit flagrant violations against Palestinian prisoners, including depriving them of the right to healthcare, protection from infectious diseases and non-discrimination.

According to Palestinian NGOs, there are 4,500 Palestinian detainees in Israeli prisons, including 34 women and 180 children, and around 500 are being held under Israel's administrative detention policy, which allows holding Palestinians without charge or trial.

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

## Gulf Region

### **Shireen Abu Akleh's killing is a 'possible war crime', says UN Rapporteur on Palestine (Middle East Monitor)**

May 12, 2022

**The killing of prominent Palestinian journalist and Al Jazeera correspondent, Shireen Abu Akleh, is a "potential war crime", UN Special Rapporteur on Palestine, Francesca Albanese, said in an interview with a Turkish news agency yesterday.**

Albanese, who last month succeeded her predecessor Professor Michael Lynk, told the Anadolu Agency that Abu Akleh's killing constitutes a "serious violation of international humanitarian law and is potentially a war crime under the Rome Statute of the International Criminal Court."

"The tragic death of Shireen Abu Akleh is yet another serious attack on journalism and freedom of expression and the right to life and safety in the occupied Palestinian territories," said Albanese.

"Abu Akleh's killing must be thoroughly investigated in a transparent, rigorous and independent manner," Albanese continued asserting that "it is the right moment to demand that the illegal occupation of Palestine be dismantled."

Al Jazeera has blamed Israel for Abu Akleh's death saying that the 51-year old was "assassinated in cold blood" by occupation forces. Abu Akleh's colleagues who witnessed the killing said that she was hit by an Israeli sniper who had pinned them down on the street where the veteran journalist was killed.

The occupation authorities have been accused of denial, obfuscation and lying following their attempts to blame Palestinians for the killing of Abu Akleh. A video compiled by the Israeli army and shared widely by advocates of the Apartheid State has

been debunked by Israeli human rights group B'Tselem. It found that the Palestinian gunman shown in the video is at a completely different location to where Abu Akleh was killed.

"This morning, B'Tselem's field researcher in Jenin documented the exact locations in which the Palestinian gunman depicted in a video distributed by the Israeli army, fired, as well as the exact location in which Journalist Shireen Abu Akleh was killed," B'Tselem tweeted.

It reiterated: "Documentation of Palestinian gunfire distributed by Israeli military cannot be the gunfire that killed Journalist Shireen Abu Akleh."

Israeli officials have also been putting pressure on the Palestinian Authority to be included in the investigation. The demand of an occupying force responsible for the death of 86 Palestinian journalists over the decades, has been met with disbelief.

This morning the Palestinian Authority reiterated its rejection of cooperating with Israel in its investigation. A member of the executive committee of the Palestine Liberation Organisation, Hussein Al-Sheikh, announced that the PA had rejected a request by the Israeli occupation to open a joint investigation.

Al-Sheikh said on Twitter that the PA is determined to complete the investigation independently, and "will inform her [Abu Akleh's] family, America, Qatar and all official and popular authorities of the results of the investigation with high transparency."

He reiterated that "all indications, evidence and witnesses confirm her assassination by Israeli special units." The Palestinian Ministry of Health has said that journalist Ali Smoudi was also shot in the back by the occupation army but described his injury as stable.

Paying tribute to Abu Akleh, Al Jazeera said that she was one of the first field correspondents for the agency, and for a quarter of a century had covered Israel's brutal occupation despite the risk to her life.

The ICC launched an investigation into Israeli war crimes last year as has the UN. The world body set up an International Commission of Inquiry to investigate violations in the Occupied Palestinian Territory, including East Jerusalem, and in Israel.

## **Qatar: Quash life sentences for activists who protested discriminatory election law (Amnesty International)**

May 12, 2022

**Responding to the news that a Qatar court sentenced three activists, including the lawyers Hazza and Rashed Ali Hazza Salem Abu Shurayda, to life in prison on 10 May for protesting against a discriminatory election law, and sentenced one other to 15 years in prison, Lynn Maalouf, Amnesty International's Deputy Regional Director for the Middle East and North Africa, said:**

"The sentencing of Hazza and Rashed Ali Hazza Salem Abu Shurayda — and Mohammed Rashed Hassan Nasser al-Ajami in absentia — to life in prison is extremely concerning and it sends a chilling message to the activist community that dissenting views will not be tolerated.

"In a closed-door trial, the court sentenced these four activists to appalling prison terms on bogus charges of inciting violence, when they had simply exercised their right to peaceful protest. Their convictions and sentences must be quashed.

"It is baffling that the Qatari authorities would punish these men while attempting to improve their human rights reputation before the 2022 FIFA World Cup. Instead of locking away state critics, the authorities must respect the basic and inalienable rights of all of their residents. They should also heed the protesters' call to amend the country's discriminatory electoral laws."

### **Background**

After the Qatari Emir Sheikh Tamim bin Hamad Al-Thani ratified Law No. 6, which covers elections to the Shura Council, on 29 July 2021, protests erupted near Doha on 7 August 2021. The demonstrators expressed frustration at the law, which discriminates against members of the Al Murra tribe by excluding thousands of them from voting or running in the election. The Al Murra tribe have long suffered discrimination across a range of basic rights, including access to education, employment and health care.

On May 10, the Qatari Criminal Court of First Instance convicted the four men, two of them in absentia, on charges related to contesting laws ratified by the Emir, "threatening" the Emir on social media, compromising the independence of the state, organizing unauthorized public meetings, and "violating" social values online.



## **Qatar, key US ally, faces new accusations of terror funding (The Washington Post)**

By Alan Suderman

May 13, 2022

### **Qatar, a key U.S. ally in the Persian Gulf, is facing increased scrutiny over its alleged financial ties to terrorism in a lawsuit from relatives of a slain American journalist and a separate federal investigation into a member of the country's royal family.**

The family of Steven Sotloff alleged in a federal lawsuit Friday that prominent Qatari institutions wired \$800,000 to an Islamic State “judge” who ordered the murder of Sotloff and another American journalist, James Foley. The two were beheaded in Syria in 2014, their killings filmed and published in grisly propaganda videos.

“We want to do everything we can to make sure no other family has to suffer what we have suffered,” the Sotloff family said in a statement explaining their lawsuit.

Separately, federal prosecutors have been investigating potential ties between terror groups and Khalid bin Hamad Al-Thani, the half-brother of Qatar’s ruling emir, according to documents reviewed by The Associated Press and interviews with two people familiar with the investigation.

A grand jury investigation, run out of the Southern District of New York, has focused in part on whether Khalid Al Thani provided money and supplies to Al Nusra, al-Qaeda’s branch in Syria, said the two people. They spoke on condition of anonymity because they were not authorized to discuss the matter publicly.

Qatar has enjoyed a strong relationship with the Biden administration. The world’s wealthiest country per capita played a key role in evacuations from Afghanistan and its huge supplies of natural gas could help sustain Europe’s energy markets amid Russia’s war in Ukraine. Qatar could also play a critical role in President Joe Biden’s bid to revive a nuclear deal with Iran.

The Qatari Embassy said it needed more information before it could comment about the reported investigation, and did not immediately comment on the lawsuit.

Earlier this year, Biden designated Qatar a major non-NATO ally, a move that could be helpful in the country’s bid to get U.S. approval for a more than \$500 million sale of MQ-9 Reaper drones. Qatar is home to the largest U.S. Air Force base in the Gulf.

“Qatar is a good friend and a reliable partner,” Biden said in January while hosting Qatar’s ruling emir, Tamim bin Hamad Al-Thani, at the White House.

But Qatar, which was one of the strongest international backers of the rebellion against Syrian President Bashar Assad, has long faced criticism from some U.S. officials for allowing or encouraging funding of extremists groups in Syria, as well as for its direct and indirect support of the Muslim Brotherhood and Hamas.

Qatar has said it condemns terrorism, but officials have also conceded its efforts may have helped the wrong people.

“Look, in Syria, everybody did mistakes, including your country,” Hamad bin Jassim Al-Thani, Qatar’s former prime minister and foreign minister, said in a 2017 interview with American journalist Charlie Rose. He added that Qatar had never intentionally funded extremists groups in Syria and had cut off funding to any group it learned had another “agenda.”

Lawyers for the Sotloff family said in the lawsuit that Qatari officials either “knew or recklessly ignored” the fact that the Islamic State terrorists they were allegedly funding would target Americans for kidnapping, torture and murder.

Foreign countries and government officials cannot typically be sued in U.S. courts. But the U.S. Anti-Terrorism Act allows terror victims to seek damages from private entities connected to governments. The Sotloff suit’s defendants, Qatar Charity and Qatar National Bank, are alleged to have knowingly facilitated funding to terror groups.

Specifically, the lawsuit says the charity and the bank provided \$800,000 to Fadel al Salim, which he allegedly smuggled into Syria from Turkey and then used to form a “brigade of Islamic State fighters” and become a “sharia judge.”

The Sotloff complaint said al Salim signed the “Legal Retribution Verdict” ordering the deaths of Foley and Sotloff as well as led a convoy that transported the pair from one prison in Raqqa, Syria, to the town where they were slain.

Representatives for Qatar Charity and Qatar National Bank did not immediately respond to requests for comment.

The current whereabouts of al Salim are unknown. But U.S. prosecutors have made significant progress in separate criminal cases against two of the British Islamic State militants responsible for the killings of Sotloff and three other American captives.

Alexandra Kotey was sentenced recently in federal court in Alexandria, Virginia, to life in prison. El Shafee Elsheikh, who was convicted in a jury trial last month, also faces life imprisonment when he is sentenced in August.

Kotey and Elsheikh were part of a cell of British militants known by their captors as “the Beatles” because of their accents. They were captured in Syria in 2018 and transferred to the U.S. in 2020 for criminal prosecution after Attorney General William Barr agreed to take the death penalty off the table.

Another militant, Mohammed Emwazi — known as “Jihadi John” — was killed in a U.S. drone strike in 2015 and a fourth was arrested in Turkey.

Sotloff, Foley and Peter Kassig were beheaded as part of propaganda videos released by IS in 2014 while Kayla Mueller was tortured and raped by Islamic State leader Abu Bakr Al-Baghdadi before she was killed. The hostage-taking also resulted in the killings of British and Japanese captives, officials have said.

“We are forever broken by the loss of our beloved son, and defined as the people from a horror movie,” mother Shirley Sotloff said at the Kotey sentencing hearing.

The Sotloff lawsuit, filed in West Palm Beach, Florida, does not disclose how information in the complaint was obtained. But it does include a high-level of detail, such as a specific bank account number, passages from a handwritten statement acknowledging payments and Islamic State judicial records.

The lawsuit also alleges Qatari royal family members and government officials worked with the Muslim Brotherhood and Turkish intelligence to fund extremist groups in Syria with the aim of undermining the Assad regime.

Similar allegations of prominent Qataris funding terrorist groups have been made in two ongoing lawsuits filed in London on behalf of Syrian refugees.

Ben Emmerson, a London-based lawyer representing the refugees, said there’s clear evidence American officials have chosen to turn a blind eye to Qatar’s terror financing in Syria because the U.S. needs Qatar’s help in other areas.

“This is realpolitik in action,” he said.

One of the London lawsuits alleges that Qatar National Bank board members made hawala payments -- an informal money transfer system -- directly to Al Nusra, al-Qaeda’s branch in Syria. Those include transfers, according to the lawsuit, by the emir’s half-brother, Khalid Al Thani. He previously served on the board of Qatar National Bank.

It’s unclear if those payments are part of the grand jury investigation involving Khalid Al-Thani, which is at least a year old. Prosecutors from the Southern District of New York declined to comment.

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

## ASIA

### Afghanistan

#### **Fighting in Panjshir triggers fresh claims of Taliban war crimes (National Herald)**

May 14, 2022

#### **Resistance to the Taliban is flaring up in northeastern Afghanistan, and as reports of deadly fighting increase, so are claims of war crimes against civilians.**

The fighting is centred in Panjshir province, a traditional hotbed of ethnic Tajik resistance to the Pashtun-dominated Taliban and the last province to fall to the extremist group after it seized control of the rest of the country in August 2021, RFE/RL

reported.

Residents of the southern Dara district's Abdullah Khel Valley said that an influx of Taliban fighters to counter growing unrest had led to extrajudicial killings, torture and beatings.

The violence has been attributed by some to defiance of the Taliban's declaration that Eid al-Fitr be celebrated on May 1.

Locals marked the Islamic holiday on May 2 after a prominent imam criticized the Taliban's decision as politicized, and issued a fatwa calling for it to be celebrated in keeping with the date set by Mecca, the RFE/RL report said.

They also report high casualties among Taliban fighters deployed from other provinces to quell fighting led by the resurgent anti-Taliban National Resistance Front (NRF) and to round up local religious figures and other potential insurrection leaders.

"As they (the Taliban) searched for the resistance, they encountered difficulties but took a number of young men hostage," said one resident of Abdullah Khel Valley.

"There are dead bodies in every corner," said Mullah Mahad, 41, another resident. "But they (locals) don't have the right to bury their dead."

Another resident, Gul Aqa, said that clashes with the NRF resulted in heavy losses for the Taliban.

"The Taliban sent more troops and military weapons to suppress the gunmen, but this time the National Resistance Front forces based in the Abdullah Khel Valley attacked the Taliban convoy," he said.

The reported fighting has led to a war of words between the NRF and the Taliban, with the resistance group claiming in recent days that it had killed scores of Taliban fighters and taken control of large parts of the Abshar and Dara districts, including the Abdullah Khel Valley, RFE/RL reported.

The reports of renewed fighting have been accompanied by multiple videos on social media of apparent war crimes being carried out by Taliban fighters.

The videos, which RFE/RL was not able to independently verify, purportedly show Taliban fighters beating civilians and firing at civilian homes.

Other videos show alleged Taliban fighters shooting men one by one in a trench and allegedly executing a resistance fighter.

The reports of the mistreatment and killings of civilians led the European Union's envoy to Afghanistan, Andreas von Brandt, to express his concerns about the situation in Panjshir.

"We mourn the innocent loss of life," von Brandt wrote on Twitter on May 10.

"Once more, the situation underlines the need for overdue inclusive solutions in governing Afghanistan."

### **Fear Grips Afghanistan's Sufi Community Following Deadly Attacks (Gandhara)**

By Abubakar Siddique

May 16, 2022

#### **Mansur Sikandari was singing Islamic hymns inside the Khalifa Sahib monastery in the Afghan capital, Kabul, when a powerful explosion ripped through the building.**

The monastery was packed with members of Afghanistan's Sufi community, who follow a mystical form of Islam and incorporate dancing, singing, and music in their religious practices. The bombing killed up to 50 worshippers and wounded dozens of others on April 29, in one of the deadliest-ever attacks on Sufis in Afghanistan.

"What happened that day constantly flashes before my eyes," Sikandari, who was hospitalized with injuries, told RFE/RL's Radio Azadi. "Nothing like this had happened before under any government."

No group claimed responsibility for the bombing, although it bore the hallmarks of previous attacks carried out by the Islamic State-Khorasan (IS-K) group. Many IS-K members are Salafists, an ultraradical sect under Sunni Islam that views Sufis as heretics. The extremist group has staged devastating attacks against the Shi'ite minority in Afghanistan since it first emerged in 2015.

On April 22, IS-K claimed responsibility for bombing a Sufi mosque in the northern province of Kunduz that killed at least 33 people and wounded dozens of others.

Experts say that IS-K militants are attacking Sufis, a predominately Sunni sect, to incite a sectarian war and undermine Taliban rule. "For these reasons, there is a chance that this fire will spread further," said Sami Yousafzai, a veteran Afghan journalist and commentator who has tracked the Taliban since its emergence in the 1990s.

Since seizing power in August 2021, the Taliban has waged a ruthless crackdown against the rival IS-K. But IS-K has continued to launch regular attacks on Taliban officials and carried out high-profile urban attacks on mosques, schools, and hospitals.

'Fear Bomb Blasts'

Some Taliban members have been former followers of Sufism. But the Taliban's strict interpretation of Islam is opposed to mystical forms of the faith.

During the Taliban's first stint in power, from 1996-2001, some Sufis were forced to go into hiding. The Taliban stormed some Sufi monasteries and gatherings, beating members of the community and destroying their musical instruments. The Taliban banned music under its rule.

Sufis revere saints and use music to propagate the message of Islam. They focus on self-cleansing through devotion, in sharp contrast to the Taliban and IS-K, which follow a literal interpretation of Islam.

For more than 13 centuries, Afghanistan has been a center of Sufi Islam. Saints born in the areas comprising today's Afghanistan had a prominent role in spreading Islam to the subcontinent. Sufi leaders in Afghanistan claim that at least 60 percent of the country's population are followers of Sufism, or at least support and respect Sufi values. "Ziyarats," believed to be the burial places of prominent Sufi figures, are popular pilgrimage sites all over the country. Many Sufi religious leaders enjoy respect and influence among the local population.

"Sufism is the practice of religion that focuses on self-cleansing through prayers," said Ahmad Madani, an Afghan Sufi.

Despite their image as being peaceful mystics, Sufis in Afghanistan have been actively involved in politics and military conflicts.

Late Afghan President Sibghatullah Mujadidi, the leader of the Naqshbandi order of Sufis, led a prominent mujahedin faction that fought against Soviet forces in the 1980s. Pir Sayyid Ahmed Gailani, the leader of the Qadiriyya order, also led a mujahedin faction.

With the Taliban in power and IS-K militants targeting Sufis, many members of the community live in constant dread. Some have even stopped going to Sufi monasteries and shrines for fear of being killed in an attack.

"My family is reluctant to let me go to mosques because they fear bomb blasts, particularly suicide attacks," said Ghulam Saeed, a resident of Parwan Province, located just north of Kabul.

**Witness first heard allegations Ben Robert-Smith kicked unarmed Afghan off cliff in 2017 interview, court hears (The Guardian)**

By Ben Roberts-Smith

May 18, 2022

**A former SAS soldier has told Ben Roberts-Smith's defamation trial that he first heard the allegation that Roberts-Smith kicked an Afghan prisoner off a cliff when he was interviewed by the inspector general of the Australian defence force in 2017.**

The soldier, anonymised as Person 32 and called by Roberts-Smith as a witness, was asked by Arthur Moses SC, acting for Roberts-Smith: "When did you first become aware of an allegation Mr Roberts Smith kicked a 'PUC' [person under control] off a cliff at Darwan?"

"In the IGADF," Person 32, who served alongside Roberts-Smith at Darwan, replied. He told the court he had three separate interviews with the inspector general, in 2017 and 2018.

The IGADF, led by Maj Gen Paul Brereton, a judge on the New South Wales supreme court, began investigations in 2015 into allegations of war crimes committed by Australian special forces troops on deployment in Afghanistan.

The Darwan allegation is a key point of dispute in Roberts-Smith's defamation trial against three Australian newspapers, who he says defamed him in a series of reports that he claims alleged he committed war crimes, including murder.

The newspapers are pleading a defence of truth. Roberts-Smith denies any wrongdoing, including the alleged murder of the prisoner at Darwan.

The court has heard Australian SAS troops were sent into Darwan, in Afghanistan's southern Uruzgan province, at dawn on 11 September 2012, seeking a rogue Afghan soldier named Hekmatullah who had killed three Australian soldiers at a patrol base three weeks earlier. Hekmatullah was not in Darwan.

The newspapers in their defence allege that, at the end of the mission to Darwan, Roberts-Smith murdered an Afghan farmer called Ali Jan who had been taken prisoner by Australian troops, in a "joint criminal enterprise" with his subordinate, Person 11.

It is alleged that during an interrogation, Roberts-Smith walked Ali Jan, bound in handcuffs and blindfolded, to the edge of a cliff before kicking him in the chest, causing him to fall more than 10 metres into a dry riverbed.

The defence alleges that Australian troops then walked down a zigzag path to the riverbed from where Ali Jan, still alive but badly injured, was dragged to a nearby cornfield, where he was shot either by Roberts-Smith or Person 11.

An Australian soldier has previously given evidence for the newspapers' defence that he saw the man being kicked from the cliff, striking his face on the cliff as he fell. That soldier told the court he had been ordered by Roberts-Smith to drag the man into the cornfield, where he heard a number of shots and saw Person 11 with their rifle raised.

Two Afghan nationals have also testified for the newspapers they saw Ali Jan kicked off the cliff by a "big soldier".

Roberts-Smith has denied the allegation, telling the court in his evidence the man purported to be Ali Jan was a "spotter" discovered hiding in a cornfield and carrying a radio, who refused an order to stop. He was a legitimate target, he said, lawfully killed in accordance with the laws of war.

Roberts-Smith has maintained he could not have killed the man as alleged because there was no cliff from which to kick him. "There was no cliff ... there was no kick," he told the court. Person 11, who has given evidence for Roberts-Smith, backed his version of events at Darwan, saying the man had been discovered hiding in the cornfield and "moving in a very suspicious manner".

"I assessed this person posed a direct threat to the extraction of our forces so I engaged."

Person 32, who is no longer in the defence force, remains in the witness box under cross-examination. He has been mentioned in previous evidence before the court.

An earlier witness for Roberts-Smith, a soldier known as Person 35, told the court he knew he himself was being investigated, by the office of the special investigator, over an alleged murder of a man in another compound in Darwan during the same mission.

Person 35 told the court he and Person 32 shot two men in a compound, but said the killing was lawful.

"Those two insurgents we engaged in that compound were legally engaged ... they were armed."

Referring to media reports about the alleged incident, person 35 said: "That report is a lie." "I am aware that that is being investigated. I've had a false allegation made against me."

Person 32 told the court he had lawfully shot and killed a man alongside Person 35, in line with the Australian troops' rules of engagement. "They were armed and posed a threat to us," he said. The incident involving Persons 35 and 32 is not part of the newspapers defence, but was raised in cross examination by the newspapers' barrister.

Under cross examination last month, a former senior SAS soldier, Person 5, told the court he was aware of an allegation he had "blooded" Person 32 during a mission on a compound known as Whiskey 591 in West Dorafshan in 2010. The newspapers have previously alleged that "'blooding' refers to initiating a person in the practice of killing, or giving them the taste for killing," usually by an experienced senior soldier ordering a new subordinate to kill an unarmed person.

In court, Person 32 denied ever being blooded or taking part in the practice, or hearing the term. Person 5 also said the alleged event never happened: "We don't blood people."

Earlier on Monday, in a separate court action brought by Roberts-Smith against his ex-wife, Emma Roberts, the former soldier lost an application to appeal against an earlier decision over his email account with RS Group, the company he founded to handle his speaking and other public engagements, of which Emma Roberts was a director.

Roberts-Smith was seeking a second chance to question his former wife over his claims she accessed confidential emails and passed them on to the media organisations defending the defamation case.

The VC winner lost his first attempt in January after a federal court judge found his “litany of complaints” against Emma Roberts were based on nothing more than “bare possibilities and suspicions”.

Roberts has denied she obtained any material through covert means, and the three newspapers sued for defamation have said she did not provide them with any material for the ongoing lawsuit.

On Monday, Justice Michael Wigney declined to provide leave to the former soldier to appeal January’s decision to the full bench of the federal court.

The defamation trial, before Justice Anthony Besanko, continues.

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

## **Extraordinary Chambers in the Courts of Cambodia (ECCC)**

**Official Website of the Extraordinary Chambers [English]**

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

**Cambodia Tribunal Monitor**

### **Was justice served? Tribunal keeping KR history (Khmer Times)**

By Taing Rinith

May 6, 2022

**With the Extraordinary Chambers in the Courts of Cambodia (ECCC) close to finishing its work since its beginning in 2006, historical experts have lauded its legacy as an instrument that reveals numerous truths about the black-clad regime, yet to many a Khmer Rouge survivor, it has never been enough “for justice to be served”.**

In her video message addressing the Khmer Rouge survivors attending a workshop organised by the Khmer Rouge Tribunal, Beth Van Schaack, Ambassador-at-Large for Global Criminal Justice, said pursuing justice for victims and survivors of the Khmer Rouge regime has been a part of her life since 1995 when she began working with Documentation Centre of Cambodia (DC-Cam) as a young law student “passionate about human rights”.

“The office I now lead has a special connection to the pursuit of justice for the people of Cambodia,” she said, adding that she and her team laud the legacy of the Khmer Rouge Tribunal.

“This includes not only the valuable role it has played investigating and prosecuting those most responsible for the Khmer Rouge’s atrocities and developing important jurisprudence,” Schack added.

“Equally vital is the role it has played in establishing the truth and in enabling some measure of healing among the survivors their families and their communities ... this combination of justice, truth and healing is to reassure the people of Cambodia and the world that this country will never experience such terrible violence again.”

She stated that “adaptability and willingness to respond” particularly from the civil party make ECCC a good model for other tribunals.

Pheng Pong Rasy, director of Genocide Education at the DC-Cam, agreed with Schaack, saying that ECCC has been a crucial source for Khmer Rouge History Education for those who were born post-Democratic Kampuchea. “Numerous truths and stories about forced marriages, violence and starvations came out in testimonies, and these will assist the young and future generations to learn about the ruthless era so that it will never be repeated.”

However, for some survivors, the outcome of ECCC is nowhere near compensating their losses and suffering under the ultra-Maoist rule.

Pin Yathay, 78, the author of the best-selling memoir *Stay Alive, My Son*, and a member of the civil party who testified before the Trial Chamber of the ECCC, said he felt that the real justice had not been served, at least not for him who lost his wife, three sons, parents and siblings in the Khmer Rouge regime.

“The court took a very long time and cost a lot of money to go on, yet only a handful of Khmer Rouge senior leaders have been convicted,” Yathay said. “I am not satisfied because more people should have been put on trial.”

Tang Muyly, another Khmer Rouge survivor, also said the trials were not enough. “They do not belong to the prison although they died in it,” she said. “They are prisoners of history and more KR leaders should be treated that way.”

Meanwhile, Norng Chan Phal, who survived internment at the Tuol Sleng prison known as S-21 as a child, said in his heart, ECCC had helped him feel relieved, especially over the grief of losing his mother in the notorious Khmer Rouge detention centre, but he said that more should have been done to compensate the surviving victims.

“Many KR survivors have been scarred and traumatised for life, and I wish to see the next efforts after the tribunal is to help them get over it and heal the wound.”

In a process that has taken over 16 years, only three former Khmer Rouge leaders were convicted by the tribunal and sentenced to life in prison. They include former head of state Khieu Samphan, former deputy secretary of the Communist Party of Kampuchea Nuon Chea, and former chief of Tuol Sleng Prison Kaing Guek Eav alias Duch.

Noun Chea, also known as Brother No 2, died in August 2019 at the age of 93 at Khmer Soviet Hospital while serving his time. Duch took his last breathe in September 2020 after battling with chronic obstructive pulmonary disease.

The bodies of both genocidal leaders have been cremated quietly unlike the hundreds of thousands of their victims who were mostly buried in mass graves.

Khieu Samphan, 90 and the last surviving convicted, is still denying accusations over the genocide and trying to appeal his case.

Schack, however, in her video message acknowledges disappointment caused by the long court processes that resulted in only three convictions.

“These concerns are legitimate and understandable; I hope that the ongoing work of the ECCC’s residual functions especially to preserve the tribunal archives and ensure their accessibility and to continue its victim-centred approach will help to alleviate some of this disappointment.”

Separately, Pheng Pong Rasy, director of Genocide Education in Cambodia, claimed that it was hard for ECCC to satisfy everyone as people usually have different definitions of justice.

“In this case, we have to look at the legacy of the tribunal as a whole nation, as a historical milestone in Cambodia’s justice history,” he said, adding that the relevant institution have been working hard to compensate the survivors and victims.

“The examples of those include the achieve centres in provinces that keep documents on Khmer Rouge and their atrocities, and the stupas we have built to keeps the remains of the victims murdered by the Khmer Rouge.”

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

## **Bangladesh International Crimes Tribunal**

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

## **War Crimes Investigation in Myanmar**

## **Arrests of Activists, Journalists Continue in Myanmar as Military Tribunals Impose Harsh Sentences (Civicus)**

May 10, 2022

**15 months after the military coup, serious human rights violations by the military junta continued to be documented in the country, which is rated as 'repressed' by the CIVICUS Monitor.**

According to the Assistance Association for Political Prisoners (Burma), as of 5th May 2021, 1,821 individuals have been killed by the junta since the coup, while a total of 10,535 individuals are currently under detention. At least 912,700 people have been displaced due to armed clashes and attacks, while the junta continued to block humanitarian aid.

Nicholas Koumjian, the head of the Independent Investigative Mechanism for Myanmar, said in February 2022 that the mechanism is working to substantiate cases of over a thousand individuals who have been killed in circumstances that may qualify as crimes against humanity or war crimes. He also stated that there were credible allegations of arbitrary detention, torture, sexual violence and even killings while in detention.

On 21st February 2022, The European Council adopted a fourth round of sanctions targeting 22 individuals and 4 entities, while on 10th March, the European Parliament (EP) adopted an urgency resolution on the situation in Myanmar. The EP condemned the military junta's violent and illegitimate rule and called for the immediate and unconditional release of all political leaders, civil society activists and all those detained or imprisoned solely for the peaceful exercise of their human rights.

The UN High Commissioner for Human Rights Michelle Bachelet said in a new report dated 15th March 2022 to the UN Human Rights Council that the international community must take concerted, immediate measures to stem the spiral of violence in Myanmar, where the military has engaged in systematic and widespread human rights violations and abuses – some of which may amount to war crimes and crimes against humanity. The High Commissioner also supported the referral of the situation in Myanmar to the International Criminal Court, whether by the Security Council or by duly recognised national authorities.

On 29th March 2022, The Human Rights Council adopted by consensus at the 49th Session a resolution to extend the mandate of the Special Rapporteur for a further year and maintain monitoring and reporting by the High Commissioner, with a focus on accountability. The resolution called for the release of “all those who have been arbitrarily detained, charged, arrested, convicted or sentenced on specious grounds, including human rights defenders, journalists and civil society representatives and for the respect of freedom of peaceful assembly and association, and of opinion and expression.”

One year on, since adopting the Five-Point Consensus on Myanmar on 24th April 2021, the Association of Southeast Asian Nations (ASEAN) and its member states have not achieved any progress in addressing the human rights and humanitarian crisis perpetrated by the military junta. Civil society groups have condemned the inaction of ASEAN and urged the regional bloc to move beyond the consensus and align its efforts with the international community to immediately and meaningfully address the dire situation in Myanmar.

In recent months, activists were arrested, faced fabricated charges - including of terrorism - and given harsh sentences including the death penalty, by secret military tribunals. According to reports, many activists had unfair trials and were tortured or ill-treated. Myanmar's press freedom rankings dropped further according to Reporters Without Borders (RSF) and journalists continued to be criminalised on charges of “incitement, sedition and ‘terrorism’”. At least 26 writers were jailed in 2021. The junta also arrested dozens of activists for supporting the ‘silent strike’ around the one year anniversary of the coup.

Association

Reports continue of activists facing arbitrary arrest, criminalisation, torture, ill-treatment and killings at the hands of the military junta. According to AAPP, 1,039 people have been sentenced, with 65 sentenced to death, as of 5th May 2022.

On 21st January 2022, two pro-democracy figures were sentenced to death for alleged involvement in terrorist activities. They were accused of allegedly possessing weapons and carrying out bombings. Phyo Zeyar Thaw, a member of the National League for Democracy (NLD) who is also a rapper, was arrested in November 2021 and sentenced to death for offences under the Counter-Terrorism Law. Prominent democracy activist Kyaw Min Yu, better known as "Jimmy", received the same sentence from the military tribunal.

On 10th March 2022, prominent democracy activist Mya Aye was sentenced to two years in prison by a junta court as he marked his 56th birthday. He was sentenced at a court inside Insein Prison. As previously documented, Mya Aye, one of the leaders of the 88 Generation, was arrested on 1st February 2021 - following the coup - on hate speech charges under Article



505(c) of the Penal Code for incitement. Mya Aye was arrested twice under the former junta for his political activism during and after the 1988 uprising and served a total of 12 years in prison.

Nine young activists belonging to an anti-coup protest group in Mandalay were detained on 6th April 2022, according to a report by the Irrawaddy. U Aggavumsa, the leading organiser of anti-coup protests in Pyigyitagun, said two safe houses were raided and six men and three women were detained.

#### Criminalization of activists by secret military tribunals

According to Radio Free Asia (RFA), many activists have been sentenced by the Myanmar junta's secret military courts including in the country's most notorious Insein Prison. RFA said that the courts appear to take orders from top divisional military commanders, reducing the chances of successfully appealing a decision, given that the highest authority in the military tribunal system is the chairman of the State Administration Council, the formal name of the junta-run government under Senior General Min Aung Hlaing. Myanmar's Supreme Court, though the highest civilian court in the country, cannot intervene in cases tried by military tribunals under the Defence Services Act of 1959.

#### Report highlights violations faced by political prisoners

A new report published by the Assistance Association for Political Prisoners (Burma) (AAPP) in March 2022 highlights systematic violations faced by prisoners in detention including unfair trials and torture and cruel, inhumane and degrading punishment.

According to AAPP, the legal basis for arrests is being systematically withheld from activists arrested and their lawyers including the reason for detention, charges, date of charge and evidence filed until trial. Bail is often denied, and any legal defence disregarded. In several court cases, police who were testifying for the prosecution did not witness the alleged violations and the prosecution has also on occasion had no physical evidence placing defendants at the scene. Access to lawyers has been severely curtailed for political prisoners since the coup.

The report also found that political prisoners are systematically physically and mentally tortured by the junta, of whom at least 103 pro-democracy supporters have been tortured to death in interrogation centres since the coup, most within 48 hours of arrest. Violence against detained political prisoners begins from the moment they are arrested and can take place inside interrogation camps, prisons, police custody or on the streets. All genders are also being subjected to sexual abuse. Political prisoners also experience mental torture, most commonly isolation from the outside world. Those involved in prison strikes have been beaten and tortured, had to do forced labour and denied access to adequate medical treatment.

#### Ousted leader sentenced to jail for corruption

A court found former leader Aung San Suu Kyi guilty of corruption on 27th April, the latest verdict in a series of secret trials. The closed-door hearings in the capital Nay Pyi Taw were closed to the public and media, and Suu Kyi's lawyers forbidden from speaking to journalists. A junta court found her guilty of taking a USD 600,000 bribe in the form of cash and gold bars from the former head of Yangon, Myanmar's largest city and region. She was sentenced to five years in jail.

The latest conviction takes her total prison sentence to 11 years, as she was previously found guilty of other offences. In December 2021, she was convicted of inciting dissent against the military and breaking public health COVID-19 rules. In January 2022, she was also found guilty of having contraband walkie-talkie radios in her house and breaching further pandemic rules. Suu Kyi still faces 10 other corruption charges, each carrying a maximum penalty of 15 years, as well as charges of electoral fraud and violating the Official Secrets Act. She denies all of the accusations and rights groups have condemned the court trials as a sham.

#### Journalists continue to be detained and sentenced

Journalists have been systematically targeted by the junta since the coup and 135 journalists have been jailed since it seized power in February 2021, while others routinely face harassment, arrest and even death for doing their jobs. As of 4th April, 55 journalists - 42 men and 13 women - remain in detention.

According to Reporters Without Borders (RSF), Myanmar's press freedom ranking dropped further from 140th to 176th out of 180 countries in its new index published on 3rd May 2022. The organisation said that the junta "obliterated the fragile progress towards greater press freedom" over the last decade and has become one of the world's biggest jailer of journalists.

On 19th January 2022, the junta arrested two journalists in southern Myanmar. Reporter Ko Zaw, reporter Ma Moe Myint and designer Ko Thar Gyi from Dawei Watch, an online news outlet based in Dawei, the capital of Tanintharyi Region, were detained at their homes at midnight. Dawei Watch covers news mainly from southern Myanmar. Since the coup, the role of local news outlets has been crucial in exposing and documenting junta violence and atrocities against civilians.

According to the Committee to Protect Journalists, on 2nd February 2022, Thurin Kyaw, founder of the independent outlet Media TOP 4, was beaten by unidentified attackers while he covered a rally in support of the ruling military junta in Yangon. The following afternoon, authorities in Yangon's Insein township arrested Thurin Kyaw at his home.

The International Federation of Journalists (IFJ) reported that journalist Hanthar Nyein was sentenced on 21st March 2022 in a military-run court inside Yangon's Insein Prison. The court charged the journalist with incitement under Section 505(a) of the Myanmar Penal Code. On 22nd March, Than Htike Aung was handed the same charge, but was sentenced in Dekkhina District Court in Naypyitaw, Myanmar's capital. Section 505(a) of Myanmar's Penal Code criminalises the circulation of any information that is deemed "false news" against the military regime. Both journalists pleaded not guilty. Radio Free Asia reported that Ye Yint Tun, a reporter for the Myanmar Herald, was also sentenced to two years in prison on 23rd March, under Sections 505(a) and 505(b) of the Penal Code. The sentencing of the three journalists comes one year after their original arrests.

At least two journalists from Shan State in Myanmar were sentenced to two years in prison. Lwe Am Phaung (21 years old), a female television correspondent of Shwe Phi Myay (SPM) news agency was jailed under Section 505(a) of the Penal Code by the military court on 7th April. Earlier, Khaing Myint Tun alias Shwe Lin Thit, a journalist from Kyaung Gyi Su ward in Taunggyi town, was sentenced to 10 years in prison by the court on 5th April 2022.

A journalist who contributes to news outlets including Voice of America and Frontier Myanmar was formally indicted on 22nd April 2022 by a court in Yangon. Sithu Aung Myint, who was arrested in August 2021 along with freelance journalist Htet Htet Khine, is facing two charges related to content that authorities say was critical of the military. He is facing charges under Section 505(a) of the penal code and charges of sedition under Section 124(a). If convicted, he could face up to three years' imprisonment on the first charge and up to 20 years on the second.

On 25th April 2022, journalist and writer Tu Tu Tha was arrested by the regime's troops in Yangon's Thanlyin township. She was detained at her home along with her son and two others. Tu Tu Tha, 49, is the former editor at The Irrawaddy's Burmese edition. The reason behind her arrest is still unclear.

On 25th April 2022, a court in Insein Prison indicted freelance journalist Soe Yarzar Tun under Section 52a of the Counter-Terrorism Law, which carries a prison sentence of up to seven years. The reporter was detained in Bago Region's Thone Sel Township on March 10, just days after he had escaped arrest when fifty soldiers raided a monastery in Bago where he was practising as a monk. He was held at the Phayar Lay Interrogation Centre in Yangon's Hlegu Township and then sent to the local police station, adding it was likely the journalist was tortured under interrogation.

At least 26 writers jailed in 2021, says rights group

Myanmar jailed more writers and public intellectuals in 2021 than any other country, according to a freedom of expression advocacy group. PEN America's annual census of detained writers, the Freedom to Write Index, found Myanmar's junta detained at least 26 writers in 2021 as it sought to suppress opposition after seizing power from the democratically elected government. According to PEN America, after the coup in Myanmar in February 2021, many poets and authors used their writing to express outrage and grief at military atrocities and inspire dissent. Of the 26 detained in Myanmar in 2021, the majority are held in prisons but have not yet been charged, according to PEN.

Many have continued to write while in hiding or temporary exile, sharing work on Facebook or private apps where they feel it is safe to do so. Others have been forced to self-censor due to the security risks.

Outrage as Telenor Myanmar sells to company linked to the junta

In March 2022, the sale of Telenor Myanmar to M1 Group received final regulatory approval from the Myanmar Investment Commission. M1 Group is a Lebanese investment holding company and has chosen the local partner Shwe Byain Phyu, a group of companies with ties to military-owned businesses. Telenor initially agreed to sell its Myanmar unit to M1 Group in 2021 but authorities preferred a local buyer at the time, stalling the bid. The holding company has announced it will eventually sell 80 percent of its stake to Shwe Byain.

In February 2022, Global Voice reported that activists and civil society groups in Myanmar sent open letters and launched an online petition to the Norwegian government opposing the sale of Telenor Myanmar to a company with links to the junta.

Activists and civil society groups have warned that the sale would allow the military regime to access more than 18 million Telenor customers' data. Sensitive information of users including SIM card registration, call and internet logs and location data could now fall into the hands of the military.

Telenor is a multinational telecom company based in Norway. It started operating in Myanmar in 2014 through its subsidiary,

Telenor Myanmar. After the military coup in February 2021, Telenor Myanmar faced pressure from the military government which gave several orders related to surveillance and content blocking. In July 2021, Telenor announced its intent to leave Myanmar.

## Peaceful Assembly

Activists are still pursuing peaceful protests despite grave danger and numerous challenges. According to Amnesty International, one of the most popular methods of protest has been “flash mobs” where activists run through the streets for a few minutes before dispersing to avoid being shot, arrested or run over by military vehicles. The public has also held “silent strikes” across the country, during which shops and businesses shut down, roads emptied, and people stayed home to show defiance of military rule.

## Arrests around strike to mark anniversary of military coup

A nationwide ‘silent strike’ on 1st February 2022 marked the one-year anniversary of the junta’s seizure of power.

Streets were deserted and shops abandoned across many of Myanmar’s towns and cities from 10 am to 4 pm as the public defied threats by the military junta and stayed at home. Images posted on social media showed usually congested roads with no traffic and stores shuttered. In Mandalay, the second largest city, a normally bustling market had virtually no customers. The military, which has struggled to control widespread opposition to its rule, had threatened charges of sedition or terrorism against anyone who participated in the stay-at-home protest. Business owners had also been told their properties would be seized if they participated. Despite the risk of further military violence, some activists held small rallies prior to the silent strike. Protesters, led by students, sprinkled the streets of Yangon with red paint, the colour associated with the National League for Democracy. Activists shared images of the act on Facebook, writing: “Our blood is red and we will march towards our enemy.” In Mandalay, protesters marched in the morning, chanting: “Who dares to live on the opposite side of the people?”

Many also held up three fingers, the resistance salute adopted from “the Hunger Games” movie that has also been used by pro-democracy demonstrators in neighbouring Thailand. According to The Irrawaddy, on 3rd February 2022, at least 109 critics of the junta, mostly from Yangon, were hunted down from 27th January to 2nd February for their posts on Facebook, according to reports in junta-controlled newspapers. Others were arrested in Mandalay, Sagaing, Tanintharyi, Bago, Ayeyarwady and Magwe regions and in Shan, Kayin and Kachin states. The newspaper reports stated that the detainees spread posts aimed at destabilising the state and inciting people.

On 11th February 2022, RFA reported that the junta had arrested and charged more than a 200 people for their social media posts in support of the anti-regime movement and for allegedly encouraging others to take part in the strike by committing on social media to close their shops. The junta said that it would charge the alleged strike supporters under the Counter-Terrorism Law and the Electronic Communications Act, and that those found guilty of violating the laws were subject to having their property confiscated.

## Myanmar’s junta is blocking pathways for transitional justice (Myanmar Now)

By Han Gyi and Maggi Quadrini

May 10, 2022

**Democracy in Myanmar has been sabotaged by the country’s military junta. In its place, the regime has unleashed a lawless campaign of violence against an innocent civilian population. Thousands have been killed, and many more have been arrested to face fabricated charges in closed-door, military-run courts. These acts are the junta’s direct responses to a thriving opposition movement that has rejected its failed power grab.**

The Network for Human Rights Documentation-Burma (ND-Burma) has been documenting state-wide, systematic human rights violations since 2004. Its 13 member organizations seek to collectively use the truth of what communities in Myanmar have endured to advocate for justice for victims. In the wake of last year’s attempted coup, it has continued its efforts to safely and securely document atrocities committed in the country.

Documentation of abuses is always a major challenge for human rights defenders, but over the past year, it has become even more difficult. As it intensifies its use of brutal military tactics across the country, the junta has also targeted those who attempt to collect evidence of its crimes. Internet blackouts and scorched-earth campaigns are just two of the ways the regime attempts to cover its tracks.

The four pillars of transitional justice are truth, justice, reparations, and non-recurrence (institutional reform). In Myanmar, however, all pathways towards granting and ensuring transitional justice have been blocked by the regime. A blanket of denial continues to smother the very function of institutions meant to uphold and preserve the rule of law.

Human rights documentation is a pathway to transitional justice that allows survivors to pursue accountability through the international system. Granting victims safe and accessible spaces to share their experiences ensures that the reconciliation process is clear from the beginning. Organizations such as ND-Burma act as facilitators for psycho-social support and as advocates for restitution. However, under the current regime, these options are no longer even remotely accessible.

There is no rule of law in Myanmar, or any reliable transitional justice mechanisms that would hold the military accountable for war crimes, crimes against humanity, or genocide. Attacks against innocent civilians continue with impunity. It's important to emphasize that transitional justice is not solely about prosecutions and punishment. Justice also involves the provision of reparations to victims, recognition and acknowledgment of the truth about mass violations, and legal security reforms to guarantee non-repetition.

There is overwhelming evidence to suggest that Myanmar's military forces have committed grave crimes under international law. In February 2022, ND-Burma released "The World Must Know," a report produced together with the Karenni Human Rights Group that details the junta's war crimes in Karenni State. These crimes were committed with complete impunity: Not one of the victims or their families in the case studies presented, including the dozens of civilians who were burned alive on December 24, 2021, has seen a single member of the military face any consequences for these unlawful acts.

Justice for victims is routinely denied as soldiers are protected in military courts. As it stands, Myanmar also has no reparations policy which would provide redress to victims or their families. In 2015, the Reparations Working Group was established to advocate for a state-led reparations program. Since February 2021, these efforts have been forcibly put on hold. With no significant policy related to institutional reform in Myanmar, military violations against various ethnic groups and civilians have continued.

ND-Burma documentation shows that survivors want institutional reform to prevent human rights violations from happening again. Fortunately, as Myanmar's elected, legitimate government continues to look to the future, all stakeholders, including civil society organizations, have an opportunity to collaborate on the drafting of a new federal democratic constitution that guarantees the equality of all ethnic groups, enshrines their right to self-determination, and works toward an end to conflict and security sector reforms that ensure respect for human rights.

Truth-telling and human rights documentation initiatives have long been carried out by civil society organizations. For victims and survivors of the military junta's harrowing assaults on civilian lives, justice is long overdue. These attacks have spanned decades, yet in the context of the failed coup, the calls for accountability demand concrete action which would finally put an end to the impunity.

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

## AMERICAS

### North & Central America

#### **Canada to investigate sexual violence against women in Ukraine as war crimes (Toronto Sun)**

By Marie Woolf

May 5, 2022

#### **Foreign Affairs Minister Melanie Joly says Canada will help investigate sexual violence by Russian troops against women and girls in Ukraine.**

Speaking in Ottawa after talks with Ann Linde, Sweden's foreign affairs minister, Joly said RCMP officers helping to investigate war crimes in Ukraine will help gather evidence of rape and sexual violence by the Russian military.

Joly said Canada has provided 10 RCMP officers to help gather evidence of possible war crimes in Ukraine that could be used in a case at the International Criminal Court.

She said she thinks there is "strong evidence of a genocide" against the Ukrainian people by Russia.

MPs in Canada have already voted symbolically to label Russian targeting of Ukrainian civilians a genocide.

Both foreign ministers expressed concern that sexual violence toward women was being used by Russia as a weapon of war in Ukraine, saying such crimes must be highlighted.

They said specialist support is needed for Ukrainian women and girls fleeing to neighbouring countries who may have been raped and abused by invading troops.

Linde said Sweden has been at the forefront of investigating war crimes against civilians, including sexual violence toward women.

It has already sent "experts on investigating sexual and gender-based crime" to help the International Criminal Court with its war crimes investigation. They are interviewing refugees, "mainly women and girls and children," as witnesses.

Speaking after talks with her Swedish counterpart, Joly reiterated Prime Minister Justin Trudeau's support for Sweden joining NATO.

Linde said Sweden wanted "security assurances" from other NATO countries if it applies for membership in the military alliance, in case there are reprisals from Russia for choosing to join. Russia is already engaging in disinformation campaigns, including falsely labelling prominent figures in Sweden as Nazis, she said.

Earlier this week, Ukraine's ambassador-designate to Canada said Russia must be held accountable for its troops committing sex crimes, including against children.

Yulia Kovaliv told MPs at a House of Commons committee that Russia is using sexual violence as a weapon of war. She said Ukraine was compiling "horrific documented evidence" of war crimes, including sexual crimes by Russian soldiers.

"The horror is that children are victims of these sexual crimes, which are done (before) the eyes of their parents," Kovaliv said. "Sexual crimes is part of the Russian weapon (against) Ukraine."

### **Canada's Trudeau says Putin responsible for 'war crimes' (Al Jazeera)**

May 8, 2022

#### **Russian President Vladimir Putin is responsible for "war crimes", Canadian Prime Minister Justin Trudeau has said during a surprise visit to Ukraine, while announcing new weapons for Kyiv and imposing new sanctions against Russia.**

"It is clear that Vladimir Putin is responsible for heinous war crimes," Trudeau said on Sunday at a news conference in Kyiv with Ukrainian President Volodymyr Zelenskyy.

He added that "there must be accountability" and that he had "witnessed firsthand the brutality of Russia's illegal war".

"Today, I'm announcing more military assistance, drone cameras, satellite imagery, small arms, ammunition and other support, including funding for demining operations," Trudeau said.

"And we're bringing forward new sanctions on 40 Russian individuals and five entities, oligarchs and close associates of the regime in the defence sector, all of them complicit in Putin's war."

The Group of Seven (G7) bloc of nations, of which Canada is a member, announced a new package of sanctions on Sunday and pledged to reduce its dependency on Russian energy, including oil imports.

Canada will also provide \$25m to the United Nations' World Food Programme as part of efforts to uphold food security and remove trade tariffs on all Ukrainian imports to Canada for next year.

Trudeau visited the town of Irpin outside Kyiv, the focal point of fierce battles between Ukrainian and Russian troops before the Russians withdrew late in March.

He said Canada was reopening its embassy in the Ukrainian capital.

The visit came as United States First Lady Jill Biden held a surprise Mother's Day meeting with her Ukrainian counterpart, First Lady Olena Zelenska, to show US support for the embattled nation.

"I wanted to come on Mother's Day," the US first lady told Zelenska as they met at a school in the eastern Slovakian city of Kosice that was being used to temporarily house Ukrainian migrants.

"I thought it was important to show the Ukrainian people that this war has to stop and this war has been brutal and that the people of the United States stand with the people of Ukraine."

Biden spent about two hours in Ukraine, travelling by vehicle to the town of Uzhhorod, about a 10-minute drive from the Slovakian border.

Zelenska thanked Biden for her "courageous" act. "We understand what it takes for the US first lady to come here during a war when military actions are taking place every day, where the air sirens are happening every day - even today," she said.

Biden became the latest high-profile American to enter Ukraine during the war, while Zelenska's public appearance was her first since Russia invaded Ukraine on February 24.

US President Joe Biden visited Poland in March but said he was disappointed he could not cross the border and go into Ukraine to see conditions "firsthand" due to security reasons.

The White House said last week that the president "would love to visit", but there were no plans for him to do so at this time.

### **Russian Atrocities Prompt Bipartisan Push to Expand U.S. War Crimes Law (NY Times)**

By Charlie Savage

May 16, 2022

#### **Leading senators of both parties have struck a deal over a draft bill that would expand a 1996 war crimes law to give American courts jurisdiction over cases involving atrocities committed abroad even if neither party is a U.S. citizen, in the latest response to Russia's apparent targeting of civilians in Ukraine.**

The idea behind the draft, a copy of which was obtained by The New York Times, is that if someone who committed war crimes abroad later comes to the United States and is discovered, that person could be prosecuted for those actions by the Justice Department. Killings of civilians and the discovery of mass graves in parts of Ukraine that had been occupied by Russian troops have incited an international outcry.

Leading senators of both parties have struck a deal over a draft bill that would expand a 1996 war crimes law to give American courts jurisdiction over cases involving atrocities committed abroad even if neither party is a U.S. citizen, in the latest response to Russia's apparent targeting of civilians in Ukraine.

The idea behind the draft, a copy of which was obtained by The New York Times, is that if someone who committed war crimes abroad later comes to the United States and is discovered, that person could be prosecuted for those actions by the Justice Department. Killings of civilians and the discovery of mass graves in parts of Ukraine that had been occupied by Russian troops have incited an international outcry.

Despite partisan polarization that has generally gridlocked Congress, supporters of the bill - which is chiefly sponsored by the top lawmakers on the Judiciary Committee, Senators Charles E. Grassley, Republican of Iowa, and Richard J. Durbin, Democrat of Illinois - believe the measure has a realistic chance of quickly becoming law.

The senators are still in talks with House members about a possible companion bill and expect to file the measure later this week, committee staff members said.

"The United States must not be a safe haven for war criminals looking to escape justice in their home country," Mr. Grassley, the bill's author, said in a statement to The Times. "This bill sends a strong message that people who commit war crimes are not welcome here and should be punished, regardless of where their offense was committed or who they victimized."

Mr. Durbin said the measure would fill "an egregious gap in our laws" to ensure that foreign war criminals in the United States could be prosecuted.

"Perpetrators committing unspeakable war crimes, such as those unfolding before our very eyes in Ukraine, must be held to account," he said in a statement. "We have the power and responsibility to ensure that the United States will not be used as a safe haven by the perpetrators of these heinous crimes."

Two former chairmen of the Judiciary Committee - Patrick J. Leahy, Democrat of Vermont, and Lindsey Graham, Republican of South Carolina - are also lined up to co-sponsor the bill, committee staff members said.

The senators are lobbying their caucuses to support the bill, hoping to pass it by unanimous consent and skip the committee

review process.

Talks on the topic are less developed in the House, however.

Enacted by Congress in 1996, the War Crimes Act incorporates part of the international laws of war into American domestic law. The act made it a crime, prosecutable by the Justice Department, to commit a "grave breach" of the Geneva Conventions of 1949.

Grave breaches include willful killing of civilians, torture, biological experiments and "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

But while similar laws in other countries, like Germany, provide universal jurisdiction over such offenses, Congress in 1996 limited the reach of the United States. The law covers only instances in which an American is the perpetrator or the victim of a war crime.

The bill introduced by Mr. Grassley and Mr. Durbin would eliminate that restriction, making the law cover any situation in which "the offender is present in the United States, regardless of the nationality of the victim or offender." It would also eliminate any statute of limitations on war crimes, so prosecutions could be brought many years later.

A House committee report in 1996 said that the Pentagon and the State Department had both urged Congress to enact a more universal law along the lines of Mr. Grassley and Mr. Durbin's bill. But lawmakers decided that would be unwise, worrying that it would create foreign relations issues.

"Domestic prosecution based on universal jurisdiction could draw the United States into conflicts in which this country has no place and where our national interests are slight," the report said.

She Wrote 'How to Murder Your Husband.' Did She Do It? The draft bill tries to address this concern by requiring the attorney general to certify in writing that such a prosecution "is in the public interest and necessary to secure substantial justice."

That provision, ensuring a very high-level review of any charges under the law, echoes a safeguard in other laws that could create foreign relations issues, like statutes against the murder of Americans in another country's jurisdiction.

The 1996 report also said that restricting the War Crimes Act to situations involving Americans would not mean that a foreign war criminal discovered in the United States would have impunity, since that person could be extradited to a foreign court with proper jurisdiction for prosecution.

Lawmakers at the time cited the examples of the international tribunals the United Nations Security Council had recently set up for war crimes in Rwanda and the former Yugoslavia.

However, a few years after the 1996 law, the United Nations shifted from establishing ad hoc tribunals for particular conflicts to creating a permanent tribunal at The Hague for prosecuting war crimes, the International Criminal Court.

But the United States balked, with some lawmakers and officials fearing that the court might try to prosecute American soldiers. A 1999 law prohibits funding the court under any circumstances, and a 2002 law prohibits giving it nonfinancial assistance such as by lending it personnel or sharing intelligence - although there are some exceptions.

The International Criminal Court has opened an investigation into war crimes in Ukraine, and some senators, like Mr. Graham, have expressed interest in removing those barriers. The international court, they say, appears best positioned to indict Russian generals and perhaps even President Vladimir V. Putin.

Mr. Durbin has also expressed interest in codifying in American law other internationally banned atrocities like crimes against humanity, and allowing the victims to file civil lawsuits against foreign perpetrators in American courts.

But while early discussions broached adding those provisions - especially the latter - to a War Crimes Act expansion, Mr. Grassley is said to have pushed to keep the bill streamlined and focus on where there appeared to be the broadest bipartisan consensus.

**[back to contents]**

## South America

[back to contents]

## Venezuela

[back to contents]

## TOPICS

### Truth and Reconciliation Commission

#### **Politics of denial: South Korean war crimes in Vietnam (New Mandala)**

By Andre Kwok and Nathaneal Kwon

May 13, 2022

**In 2018, two survivors of massacre perpetrated by South Korean troops in Vietnam during the Vietnamese-American war, instigated the People's Tribunal on War Crimes by South Korean Troops during the Vietnam War. This signalled a watershed moment in the history of civil activism and transitional justice in South Korea; yet, there is still much to be done.**

Following the outbreak of conflict in Vietnam (1955-1975), U.S. President Lyndon Johnson initiated the Many Flags campaign to consolidate a united front against communism in Indochina. While several countries, including Thailand, Australia and New Zealand participated, South Korea contributed by far the largest number of troops after the U.S.: around 300,000 rotating troops by the end of the war.

Dictator Park Chung-hee sought to build a stable South Korean government, and so he agreed to take a leading role in the war in exchange for American military support in the Korean peninsula and economic support for Park's ambitious development plans. The estimated \$1 billion USD worth of American aid and other war-related income was a vital lifeline for the crumbling Korean economy.

However, the ROK (Republic of Korea) forces claimed an estimated 9000 innocent civilian lives in total in over 45 incidents of massacre spotted throughout Vietnam. In 1966, for example, South Korean forces killed around 70 unarmed civilians and burnt the entire village of Binh Tai to the ground. In 1968, South Korean Marines bombed the Phong Ni and Phong Nat villages using mortar rounds, and claimed 70-80 civilian lives. Widespread accounts of sexual assault also exist, with some studies estimating that up to 10,000 Vietnamese women and girls were raped by South Korean soldiers.

The authoritarian nature of South Korean politics at the time enabled the government to promulgate a "cleaner" picture of its role in Vietnam. The Park regime sentimentalised the Vietnam War as a heroic defence against the communist invasion, which was welcomed by the South Vietnamese, and completely concealed wartime atrocities such as Binh Tai from the public.



However, at the advent of the new millennium, South Korea successfully transitioned into a liberal democracy and previous restrictions on information and expression were lifted. This allowed South Korean media to diversify and develop liberal alternatives to a predominantly conservative industry. Famous left-leaning newspaper Hankyoreh published several articles in April 2000 based on the testimony of Kim Gi-Tae: a former Commander of the South Korean Marine forces in Vietnam who oversaw the Binh Tai massacre. Later that year, Hankyoreh exposed the Phong Nhi/Phong Nhat atrocities using declassified American military reports and photographs.

Civil society flourished in this liberal environment; groups such as Nawauri and Minbyun (Lawyers for a Democratic Society) were allowed to organise and contest mainstream narratives about the war. These civil society groups have driven several efforts to achieve government-level recognition and responsibility during the war.

With legal counsel from Minbyun and the Korea-Vietnam Peace Foundation the two women survivors, both named Nguyen Thi Tanh, gave testimonies recalling graphic accounts of bullet wounds, deaths of family members and the brutality of South Korean troops during the Phong Nhi/Phong Nhat massacres. The judges ruled that the South Korean state was "guilty", calling on the government to provide reparations to the survivors, establish official investigations into South Korean war crimes during the Vietnam War and correct public memorialisations of South Korea's involvement in Vietnam to better reflect the victims' experiences.

Due to the citizen-led nature of this transitional justice tribunal, the ruling was non-binding. Yet, this tribunal was organised in a highly comprehensive manner that resembled an actual trial and aligned with similarly citizen-led proceedings, such as the Women's International War Crimes Tribunal, garnering legitimacy and recognition in international legal scholarship. The verdict caught the attention of major Korean media channels including KBS, SBS and MBC, resulting in greater public awareness and stirring discussions on compelling governmental actions. The tribunal also galvanised a petition that demanded official fact-finding investigations and voiced the trauma experienced by survivors. Two years later, Nguyen filed an official lawsuit in the South Korean District Court, demanding damages as a victim of a war crime.

However, the South Korean government has continually denied its role in these massacres.

Alongside the government dismissing Nguyen's lawsuit, the Ministry of National Defense and the National Intelligence Service have repeatedly blocked access to relevant records that detail the conduct of South Korean troops during the Vietnam War. Implicated military leaders have also claimed that the massacres were actually carried out by the Viet Cong, "camouflaged" as ROK troops, despite overwhelming evidence and testimony proving otherwise.

Civil society groups have condemned the South Korean government for its hypocrisy by drawing parallels with a major thorn in present-day Japan-South Korea relations: Japan's acknowledgement of its wartime atrocities.

The term "victim-centred approach" has entered the lexicon of reconciliation tensions surrounding the "comfort women issue": the systematic sexual slavery of Korean women organised by the Imperial Japanese Army in Korea during Japanese colonial rule. This method of transitional justice centres on meaningful consultation with survivors throughout reconciliation processes that require an official apology, memorialisation of victims, reparations and prosecutorial initiatives. Minister of Foreign Affairs Kang Kyung-Wha called for a victim-centred approach at the 40th Session of the United Nations Human Rights Council, urging Japan to comply with international human rights treaties.

It is important to note that war crimes in Vietnam and the comfort women issue are not analogous. However, the comparison highlights the South Korean government's inconsistent approach to fact-finding initiatives, a crucial element of the "victim-centred approach".

The South Korean government justifies its hypocritical position in the Vietnam-American War by pointing to the silence of the Vietnamese government. The Vietnamese government has indeed refrained from making any statements on the issue, but this justification is inconsistent with the notion of the "victim-centred approach". This approach prioritises victims' ownership of post-conflict reconciliation over "official" state responses. Additionally, there is a clear asymmetry in economic power between a developing Vietnam and a wealthy South Korea. Vietnam's silence as an emerging economy, dependent on aid and foreign investment for continued growth, is reminiscent of South Korea's own silence on Japanese colonial war crimes, which was met with fierce public opposition.

To fully engage in this process of transitional justice, the government should consider two initiatives as starting points for transitional justice.

Firstly, a truth commission investigating the role of ROK troops in several massacres is required, to provide restorative justice to and respect the lived experiences of survivors in Vietnam. Official truth commissions have been set up to investigate abuses from the Japanese colonial state and the United States, and the most recent Truth and Reconciliation Commission, established in 2005, investigated abuses from national authoritarian governments. Partnering with civil society groups could

also keep the government accountable to the public and ensure fact-finding processes are insulated from political bias.

Secondly, the South Korean government should address the consequences of sexual crimes committed by Korean soldiers during massacres such as Phong Nhi/Phong Nhát by assisting victims and their families with compensation and reintegration into society. This extends far beyond just financial reparations; it also includes gender-responsive rehabilitative initiatives and a proper acknowledgement of sexual crimes committed during the conflict through educational resources. As a signatory of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, South Korea should uphold its international obligations to condemn sexual violence against women and seek reconciliation efforts for survivors.

Participating in transitional justice processes regarding Vietnamese victims of South Korean war crimes would certainly be a crucial step towards showing the world South Korea's full commitment to "victim-centred justice" and further legitimising its grievances with Japan. The government already has the tools, a well-developed judiciary and driven civil society actors; now we need to wait and see if the current government has the political will to cooperate with civil society efforts to do so.

### **'Justice Delayed is not Justice Denied for Liberia's War Perpetrators,' Says U.S Congressman Smith (Front Page Africa)**

By Selma Lomax

May 18, 2022

#### **United States Congressman Chris Smith has said speedy action must be taken against perpetrators of human rights violations and abuses committed during Liberia's 14-year civil war.**

"Justice delayed is justice denied, but not in the case of Liberia. All perpetrators who committed atrocities during the country's civil war must be held accountable," Congressman Smith said upon receiving 300,000 signatures from members of the Tom Lantos Human Rights Commission for the full implementation of the Truth and Reconciliation report.

Congressman Smith said the 300,000 signatures gathered is a "powerful testimony", and shows how Liberians are desperate for justice. "The report will make the Congress aware about the need for tribunal in Liberia," he said.

The presentation of 300,000 signatures comes days after advocates for war and economic crimes in Liberia petitioned The Tom Lantos Human Rights Commission to add more names of Liberians involved in acts of corruption to the Magnisky Sanction list.

The Tom Lantos Human Rights Commission (formerly known as the Congressional Human Rights Caucus) is a bipartisan caucus of the United States House of Representatives. Its stated mission is "to promote, defend and advocate internationally recognized human rights norms in a nonpartisan manner, both within and outside of Congress, as enshrined in the Universal Declaration of Human Rights and other relevant human rights instruments."

The signatures were obtained from Liberia by Liberia United for Justice & Accountability, Global Initiative For Justice, International Justice Group, and Movement for Justice in Liberia, among others.

Resolution 1055, which was passed by the House in December 2018, seeks to affirm strong United States-Liberia ties and support for democratic principles and call for full implementation of the Truth and Reconciliation Commission recommendations, including the establishment of an Extraordinary Criminal Tribunal for Liberia.

Resolution 907 was introduced by Representative Gregory W. Meeks on February 2, 2022 and seeks to affirm America's commitment to support progress toward transparency, accountable institutions, and other tenets of good governance in the Republic of Liberia as it approaches the bicentennial of the arrival of the first free Black Americans to Providence Island, Liberia.

In 2009, the Truth and Reconciliation Commission of Liberia recommended that Liberia establish a tribunal largely based on the Sierra Leone model to prosecute war criminals.

The Ebola crisis delayed implementation of the tribunal during Sirleaf's tenure. The problem is that Liberian president George Weah, who has been in office since 2018, seems to have little interest in holding the perpetrators of war crimes accountable even though the Truth and Reconciliation Commission does not leave the establishment of the War and Economic Crimes Court up to the president's discretion and requires him to reach out to the international community.

While Weah has assured the international community at forums like the United Nations General Assembly that he will work to establish a court, these assurances seem to be for export only; when he returns home, he not only forgets his promises but even denies them, video notwithstanding.

His stated desire to reach out to the senate is not credible either since, by law, the senate has no jurisdiction over the

establishment of the War and Economic Crimes Court. Part of the problem, frankly, appears to be Weah's own documented complicity in economic crimes as well as many of his allies' involvement - including Prince Johnson, who executed former president Samuel Doe and is now a sitting senator.

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

## **Terrorism**

### **The U.S. will remove 5 groups from its foreign terrorism blacklist (NPR)**

May 16, 2022

**The United States is poised to remove five extremist groups, all believed to be defunct, from its list of foreign terrorist organizations, including several that once posed significant threats, killing hundreds if not thousands of people across Asia, Europe and the Middle East.**

Although the groups are inactive, the decision is politically sensitive for the Biden administration and the countries in which the organizations operated, and could draw criticism from victims and their families still dealing with the losses of loved ones.

The organizations are the Basque separatist group ETA, the Japanese cult Aum Shinrikyo, the radical Jewish group Kahane Kach and two Islamic groups that have been active in Israel, the Palestinian territories and Egypt.

The U.S. State Department notified Congress on Friday of the moves, which come at the same time as an increasingly divisive but unrelated debate in Washington and elsewhere about whether Iran's paramilitary Revolutionary Guard should or can be legally removed from the U.S. list as part of efforts to salvage the languishing Iran nuclear deal.

That designation, which was imposed by the Trump administration, was not mentioned in Friday's notifications.

In separate notices to lawmakers, the State Department said the terrorism designations for the five groups will be formally removed when the determinations are published in the Federal Register, which is expected this coming week.

Copies of the notifications, all of which were signed by U.S. Secretary of State Antony Blinken on Wednesday, were obtained by The Associated Press.

The general reason for the removals is identical in each of the cases: Blinken asserting that they were based on an administrative review of the designations, which by law is required every five years.

"Revoking FTO designations ensures our terrorism sanctions remain current and credible and does not reflect any change in policy towards the past activities of any of these the organizations," the State Department said on Sunday.

The reviews take into account whether designated groups are still active, whether they have committed terrorist acts within the previous five years and whether removal from or retention of the list would be in U.S. national security interests. Under the law that created the list, the secretary of state can remove groups that he or she deems no longer to fit the criteria.

"Based on a review of the Administrative Record assembled in this matter and in consultation with the Attorney General and the Secretary of the Treasury, I determine that the circumstances that were the basis for the designation ... have changed in such a manner to warrant revocation of the designation," Blinken wrote in each notice.

Removing the groups from the list has the immediate effect of rescinding a range of sanctions that the designations had entailed. Those include asset freezes and travel bans as well as a prohibition on any Americans providing the groups or their members with any material support. In the past the material support provision has been broadly defined to encompass money or in-kind assistance, in some cases even medical care.

All but one of the five groups was first designated a foreign terrorist organization in 1997 and have remained on the list for the past 25 years.

U.S. officials familiar with the matter said the decisions were made only after consulting lawmakers several months ago about whether the latest five-year reviews should proceed. Before now, only 15 groups have been removed from the list.

The specific reasons for each the removals are included only in classified sections that accompanied the notifications, which are not classified on their own. These sections are labeled "SECRET/NOFORN," which means their contents can only be shared among U.S. officials with proper clearances and not with foreign governments.

The groups to be removed are:

- Aum Shinrikyo (AUM), the Japanese "Supreme Truth" cult that carried out the deadly sarin gas attack on the Tokyo subway in 1995 that killed 13 people and sickened hundreds more. The group has been considered largely defunct since the executions of its top echelons, including leader Shoko Asahara, in 2018. It was designated a foreign terrorist organization in 1997.
- Basque Fatherland and Liberty, or ETA, which ran a separatist campaign of bombings and assassinations in northern Spain and elsewhere for decades that killed more than 800 people and wounded thousands more, until declaring a cease-fire in 2010 and disbanding after the arrests and trials of its last leaders in 2018. It was designated a foreign terrorist organization in 1997.
- Kahane Chai, or Kach. The radical Orthodox Jewish group was founded by ultranationalist Israeli Rabbi Meir Kahane in 1971. He led the group until his assassination in 1990. Members of the group have killed, attacked or otherwise threatened or harassed Arabs, Palestinians and Israeli government officials, but the organization has been dormant since 2005. The group was first designated in 1997.
- The Mujahidin Shura Council in the Environs of Jerusalem, an umbrella group of several jihadist organizations based in Gaza that has claimed responsibility for numerous rocket and other attacks on Israel since its founding in 2012. The council was first designated in 2014.
- Gama'a al-Islamiyya, or Islamic Group—IG, an Egyptian Sunni Islamist movement that fought to topple Egypt's government during the 1990s. It conducted hundreds of deadly attacks against the police and security forces as well as tourists. The group was first designated in 1997.

The State Department said on Sunday that Blinken was required by law to revoke the designations if the groups no longer met the legal criteria.

Speaking of the Kahane Chai group, the department said it had not been linked to a terrorist attack since 2005. It also said the Mujahidin Shura Council has not claimed an attack since 2013.

"Neither currently meet the statutory definition of a foreign organization," the department said.

It added that both groups would remain on the U.S. list of Specially Designated Global Terrorist entities that will keep in place sanctions against their property and assets in American jurisdictions.

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

## Piracy

### **W/African countries to strengthen fight against piracy, sea robbery (Business Day)**

By Amaka Anagor

May 4, 2022

#### **Countries in West Africa are set to brainstorm on how to consolidate the fight against piracy and sea robbery within the sub-region to ensure the safety of ships, crew members, and cargo onboard vessels.**

This is as the Nigerian Maritime Administration and Safety Agency (NIMASA) and the Nigerian Navy are partnering Inter-Regional Coordination Centre (ICC) Yaoundé, to host the fifth plenary of the Gulf of Guinea Maritime Collaboration Forum for the Shared Awareness and Deconfliction (GOG-MCF/SHADE). The plenary, which is scheduled to take place in Abuja from May 10 to 11, 2022 is themed, "Enduring and Sustainable Security," and is expected to have in attendance all regional navies among other international stakeholders.

Bashir Jamoh, the director-general of the NIMASA, said in a statement in Lagos on Tuesday that regional cooperation plays an important role in reducing incidents of piracy in the Gulf of Guinea region.

"The establishment of GOG-MCF/SHADE has enabled working-level stakeholders from the GoG region and outside the region

to connect and discuss how best to tackle piracy in the region. We believe that this has been a catalyst for non-regional stakeholders to initiate effective maritime law enforcement operations to support regional efforts," he said.

According to him, these collaborative initiatives, as well as efforts of the Nigerian Navy and other regional navies, including the deployment of the Deep Blue Project, have been responsible for the reduction in piracy incidents in the region.

This, he said, was why the International Maritime Bureau recently removed Nigeria from the global piracy list, and the goal was to sustain the piracy-free Gulf of Guinea.

The Gulf of Guinea collaboration Forum SHADE was established by Nigeria and 22 countries of the ICC in July 2021. The goal was to implement effective operational counter-piracy cooperation among regional and international Navies as well as the shipping industry and reporting Centres of the Yaounde Code of Conduct (ICC) for the Regional Strategy for Maritime Safety and Security in the Central and West Africa region.

The first edition of the plenary was held virtually in July 2021, due to travel restrictions, and was hosted by the Gulf of Guinea Maritime Institute (GOGMI) in Accra, Ghana.

### **Piracy: Nigeria Celebrates Two-Quarters Of Zero Attack In Gulf Of Guinea (Independent)**

By Chidi Ugwu

May 10, 2022

#### **Nigeria which hitherto is the worst culprit for piracy incidents has recorded two-quarters of zero attacks in the Gulf of Guinea in 2022.**

Dr Bashir Yusuf Jamoh, the Director-General of the Nigerian Maritime Administration and Safety Agency (NIMASA), gave the hint Tuesday at the 5th Plenary of the Gulf of Guinea Maritime Collaboration Forum/Shared Awareness and Deconfliction (GOG-MCF/SHADE) which kicked off in Abuja with the theme: "Enduring and Sustainable Security".

Jamoh however, noted that while celebrating the Successes so far made, deliberations at the two days workshop must be forward-looking even as it seeks to provide specific ways to maintain the current momentum.

The NIMASA boss urged stakeholders to focus discussions issues that would offer concrete solutions to ensure sustainability; Sustain the activities already achieved and build on success and deepen the relationship with the YCOG and other stakeholders such as the UNODC, and G7++FPGG.

"Personally, I am overjoyed. This is a special moment. We have indeed come a long way in just a short space of 24 months. Two years ago, we connected virtually with a dark, sad and persistent cloud of blue crimes enveloping the region but today we gather with the cloud opening and we are seeing the sun gradually shining through. No one can easily forget the frequent reports of attacks on ships and the kidnapping of seafarers in the Gulf of Guinea in 2019 and 2020 when they reached their peak. And the attendant negative economic effect on the seaborne trade in the region.

"But today, even the IMB has not only affirmed that piracy is at a 28-year all-time lowest in the region, Nigeria which once seemed the worst culprit has been taken off its Red List even as we celebrate almost two-quarters of zero attacks in 2022. You will agree with me that the partnership between the ICC and Nigeria has delivered quickly - thanks to the support of the international community. Permit me to especially thank the audiences at all past SHADE plenaries and the working group members who have shown unprecedented engagement with its objectives. I congratulate you on your significant achievements so far. The 30 Working Groups and Four virtual plenary meetings have been the real drivers of change.

"While it is important to recognise success so far made, the future must however be the focus. Our deliberations over the next two days must be forward-looking even as it seeks to provide specific ways to maintain the current momentum, offer concrete solutions to ensure sustainability; Sustain the activities already achieved and build on success and deepen the relationship with the YCOG and other stakeholders such as the UNODC, and G7++FPGG" he said.

Jamoh further warned that more is yet to be done by rallying all state and non-state actors in the region to become believers in the SHADE and what it represents for our collective progress.

Also speaking at the event, Vice Admiral Awwal Zubairu Gambo, noted that the GoG has a coastline of about 2,874 nm endowed with hydrocarbon and mineral deposits and a comparative advantage owing to the absence of narrow maritime shipping lanes, straits or chokepoints linking major global shipping destinations. Vice Admiral Gambo, who was represented at the occasion by Rear Admiral Saidu Suleiman Garba, Chief of Policy and Plans, however regretted that the comparative advantage of the GoG has been threatened by the activities of criminal elements perpetrating piracy and armed robbery at sea.

According to him, the activities of these criminal elements have continued to undermine the economic lifeline of nations within the region in particular and global trade in general, hence, the need for a sustained collective collaborative effort by

relevant stakeholders.

"I am pleased to announce that our collective efforts have resulted in a steep decline in the reported cases of piracy within the GoG, especially in the last three quarters of 2021.

"Also, it is gladdening to note that in 2022 only one case of pirate attack has been recorded till now. I want to appreciate all coastal nations within the region as well as international partners and relevant stakeholders that have made positive strides in the area of multinational and interagency cooperation and response to piracy incidents in the GoG.

"On the part of the Nigerian Navy, the successes recorded were largely due to its ongoing efforts towards building institutional capacity in reinforcing capabilities for maritime governance.

"This has been deeply supported by the Government of Nigeria, through the Office of the National Security Adviser, Ministry of Defence, Ministry of Transportation and Defence Headquarters amongst others. On Maritime Domain Awareness capability, the NN is utilising its Falcon Eye Maritime Intelligence Facility, Regional Maritime Awareness Capability as well as recent acquisition of Unmanned Aerial Vehicles (UAVs) to enhance and extend the reach of the NN surveillance architecture.

"Also, Nigeria's Deep Blue Project is an integrated National Surveillance and Waterways protection infrastructure, though still evolving. The Nigerian Navy forms an integral part and currently manning some assets to support the project towards ensuring the nation's waterways are safe.

"Similarly, on the response capability of the NN, we are deeply committed to a sustainable fleet renewal programme. Recently, the NN took delivery of some naval assets among which are survey ship (NNS LANA), an AW 139 maritime helicopter and a Landing Ship Tank (NNS KADA). These acquisitions are pointers to Government's commitment to building institutional capacity toward improving maritime security.

"We are encouraged that our investments in maritime governance are bearing some positive results with the recent International Maritime Bureau's report indicating a decline in piracy incidents in our waters. Equally, the Federal Government of Nigeria is working assiduously with different stakeholders and tiers of government to ensure that root causes of piracy and other Maritime crimes are mitigated through other non-kinetic programmes and community engagements" he said.

### **Major decline in West African piracy, but Gulf of Guinea remains world hotspot (Defense Web)**

May 11, 2022

#### **Piracy off West African in 2021 declined dramatically - almost by half compared to the previous year - but the region still remains the world's piracy hotspot, according to Dryad Global.**

In its annual report for 2021/22, the maritime risk company stated that "the precipitous decline in piracy throughout West Africa in 2021 saw overall incidents of piracy and maritime crime decline by 56% compared to 2020. Incidents of actual and attempted attacks and vessels being fired upon dropped by more than 85%. The number of vessels boarded throughout the region fell by 54%. Incidents of vessels being boarded, and crews kidnapped declined by 60%."

Overall incidents of offshore piracy in West Africa may have reduced throughout 2021, yet the core onshore components that drive piracy, and threaten vessels and crews operating within the region remain unaltered, Dryad said.

"The integrity of the declining trend will be conditional upon long term political investment and continued focus upon the maritime domain, which is less than assured in a country as complex as Nigeria. It would be disingenuous at best, and dangerous at worst, to interpret the decline in piracy in 2021 as indicative of a fundamental or lasting change brought about by any one state or initiative. Claims of radically reduced risks within such a short timeframe and calls for the ending of war risk premiums are premature. Whilst counter-piracy efforts in 2021 are to be commended, they require sustained investment, both politically and financially, with onshore investment arguably of greater importance than offshore assets."

In explaining the decline in West African piracy throughout 2021, Dryad points out Nigeria's \$195 million Deep Blue Project (DBP) has been touted as one of the main reasons. However, Dryad does not see the launch of the DBP as causing the reduction, but merely correlated in time with the reduction.

"If the DBP's assets were deployed into an environment of frenetic piratical activity, it would be logical to expect a high number of piratical incidents to continue, albeit marked by an increasing number of successful counter piracy operations, involving vessel interdiction and/or arrests. An example of this behaviour was seen when the Russian navy destroyer, the Vice Admiral Kulakov, responded to and disrupted the boarding of the MSC Lucia in October 2021."

According to Dryad, piracy throughout the Gulf of Guinea continues to be attributed to pirate action groups operating from

within the southern Niger Delta. Lasts year there was little improvement in the core socio-economic conditions throughout the disparate communities of Delta states that fuel piracy. The situation in the region has been further compounded by the impact of the COVID pandemic on national resources and international assistance. "Without a tangible improvement in onshore conditions that create legitimate and sustainable alternatives to piracy it is extremely difficult to see that there has been or will be any substantive deterrence against individuals' intent to participate in piracy," Dryad stated in its report.

"The threat of piracy is increasingly becoming a region-specific threat confined to West Africa," Dryad analysis concluded. "Contrastingly, in Southeast Asia, where piracy was previously more commonplace, zero incidents of piracy were recorded in 2021."

Beyond piracy, maritime crime, which primarily involves thefts at anchor or in port, is the most prolific threat facing mariners, accounting for 76% of all incidents. Incidents that are the result of overspill from regional or state conflict account for only 4.5% of all incidents - the rare occurrence of these incidents does little to deter the significant global media reporting they attract.

The downward trend in West African piracy has continued this year, with the International Maritime Bureau recording just seven piracy incidents in the Gulf of Guinea in the first quarter of 2022.

"Sustained efforts are however needed to ensure the continued safety of seafarers in the West African region that remains dangerous, as evidenced by the hijack of a product tanker off the coast of Ivory Coast on 24 January, during which all 17 crew were taken hostage. Reports of armed robberies have also been received within the anchorage waters of Angola and Ghana," the IMB statement said.

On the drop in piracy incidents off West Africa, particularly the Gulf of Guinea, the IMB notes no reported crew kidnappings in the first quarters thanks to the efforts of maritime authorities in the region.

"This is a welcome change compared to 40 crew kidnappings in the same period in 2021. The efforts of regional and international navies also resulted in a reduction of reported incidents from 16 in the first quarter of 2021 to seven over the same period in 2022. The IMB Piracy Reporting Centre urges coastal response agencies and international navies to continue efforts to ensure piracy is permanently addressed in these risky waters.

"The threat to innocent seafarers remains and is best exemplified with a recent attack where a Panamax sized bulk carrier was boarded by pirates 260 nautical miles off Ghana on 3 April. This illustrates that despite a decrease in reported incidents the threat of Gulf of Guinea piracy and crew kidnappings remains," the statement reads.

Speedy reaction by the IMB's Piracy Reporting Centre saw regional maritime authorities and navies with assets deployed in the area respond. An Italian Navy warship with on board helicopter reacted saving the crew and ensuring the carrier could proceed to a safe port under escort.

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

## Gender-Based Violence

### **Russian soldiers are raping Ukrainian men and boys as well as women, says UN war crimes investigator (The Daily Mail)**

By Chris Jewers  
May 04, 2022

### **Russian soldiers allegedly raped Ukrainian men and boys as well as women, UN and Kyiv officials said on Tuesday, amid an on-going investigation into dozens of cases.**

Speaking on Tuesday, UN special representative on sexual violence in war Pramila Patten warned cases already under investigation were just 'the tip of the iceberg.'

'I have received reports, not yet verified... about sexual violence cases against men and boys in Ukraine,' she said during a press conference in Kyiv, The Guardian reported.

She urged all survivors of rape to come forward and report any such crimes at the hands of Russian soldiers, while acknowledging how challenging it is to do so amid fears of reprisals or of Moscow's forces returning.

She continued to say the world has allowed sexual violence to be used as a 'cheap' weapon of war for too long.

'Cheap, because it is cost free. Very effective, because it does not only affect the victim, it affects whole families, the communities. It is biological warfare. It is psychological warfare,' she said.

Ms Patten warned that there are likely many cases that have yet to be reported. Those that are already under investigation so far 'only represent the tip of the iceberg,' she said.

The UN official also called on the international community to track down perpetrators and hold them to account.

Ukraine's prosecutor general Iryna Venediktova said on Wednesday that the first stage of investigations into Russian war crimes in the suburban town of Irpin had concluded, having spoken to 228 witnesses.

Earlier on Tuesday, Ms Venediktova called Russian President Vladimir Putin 'the main war criminal of the 21st century' and accused Russia of using rape as a tactic in its brutal invasion.

Visiting the devastated city of Irpin near Kyiv, Ms Venediktova said Ukraine was collecting information on allegations of rape, torture and other suspected war crimes by Russian forces which occupied the region for a month.

Venediktova said the allegations included the rape of women, men, children and an old woman. Asked whether rape was a deliberate Russian strategy in the war, she told a news conference: 'I am sure actually that it was strategy.'

'This is, of course, to scare civil society... to do everything to (force Ukraine to) capitulate,' she said on Tuesday.

She provided no specific details of the rape allegations, saying some of the victims remained in Ukraine and were afraid of speaking out for fear of Russian forces returning.

UN envoy Patten said she was in Kyiv due to the growing evidence of mass sexual violence carried out by Russian soldiers during the war in Ukraine, and because of the risk human traffickers pose to vulnerable Ukrainian refugees fleeing their homes.

Standing along-side Ukraine's deputy prime minister Olga Stefanishnina, Ms Patten urged all victims to come forward and to report Russian war crimes. 'It's hard for women and girls to report [rape] because of stigma amongst other reasons, but it's often even harder for men and boys to report,' she said. 'We have to create that safe space for all victims to report cases of sexual violence.'

Rapes carried out by Russian soldiers have been widely reported in towns that were occupied by Putin's forces in the early days of the invasion, and have since been liberated after Moscow's armies pulled back and re-focused their efforts in the east.

When Ukrainian forces, journalists and civilians re-entered Irpin and neighbouring Bucha, they discovered hundreds of bodies of civilians that had been raped, tortured and executed - some with their hands tied behind their backs.

Russia has previously denied targeting civilians and has rejected allegations that its forces have committed war crimes in Ukraine, despite mounting evidence. Team of prosecutors have been gathering testimonies from those who experienced the Russian occupation, and have painted a picture of wide-spread sexual violence.

There have been accounts of gang-rapes, rapes at gunpoint and assaults in front of children. The Ombudsman for Human Rights in Ukraine, Lyudmyla Denisova, has said officials have documented cases of 25 women who were kept in basements and systematically raped in Bucha.

Venediktova said Putin bore responsibility for what happened in Ukraine as commander-in-chief of the Russian armed forces.

'Putin is the main war criminal of the 21st century,' she said, recalling Russian military interventions in the former Soviet republic of Georgia, Russia's Chechnya region, Syria and in Ukraine in 2014.

'If we speak about (the) crime of aggression, we all know who started this war, and this person is Vladimir Putin,' she said.

The Kremlin did not immediately respond to a Reuters request for comment on the accusations and has dismissed previous suggestions that Putin is a war criminal.

Kremlin spokesman Dmitry Peskov in March dismissed as 'unforgivable' a comment by U.S. President Joe Biden in which he said Putin was a war criminal. Speaking on Monday, Ukraine's ambassador to Canada said Russia must be held accountable for its troops committing sex crimes, including against children.



Echoing Venediktova's comments, Yulia Kovaliv told a Canadian House of Commons committee that Russia is using sexual violence as a weapon of war and said rape and sexual assault must be investigated as war crimes.

She said Russia also has kidnapped Ukrainian children and taken them to Russian-occupied territories and now Russia itself. Ukraine is working with partners to find the children and bring them back.

'Russians, a few days ago, killed a young mother and taped her living child to her body and attached a mine between them,' the ambassador said. She said the mine detonated.

All of Russian society, and not just President Vladimir Putin 'and his proxies,' should bear responsibility for the war on Ukraine because more than 70% of Russians support the invasion, Kovaliv said.

Last month, a hotline for rape and sexual assault victims at the hands of Russian troops received 400 calls in just two weeks.

Denisova, said the line was so overwhelmed that the five psychologists who operate it 'cannot cope with the load'.

Victims include adults and children, both male and female, with some attacked while terrified relatives were forced to watch.

In Bucha, 25 victims aged 14 to 25 were 'systematically' raped while being held captive in a basement. Nine are now pregnant.

The line, set up with Unicef, received 400 calls between April 1 and April 14 as Russian began to withdraw from the Kyiv region, after a failed attempt to capture the capital. Mrs Denisova said: 'Our five psychologists cannot cope with this load.

'I asked Unicef to almost double the number of psychologists, to ensure that the care is of good quality and that there is no burnout, including those psychologists who receive such appeals day and night. And these cases are very terrible.'

Ukrainian President Volodymyr Zelensky said earlier this month: 'Hundreds of cases of rape have been recorded, including those of young girls and very young children. Even of a baby.'

Speaking to Lithuanian lawmakers in April, Ukrainian President Volodymyr Zelensky said: 'In areas freed from the occupiers, the recording and investigation of war crimes committed by Russia continues. New mass graves are found almost daily.

'Testimonials are being collected. Thousands and thousands of victims. Hundreds of cases of torture. Bodies continue to be found in drains and cellars.

'Hundreds of cases of rape have been recorded, including those of young girls and very young children. Even of a baby!'

His comments came after a Russian soldier was arrested after allegedly recording himself abusing a Ukrainian baby.

The International Criminal Court has also opened an investigation into Russia's actions in Ukraine.

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

## Commentary and Perspectives

### **Israel Welcomes Ukrainian Refugees. Why Can't It Do the Same for Palestinians Married to Israelis, Like My Spouse? (Human Rights Watch)**

By Sari Bashi

May 10, 2022

**Israel has rightfully unrolled the welcome mat to thousands of Ukrainians fleeing Russia's invasion since the war began on February 24. But those open doors are a stark contrast to the way it treats the refugees in its own backyard - Palestinian refugees like my spouse.**

Over the past two months, the Israeli government has admitted thousands of Ukrainians under Israel's 1950 Law of Return, which guarantees people with at least one Jewish grandparent and their spouses the right to settle in Israel and become citizens.

After Israel's interior minister came under public and diplomatic pressure to admit non-Jewish Ukrainians seeking refuge as well, she agreed to temporarily admit 5,000 Ukrainians with no family ties to Israel, as well as unlimited numbers of non-

Jewish relatives of Israeli citizens. That last concession is consistent with a 2010 agreement in which the Israeli government exempted Ukrainian relatives of Israeli citizens from the requirement to obtain a visa.

It's painful to consider this in the context of Israel's law barring citizens like me who are married to Palestinian residents of Gaza and the West Bank from bringing them into the country. In the nine years since our wedding, the Israeli government has rejected or ignored requests to grant my partner even a temporary permit to join me in Israel.

The ban on family reunification, originally passed in 2003, was renewed in March, even as the Israeli government opened its doors to thousands of Ukrainians. It mostly affects Palestinian citizens and residents of Israel, who are more likely than Israeli Jews to marry Palestinian residents of Gaza or the West Bank. This law forces thousands of couples to choose between remaining inside of Israel's internationally-recognized borders without their spouses or leaving to keep their families intact.

Israeli officials have acknowledged that the law serves the government's policy of maintaining Jewish demographic superiority over Palestinians, at the expense of the basic human right of family unity. These efforts to maintain the domination of Jewish Israelis over Palestinians are one element of what Human Rights Watch, Amnesty International, al-Haq, and other groups have described as Israel's crimes against humanity, including apartheid and persecution of millions of Palestinians.

The fact that the Ukrainians now being welcomed as refugees only heightens the hypocrisy - and pain - for families like mine. My spouse's parents fled their Mediterranean coastal village in what is now Israel as refugees in 1948, and he and his mother have the right, under international law, to return there. While many Israelis - and, perhaps, their Ukrainian guests - will be celebrating the creation of the state of Israel on Thursday, Palestinians mark that event as the "Nakba" (Arabic for catastrophe).

In the war that ensued after Israel's establishment, more than 700,000 Palestinians fled or were forced out of their homes in what is now Israel. My mother-in-law was 8 years old when Israeli soldiers closed in on her village. Her parents did what many parents - including millions in Ukraine over the last two months - have done when faced with an approaching army: they packed up their children and fled.

But after the fighting subsided and it was safe to go back, the Israeli authorities prevented her and the other Palestinian refugees from returning. That 8-year-old girl is now an 82-year-old woman, and the Israeli government still won't let her go home.

She has lived most of her life in a refugee camp in Gaza and has not seen the place where she was born, just 30 miles away, in 74 years. The Israeli authorities will not even allow her to enter Israel for a visit, and they also ban most travel between the Israeli-occupied West Bank and Gaza.

My children, ages 4 and 8, have never met their grandmother, even though she lives just 60 miles from our home in the Ramallah area of the West Bank. My partner longs to see his mother, but the Israeli government only grants permits to enter Gaza for narrowly defined "humanitarian exceptions," such as the serious illness or death of a first-degree relative.

The Israeli authorities say they will not allow Ukrainian refugees who do not have Jewish ancestry to remain in Israel permanently - they expect them to return home once it is safe to do so. With this approach, Israel's political leaders seem to expect that whoever controls Ukraine when the dust settles will respect the international human rights that they themselves have flouted for years: the right of refugees to return to the country or territory they fled, irrespective of who controls it and of the demographic balance that they might seek to maintain.

I'm glad that the Israeli government is allowing some Ukrainian refugees into Israel and offering them assistance in obtaining food, shelter, and health services.

It should extend those and other social rights and benefits to the more than 30,000 African asylum seekers and migrants in Israel, many of whom also fled armed conflict, but who are denied the aid that the Israeli government provides for the overwhelmingly white, European refugees from Ukraine.

The government should also stop discriminating against Palestinians in its family unification policies. It should respect the right of Palestinian refugees and their descendants who have maintained appropriate links to the land to return to the homes that they, like Ukrainian refugees, fled or were forced to leave, to protect themselves and their children.

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

## **UK Government's Proposed Laws Will Embolden Autocrats (Human Rights Watch)**

By Yasmine Ahmed and Emilie McDonnell

May 11, 2022

**In this week's Queen's Speech, the British government heralded itself as playing a "leading role in defending democracy and freedom across the world." Its legislative proposals for the year ahead, some of which would not look out of place in an autocrat's playbook, risk doing the exact opposite. Several proposals pose a grave danger not only to the human rights of people in the UK, but also to British democratic institutions that protect them, and the maintenance of international human rights standards.**

The government plans to rip up the Human Rights Act 1998 and replace it with a British Bill of Rights, undermining the integrity of the human rights system across the UK and Europe. Alongside stripping away rights protections domestically, the proposed reforms will hamper the UK's ability to effectively advocate for human rights overseas. With authoritarianism on the rise and as the international community is trying to stand up to abuses committed at the hands of autocrats, the UK is sending the message that international standards can be set aside.

While the UK government fights efforts globally to stifle opposition voices and close democratic space, there is more than a whiff of irony in this week's proposals. The government plans, through its Public Order Bill, to further clamp down on the right to protest, including by introducing new criminal offenses. These laws could have prevented protests that led to some of the most significant democratic and human rights achievements in the UK, including universal suffrage.

The government is also proposing to introduce a Boycotts, Divestment and Sanctions Bill with the vague aim of stopping public bodies from taking a different approach to the UK government's foreign policy on sanctions, boycotts, and divestment. The proposals face widespread opposition from civil society organizations, and risk interfering with the responsibilities of public authorities to conduct effective human rights due diligence and ensure they aren't supporting companies that cause or contribute to human rights harms.

These bills follow a recent string of laws that already undermine the rights of the most vulnerable, encourage voter disenfranchisement, limit judicial oversight, and place new restrictions on the right to peaceful protest.

At a time when respect for international norms is vital, the UK is playing right into the hands of autocrats and dictators. This poses a grave threat to the rights of people in the UK and to UK efforts to promote democracy and human rights globally.

## **Biden escalates the forever war in Somalia (Politico)**

By Alexander Ward and Quint Forgy

May 16, 2022

**President JOE BIDEN plans to deploy 500 troops to Somalia to fight al-Shabab, escalating America's long-term counterterrorism mission in the East African nation without defining a clear exit plan.**

Two hours after The New York Times' CHARLIE SAVAGE and ERIC SCHMITT reported on the decision, a senior administration official told journalists the troops will help train Somali forces and offer intelligence support, but the ultimate goal is "to try to dislodge Shabab from what is a significant amount of territory that it at least purports to govern and hold"

Biden and his team are worried that the terrorist group, which is affiliated with al Qaeda, greatly threatens Americans at home and abroad, as well as U.S. allies. By adding back in the majority of troops former President DONALD TRUMP withdrew from Somalia in 2020, the U.S. believes it can more effectively stop any potential attacks. Biden thus accepted Defense Secretary LLOYD AUSTIN's proposal in early May, moving troops already in the region into the the country so they don't have to keep commuting to work.

"Persistent presence is an important component of our approach to counterterrorism and in Somalia," the senior administration official said.

This move represents one of the biggest known increases of a U.S. counterterrorism mission in the Biden era. In July, the president didn't even approve the single drone strike that targeted Shabab militants attacking an American-trained elite Somali force. Now, he's directly authorizing a near-reversal of his predecessor's policy.

Lawmakers have yet to see the administration's new Somalia strategy, a House Democrat told NatSec Daily on the condition of

anonymity to discuss sensitive talks, adding that it's unclear the internal review had been completed before the announcement. "How do you make a decision like this before your strategy is finalized?" the Congress member said.

Asked about this, the senior administration official said that the NSC, Pentagon and other parts of the government have had "extensive discussions" with their legislative counterparts "as [the strategy] has been finalized."

As for what U.S. troops would need to accomplish in order for them to withdraw, the senior administration official didn't have a clear answer: "Counterterrorism does not make for quick fixes. That is true of many national security problems - it is certainly true of terrorism threats, especially terrorism threats that have the potency of al-Shabab. But what we think this offers is a chance to at least continue to manage and degrade that threat in close coordination with our Somali partners, rather than permitting it to escalate further and pose an increased risk to Americans in particular."

Biden is now the third successive president to pursue a counterterrorism strategy in Somalia without a clear picture of the endgame, save for unrelenting risk mitigation. It might improve America's military mission there and it may even make Americans safer. What it won't do, to the chagrin of those to Biden's left, is wind down the "forever wars" he promised to end.

Biden's decision "feeds into the larger problem with our CT strategy," the House Democrat said. "We know that a kinetic-centric targeting approach doesn't actually address the drivers of violence. And yet we continue on the same approach despite the fact that it hasn't worked in Somalia, the Sahel, or frankly anywhere else."

"The administration should focus on the truly urgent task: reassessing the fulsome support the U.S. gives the broken system and corrupt elites in Somalia, something shuttling 400 or 500 U.S. troops around can't address," the Heritage Foundation's JOSHUA MESERVEY piled on.

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

## WORTH READING

### **War Victim's Rights and Reparation within International Crimes Tribunal Bangladesh (ICT-BD): An Evaluation of Issues and Challenges**

By Khadiza Nasrin

May 11, 2022

**War victims of Bangladesh suffered unimaginable victimization and hideous harm during liberation war of Bangladesh in 1971. The International Crimes Tribunal, Bangladesh (hereinafter, ICT-BD) is a national Tribunal for prosecution of international crimes. Regrettably, unlike International Criminal Court and subsequently established internationalized Tribunals, neither International Crimes (Tribunals) Act, 1973 (hereinafter, ICT Act) nor International Crimes Tribunal Rules of Procedure, 2010 have provided any legal framework to address the concerns and rights of war victims other than limited framework for the protection and use of victims as witness. The focus of this article is to investigate position and rights of war victim at domestic context of ICT-BD. This article will examine what are the potentials and challenges to accommodate war victims' rights at ICT-BD within the existing frame of domestic criminal legal system. It argues that rights focusing on services for victims, right to reparation can be potentially accommodated within the frame of domestic legal system and adversarial institutional setting of ICT-BD by statutory amendment of founding statute ICT Act.**

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

## War Crimes Prosecution Watch Staff

**Founder/Advisor  
Dean Michael P. Scharf**

**Faculty Advisor  
Jim Johnson**

**Editor-in-Chief  
Matthew Koutsky**

**Managing Editors  
Spencer Luckwitz  
Harper Fox**

**Technical Editor-in-Chief  
Alexa Stovsky**

**Senior Technical Editors  
Matthew Koutsky**

**Associate Technical Editors  
Alexa Stovsky  
Kayla Briskey  
Matthew Koutsky  
Emory Bado  
Kendyl Biondich**

**Emerging Issues Advisor  
Judge Rosemelle Mutoka  
Contact: [warcrimewatch@pilpg.org](mailto:warcrimewatch@pilpg.org)**

## **Africa**

**Libya  
Kelsey Tschanen, Associate Editor  
Matthew Mullins, Senior Editor**

**Central African Republic  
Kelsey Tschanen, Associate Editor  
Matthew Mullins, Senior Editor**

**Sudan & South Sudan  
Chad Weisman, Associate Editor  
Matthew Mullins, Senior Editor**

**Democratic Republic of the Congo  
Chad Weisman, Associate Editor  
Matthew Mullins, Senior Editor**

**Côte d'Ivoire (Ivory Coast)  
Austin Milliren, Associate Editor  
Matthew Mullins, Senior Editor**

**Lake Chad Region**  
**Austin Milliren, Associate Editor**  
**Matthew Mullins, Senior Editor**

**Mali**  
**Emory Bado, Associate Editor**  
**Matthew Mullins, Senior Editor**

**Liberia**  
**Emory Bado, Associate Editor**  
**Matthew Mullins, Senior Editor**

**Uganda**  
**Matthew Koutsky, Associate Editor**  
**Francesca Bergeret, Senior Editor**

**Kenya**  
**Matthew Koutsky, Associate Editor**  
**Francesca Bergeret, Senior Editor**

**Rwanda (International Criminal Tribunal for Rwanda)**  
**Matthew Koutsky, Associate Editor**  
**Francesca Bergeret, Senior Editor**

**Somalia**  
**Matthew Koutsky, Associate Editor**  
**Francesca Bergeret, Senior Editor**

**Ethiopia**  
**Matthew Koutsky, Associate Editor**  
**Francesca Bergeret, Senior Editor**

## **Europe**

**Court of Bosnia and Herzegovina, War Crimes Section**  
**Madison Turk, Associate Editor**  
**Kayla Briskey, Senior Editor**

**International Criminal Tribunal for the Former Yugoslavia**  
**Michaella Guyot-Polverini, Associate Editor**  
**Kayla Briskey, Senior Editor**

**Domestic Prosecutions in the Former Yugoslavia**  
**Madison Turk, Associate Editor**  
**Kayla Briskey, Senior Editor**

**Turkey**  
**Kyle Dunnell, Associate Editor**  
**Kayla Briskey, Senior Editor**

**Kosovo Specialist Chambers**  
**Michaella Guyot-Polverini, Associate Editor**  
**Kayla Briskey, Senior Editor**

**Azerbaijan**  
**Kyle Dunnell, Associate Editor**  
**Kayla Briskey, Senior Editor**

**Russia**  
**Harper Fox, Associate Editor**  
**Kayla Briskey, Senior Editor**

## **Middle-East**

### **Iraq**

**Brandon Burkey, Associate Editor**  
**Lucas Katz, Senior Editor**

### **Syria**

**Brandon Burkey, Associate Editor**  
**Lucas Katz, Senior Editor**

### **Yemen**

**Elise Manchester, Associate Editor**  
**Lucas Katz, Senior Editor**

### **Special Tribunal for Lebanon**

**Kendyl Biondich, Associate Editor**  
**Lucas Katz, Senior Editor**

### **Israel and Palestine**

**Elise Manchester, Associate Editor**  
**Lucas Katz, Senior Editor**

### **Gulf Region**

**Kendyl Biondich, Associate Editor**  
**Lucas Katz, Senior Editor**

## **Asia**

### **Afghanistan**

**Lucas Katz, Associate Editor**  
**Estefania Sixto Seijas, Senior Editor**

### **Extraordinary Chambers in the Courts of Cambodia**

**Asia Moore, Associate Editor**  
**Estefania Sixto Seijas, Senior Editor**

### **Bangladesh**

**Asia Moore, Associate Editor**  
**Estefania Sixto Seijas, Senior Editor**

### **War Crimes Investigations in Myanmar**

**Lucas Katz, Associate Editor**  
**Estefania Sixto Seijas, Senior Editor**

## **Americas**

### **North and Central America**

**Sam Rodis, Associate Editor**  
**Lucas Katz, Senior Editor**

### **South America**

**Sam Rodis, Associate Editor**  
**Lucas Katz, Senior Editor**

### **Venezuela**

**Sam Rodis, Associate Editor**  
**Lucas Katz, Senior Editor**

## **Topics**

**Truth and Reconciliation Commissions**  
Francesca Bergeret, Senior Editor

**Terrorism**  
Kayla Briskey, Associate Editor  
Francesca Bergeret, Senior Editor

**Piracy**  
Ian Braddock, Associate Editor  
Francesca Bergeret, Senior Editor

**Gender-Based Violence**  
Francesca Bergeret, Senior Editor

**Commentary and Perspectives**  
Matthew Koutsky, Associate Editor  
Francesca Bergeret, Senior Editor

**Aiding and Abetting**  
Matthew Koutsky, Associate Editor  
Francesca Bergeret, Senior Editor

## **Worth Reading**

Matthew Koutsky, Senior Editor

War Crimes Prosecution Watch is prepared by the  
International Justice Practice of the Public International Law & Policy Group  
and the Frederick K. Cox International Law Center of  
Case Western Reserve University School of Law  
and is made possible by grants from the Carnegie Corporation of New York  
and the Open Society Institute.

**Grotian Moment: The International War Crimes Trial Blog:**  
<http://law.case.edu/grotian-moment-blog/>

**Frederick K. Cox International Law Center:**  
<http://law.case.edu/centers/cox/>

**Cox Center War Crimes Research Portal:**  
<http://law.case.edu/war-crimes-research-portal/>



*To subscribe or unsubscribe from this newsletter, please email [warcimeswatch@pilpg.org](mailto:warcimeswatch@pilpg.org).*