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Volume 17 - Issue 8
October 25, 2021

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

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AFRICA

NORTH AFRICA

Libya

UN officials say guards kill 6 migrants detained in Libya (AP News) By Samy Magdy
October 9, 2021

Guards at a Libyan detention center for migrants shot and killed at least six people amid chaos in the overcrowded facility, U.N. officials said Saturday as they again condemned widespread abuses against migrants in the North African country.

The development comes a week after authorities rounded up more than 5,000 migrants in a massive crackdown and after U.N.-commissioned investigators said abuses and ill treatment of migrants in Libya amount to crimes against humanity.

The shooting took place Friday in the Mabani detention center west of the capital, Tripoli, where authorities earlier this month brought 4,187 new detainees, including 511 women and 60 children, according to the International Organization for Migration.

A spokesman for Libya's Interior Ministry, which oversees migrant detention centers, did not respond to requests for comment.

The IOM said guards started shooting following a riot and an attempted escape by migrants.

But Vincent Cochetel, the U.N. refugee agency's special envoy for the Central Mediterranean, said "human rights violations and inhuman conditions" at Libya's overcrowded detention centers led to the mayhem, which included "indiscriminate shooting."

Cochetel urged the European Union and U.N. to impose sanctions on those implicated in the abuses against migrants, especially after the findings of U.N.-commissioned investigators.

“Some individuals bear special responsibility for the human rights abuses committed either because they are directly involved in them or because they cover them under their authority. It is time for the U.N. and the EU sanctions committee to take action and list some individuals,” he told The Associated Press.

Peter Stano, the EU commission spokesperson for foreign affairs, said commission members “condemn this incident and expect its full investigation.” He declined to comment further, pending further clarification on what had happened.

Federico Soda, the head of IOM’s mission in Libya, said at least six migrants were killed by guards, and at least 15 others were injured and taken to hospitals.

“The use of excessive force and violence often resulting in death is a regular occurrence in Libyan detention centers,” Soda said. “Some of our staff who witnessed this incident describe injured migrants in a pool of blood lying on the ground. We are devastated by this tragic loss of life.”

Footage circulated online purporting to show hundreds of migrants fleeing the detention center through a gap in the facility fence. Some were seen helping fellow migrants who were hurt. Other videos showed large numbers of migrants running through the streets in Tripoli.

Gabriel Akoulong, 24, of Cameroon, was among the fleeing migrants. He was detained in the crackdown in the western town of Gargaresh, a major hub for migrants in Libya, and imprisoned in Mabani.

“They put us into crowded cells where we couldn’t even breathe. There was no food, no water, no oxygen,” he said.

During the escape, some migrants fell and were caught by Libyan guards who beat them. Some of the migrants trying to flee were shot, he said.

“I still ask myself why we have been detained and imprisoned,” he told the AP in a phone interview from Tripoli where he was in hiding.

Earlier this week, many migrants attempted to flee from the the Mabani center, but they were met “with extreme violence,” said medical aid group Doctors without Borders, which was granted a rare visit to the center.

The group, also known by its French acronym MSF, said its visiting team “heard two rounds of heavy gunfire at very close range and witnessed the indiscriminate beating of a group of men who were later forced into vehicles and driven to an unknown destination.”

More than 5,000 migrants were rounded up in the crackdown earlier this month, including 215 children and more than 540 women, at least 30 of whom were pregnant, according to the IOM. The crackdown, which left one migrant dead and 15 injured, began Oct. 1 in Gargaresh and spread to surrounding areas.

Libyan authorities described the crackdown as a security operation against illegal migration and drug trafficking. But they made no mention of any traffickers or smugglers being arrested.

Hours before Friday’s chaos in Mabani, the U.N. refugee agency said authorities demolished many buildings and makeshift houses for migrants during the crackdown.

“The raids ... have created widespread panic and fear among asylum seekers and refugees in the capital,” the UNHCR said. Many migrants, including unaccompanied children and young mothers, have protested at the agency’s Community Day Center in Tripoli, demanding they be evacuated from Libya.

The UNHCR said it temporarily suspended its activities in the center after two of its workers were injured.

Libya has been engulfed in chaos since a NATO-backed uprising toppled and killed longtime dictator Moammar Gadhafi in 2011. The country has since emerged as migrant hub for those fleeing poverty and civil war in Africa and the Middle East and hoping a better life in Europe.

Thousands of migrants have been intercepted at the Mediterranean Sea and returned to Libya’s detention centers, which are rife with widespread abuses, torture and sexual violence. The IOM says around 10,000 migrants, including women and children, are being held in “grim conditions” in the centers.

U.N.-commissioned investigators said violations against migrants at sea, in detention centers and at the hands of traffickers amount to crimes against humanity.

Recent Evidence of Crimes Against Humanity in Libya (The Organization for World Peace) By

Lauryn Sinclair
October 19, 2021

A report commissioned by the United Nations Human Rights Council on October 1st established that there is evidence of war crimes and crimes against humanity being committed in Libya. The Independent Fact-Finding Mission on Libya has focused on investigating how the actions of state and non-state actors are contributing to the prolific violence being committed against displaced people and prison detainees since 2016.

The Fact-Finding Mission is chaired by Mohamed Aujjar of Morocco. In conducting the investigation, more than 150 individuals were interviewed, including ex-detainees from some of Libya's most notorious prisons. Aujjar stated that the investigations of the mission have "...established that all parties to the conflicts, including third States, foreign fighters and mercenaries, have violated international humanitarian law...some have also committed war crimes."

The human rights abuses of displaced people in Libya were given particular attention. Due to Libya's proximate location to the shores of Europe, it has become a key point of transit for individuals who have been forcibly displaced from Africa and the Middle East. Large numbers of displaced individuals reach Libya intending to cross the Mediterranean Sea to seek asylum in Europe. However, many do not get the chance to make this attempt. Libya has criminalized irregular entry into and exit from its territory. As a result, large numbers of asylum seekers end up detained in Libyan prisons. The conditions these groups are subjected to expose them to abuse and exploitation at the hands of human traffickers.

The report emphasizes the widespread nature of this abuse. Chaloka Beyani, another participant of the Fact-Finding Mission, stated that "Migrants, asylum-seekers and refugees are subjected to a litany of abuses at sea, in detention centres and at the hands of traffickers." The investigations suggested that this kind of violence is undertaken "...on a widespread scale by State and non-State actors, with a high level of organization and with the encouragement of the state – all of which is suggestive of crimes against humanity."

Since the fall of Qadhafi in 2011, Libya has descended into anarchy and lawlessness. This laid the foundation for extended conflict, with the fragmentation of the formal state structure giving rise to armed groups competing for control of the territory. As a result, the rule of law in Libya has been severely compromised. Over the last decade, state and non-state actors from Libya and overseas have allegedly taken advantage of Libya's instability. In the absence of effective institutions, these groups have been free to commit violations of both international human rights law and international humanitarian law against vulnerable populations. As highlighted by the report, those who have been most impacted by these abuses include women and children.

Given the available evidence, the following conclusion can be drawn: the European Union is complicit in the suffering of displaced people in Libyan detention centres. The EU-funded Libyan coastguard intercepts asylum seekers at sea and sends them back to Libya to prevent their arrival at European shores. The report cited that since 2016, approximately 87,000 displaced people have been intercepted by the Libyan coastguard. This number includes around 7,000 individuals who are now detained in prisons operated by Libya's Department for Combatting Illegal Migration. Upon return to Libya, detainees face grave mistreatment.

The dire situation in Libya illustrates a pressing need for accountability. Those involved in these atrocities need to be held responsible: an initiative which the wider international community should lend its support towards. Unless decisive action is taken, the situation in Libya will only continue to deteriorate. The international community should organize a cohesive response to bolster Libya's ability to be a more effective arbiter of international humanitarian law. Furthermore, to ensure that the fundamental right to seek asylum is upheld, efforts should further be taken to establish safe and legal routes for displaced people.

Italian captain jailed for returning rescued migrants to Libya (Newsbook) By Joseph Giordimaina
October 19, 2021

Giuseppe Sotgiu, an Italian captain who handed 101 migrants over to the Libyan coastguard after rescuing them in the Mediterranean Sea, has been given a one-year jail sentence, reportedly in the first such case heard by Italy's courts.

Sotgiu was found guilty of violating international laws that forbid the forced return of people to countries where they are at risk. The verdict issued by Judge Maria Luisa Miranda is the first of its kind in Italy and has been welcomed by human rights groups. The event happened on July 30th, 2018. The captain was piloting an Italian-flagged offshore ship supplying oil platforms off Libya, called the Asso 28. The migrants, including five pregnant women and five minors, were picked up from a dinghy in international waters and handed over to the Libyan coastguard at the port of Tripoli. He was found guilty

of abandonment-related charges and sentenced to one year in prison, however, the court absolved the defendant of the most serious charge – abuse of office – according to a copy of the sentence, reported Euronews. The United Nations refugee agency and the European Union do not consider Libya a safe port for rescued migrants.

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CENTRAL AFRICA

Central African Republic

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

UN Human Rights Council 48: UK statement for the interactive dialogue with the Independent Expert on Central African Republic (gov.uk)

October 7, 2021

UK Ambassador to the UN and WTO in Geneva Simon Manley gave this statement and thanked the Independent Expert for his report on the Central African Republic.

Thank you, Madam President.

The UK thanks the Independent Expert for his report on the Central African Republic.

We remain concerned by the reports of widespread human rights violations and abuses, including: extrajudicial and summary killings, torture, arbitrary arrests and detentions, disproportionate use of force, conflict-related sexual violence and the recruitment of children into armed groups. Reports of sexual abuse and exploitation by UN Peacekeepers are also deeply concerning. We welcome the UN's decision to withdraw the troops and we urge a full investigation.

The increase in violence since the elections is also deeply concerning. The continued violence being perpetrated by armed groups, who are signatories to the Peace Agreement, as well as by Government forces and their proxies, is unacceptable. The UK stands ready to agree appropriate measures, including UN sanctions, in response. We urge all actors to respect the Peace Agreement, and to cease immediately attacks on civilians and humanitarian and peacekeeping personnel. We urge the Government to ensure perpetrators are held accountable.

Madam President,

We would welcome the Independent Expert's views on what steps the Central African Republic and the international community should take to secure respect for the Peace agreement.

Central African Republic Leaders: Ceasefire Aims for Peace (Gettysburg Times) By Edith M. Lederer
October 18, 2021

Leaders of the Central African Republic called his one-sided ceasefire announcement on Monday as a new effort to restore peace to endangered countries. And he strongly defended his decision to ask Russian instructors and Rwandan troops to help counter government-threatening rebels. This is a move that has caused strong western opposition.

The UN Security Council welcomed the announcement of the ceasefire on Friday by President Faustin-Archangea Tuadera, especially despite the differences surrounding Russia's involvement in poor countries. Fifteen council members called it "the only viable path to peace and stability" "significant" towards the implementation of the February 2019 Peace Agreement between the government and 14 rebel groups. I called it "step".

The most powerful UN agencies have expressed concern that some signers of the peace agreement continue to ignore their promises, “all stakeholders present in CAR to respect the ceasefire.” Prompted to.

Mr Tuadera said his government supported a call for a ceasefire on September 16 by leaders in the Great Lakes region.

“My declaration of ceasefire ... shows that our only ambition is to finally find a lasting political solution for CAR to the crisis we are enduring.” Said the president.

Mineral-rich nations have faced deadly community battles since 2013, when rebels, primarily Muslim Seleca, seized power and resigned President Francois Bozize. Most Christian anti-Baraka militias later counterattacked, targeting street civilians as well. Countless thousands were killed and most of the Muslims in the capital fled in horror.

A peace agreement was signed between the government and 14 rebels in February 2019, but violence broke out after the Constitutional Court refused to run for Bozize to run for president last December. Tuadella won the second term with 53% of the votes, but continues to face opposition from the rebel coalition related to Bozize.

Tuadera is a virtual briefing to the council, where government forces, along with Russian instructors and Rwanda forces, thwart rebels, protect civilians, hold presidential and legislative elections “fully safely”, and desperately. Humanitarian aid in need.

In June, the United States, Britain and France accused Russian mercenaries of working with government forces to commit human rights violations against civilians and interfere with UN peacekeeping operations. Russia has violently denied these allegations.

Tuadera did not mention mercenaries in his briefing.

However, France’s UN Deputy Ambassador Natalie Broadhurst said the existence of the Wagner Group, a Russian private military company reportedly closely related to the Kremlin, was “extremely unstable” for the Central African Republic. It was well documented in the UN report.

“It’s a factor in war, not a factor in peace,” she said. “There is a wealth of evidence of abuse committed by this group: out-of-court arrests, summary executions, sexual and gender-based violence, threats to human rights defenders, and obstruction of humanitarian access.”

Broadhurst also accused Wagner of “using his position to engage in systematic predation of natural resources,” which should benefit the country’s economy.

Russia’s UN Deputy Ambassador, Anna Evstigniva, argued that Russian instructors had succeeded in increasing the expertise of the Central African Republic’s army and were not fighting. “This has stabilized the country’s military situation,” she said.

She did not mention Russian mercenaries, but instead responded to criticism by members of the council, saying: They also need to analyze the consequences of years of military participation and involvement in military operations in Africa, Afghanistan, Iraq, and other parts of the world.”

US Ambassador to the United States Linda Thomas Greenfield said reports indicate that individuals identified as “instructors” by the Central African Republic Army and Russia have committed numerous violations of humanitarian law and human rights abuses.

“I hope the announcement of the ceasefire last week will permanently suspend these activities,” she said, and only the full implementation of the 2019 Peace Agreement and comprehensive political dialogue can restore peace.

The UN Special Envoy, Mankour Ndiari, said that between June 1st and October 1st, there were 41 violations of the UN Status of Forces Agreement with the Government of the Central African Republic, “affecting trust, partnership and peaceful coexistence. I told the council. He said the breach involved government forces and their supporters, including the arrest and detention of UN personnel and the obstruction of their freedom of movement.

Ndiaye called the situation “especially sad” because 14,000 powerful UN forces in the country had never faced such an incident before the government deployed “bilateral forces.” He welcomed the involvement of the Tuadera government “to put an end to this situation.”

Calling the situation “unstable and highly unpredictable,” African Union Commissioner Adeoye Bankole urged the government to end all “hostility” and bring the perpetrators to justice.

He urged armed groups to ceasefire immediately and return to a peace agreement. At the virtual briefing, he also welcomed the preparation for a national dialogue, saying it must be comprehensive.

“If the ceasefire declared by President Touadera is effective, we want to guarantee that we will be a game changer,” Bancor said.

Continued Attacks by Illegal Armed Groups in Central African Republic Thwarting Progress towards Implementing Peace Agreement, Special Representative Tells Security Council (United Nations)

October 18, 2021

Central Africa President Stresses Commitment to Strengthen Institutional Stability, Restore Security, Calling for Renewal of Peacekeeping Mission’s Mandate.

Unabating attacks by illegal armed groups in the Central African Republic are exacerbating the already-fragile security situation and undermining valuable progress made in establishing institutional stability, the Head of the United Nations peacekeeping mission there told the Security Council today, as members examined the situation ahead of an imminent vote on renewing the Mission’s mandate, which expires on 15 November.

Issues considered by the 15-member Council ranged from concerted efforts by the Government to bring about a political solution to the crisis, including through sustained dialogue and the recent announcement by President Faustin Archange Touadera of a unilateral ceasefire in his Government’s war against violent armed groups, as well as the utility of an arms embargo imposed in 2013, to concerning reports of excessive use of force and alleged rights violations by military instructors from the Russian Federation.

Mankeur Ndiaye, Special Representative of the Secretary-General for the Central African Republic and Head of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), briefing the Council on the Secretary-General’s latest related report (document S/2021/867), said that extending MINUSCA’s mandate can help build on the positive momentum generated by the recent elections, which concluded on 23 June, by deepening decentralization through holding local elections, which have not occurred since 1988. He cautioned that any delay in doing so will undermine the integrity of the 2019 Political Agreement for Peace and Reconciliation (known as the Khartoum Accord).

As many as 3.1 million people in the Central African Republic — 63 per cent of its population — are in urgent need of protection and assistance, he said, calling for more funding as only 60 per cent of the humanitarian budget is currently covered. Moreover, the security situation in the country’s west and central south-east is deteriorating due to the activities of illegal armed actors, he said, adding that the ongoing strategic review of MINUSCA will pave the way for important security sector reforms and help it better address complex security challenges. Calling recent violations of status of forces agreement between MINUSCA and the Government “particularly deplorable”, he said a credible political process could only be brought about with improvements in the security and humanitarian situation.

Also raising such concerns was Olaf Skoog, Head of Delegation of the European Union, in its capacity as observer, who deplored recent reports of human rights violations committed by a host of actors, including armed groups, national armed forces and instructors. He also condemned human rights and international humanitarian law violations and abuses, including conflict-related sexual violence and the uptick in the use of explosive ordnance devices, adding that international partners, such as the European Union and MINUSCA, have borne the brunt of repeated attacks. Welcoming the republican dialogue announcement on 1 September, he emphasized the need for such talks to be credible and inclusive, to pave the way for an enduring solution to the crisis.

Adeoye Bankole, Commissioner for Political Affairs, Peace and Security of the African Union, echoed such calls for inclusiveness, stating that youth, women, and various stakeholders should be allowed to participate in the process towards lasting peace. The African Union — as the guarantor of the Peace Agreement — will continue to provide support for the Central African Republic, he said, adding that the bloc is ready to deploy human rights observers and supply MINUSCA with additional personnel and equipment.

Also briefing the Council was Pamela Audrey Derom, President of the Conseil National de la Jeunesse Centrafricaine, the first woman to lead the country’s National Youth Council, who called for the active engagement of the Central African Republic’s young people — who represent 70 per cent of the country’s working population — in development projects.

In the ensuing discussion, Council members welcomed the Government’s measures to reinstate institutional stability and meet the formidable challenges it faced, and expressed appreciation for the contributions of regional actors, such as the

International Conference on the Great Lakes Region, to facilitating long-term stability in the country. Some voiced concerns about obstructions to the work of the Panel of Experts on the Central African Republic, while many condemned the increasing attacks on MINUSCA, including reports of status of forces agreement violations and attempts to discredit it through disinformation campaigns. In particular, a number of delegates drew attention to reports of human rights violations perpetrated by the Russian group Wagner.

In this regard, the representative of the United Kingdom expressed concern about credible reports of such human rights abuses, which he said stoke conflict and undermine the vital work of international peacekeepers and the Central African authorities. Observing that Wagner does not offer long-term security solutions in Africa, he called for a full investigation into these reports, adding that his country is ready to agree on appropriate measures, including United Nations sanctions, in response.

In a similar vein, France's delegate characterized the Wagner group's presence in the Central African Republic as "destabilizing", pointing out that there is mounting evidence of its involvement in extrajudicial executions, as well as the organized plunder of natural resources. She went on to call for the elimination of ambiguity created by language such as "other security forces" in United Nations reports. For his part, the representative of Norway said that, while the Coalition of Patriots for Change and the Central African Armed Forces were responsible for human rights abuses, the Wagner group were responsible for almost half of the verified incidents, involving nearly 500 victims.

The representative of the Russian Federation challenged these points, contending that Russian instructors do not take part in fighting, but merely aim to enhance the level of professional training of the armed forces. "If we receive information on violations from law enforcement bodies of the Central African Republic, we will closely examine them," she stressed, calling on Council members to focus their attention on violations committed by their own militaries and private companies in the country, as well as in Afghanistan and other parts of the world.

Central African Republic President Faustin Archange Touadera, who also addressed the Council, said his Government was committed to bolstering institutional stability and restoring security, despite the depredations of armed groups such as the Coalition. Nonetheless, he emphasized that he had never closed the door to negotiations with the Coalition's leaders. Calling on the Council to unanimously renew MINUSCA's mandate and reconsider the arms embargo, which impinged on security forces' ability to face up to sudden threats, he said: "Our only ambition is to find a lasting political solution to the crisis we are enduring."

Also speaking were representatives of Tunisia (also on behalf of Kenya, Niger and Saint Vincent and the Grenadines), India, Viet Nam, United States, Mexico, Ireland, Estonia and China.

The meeting began at 10:04 a.m. and ended at 12:10 p.m.

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Sudan & South Sudan

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

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Democratic Republic of the Congo

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

Women taken from mothers in Congo seek Belgian reparations (ABC News courtesy of Associated Press) By Samuel Petrequin

October 14, 2021

A court in Brussels has started considering a crimes against humanity lawsuit brought by five biracial women who were born in Congo and taken away from their Black mothers when they were little and the country was under Belgian colonial rule.

Lea Tavares Mujinga, Monique Bintu Bingi, Noelle Verbeken, Simone Ngalula and Marie-Jose Loshi are suing the Belgian state in hopes it will recognize its responsibility for the suffering of thousands of mixed-race children. Known as “metis,” the children were snatched away from families and placed in religious institutions and homes by Belgian authorities that ruled Congo from 1908 to 1960.

“My clients were abducted, abused, ignored, expelled from the world,” lawyer Michele Hirsch said Thursday as a court in the Belgian capital examined the civil case. “They are living proof of an unconfessed state crime, and soon there will be no one left to testify.”

The five women have requested compensation of 50,000 euros (\$55,000) each.. The court is expected to deliver a verdict within six weeks.

The five women, all born between 1945 and 1950, filed their lawsuit last year amid growing demands for Belgium to reassess its colonial past.

In the wake of protests against racial inequality in the United States, several statues of former King Leopold II, who is blamed for the deaths of millions of Africans during Belgium’s colonial rule, have been vandalized in Belgium, and some have been removed.

In 2019, the Belgian government apologized for the state’s role in taking thousands of babies from their African mothers. And for the first time in the country’s history, a reigning king expressed regret last year for the violence carried out by the former colonial power.

Hirsch said Belgium's actions are inadequate to what her clients experienced.

“The Belgian state did not have the courage to go all the way, to name the crime, because its responsibility incurred damages,” the lawyer said.. “Apologies for history, yes, but reparations to the victims, no.”

Lawyers say the five plaintiffs were all between the ages of 2 and 4 when they were taken away at the request of the Belgian colonial administration, in cooperation with local Catholic Church authorities.

According to legal documents, in all five cases the fathers did not exercise parental authority, and the Belgian administration threatened the girls' Congolese families with reprisals if they refused to let them go.

The children were placed at a religious mission in Katende, in the province of Kasai, with the Sisters of Saint Vincent de Paul. There, they lived with some 20 other mixed-race girls and Indigenous orphans in very hard conditions.

According to the lawyers, the Belgian state’s strategy was aimed at preventing interracial unions and isolating métis children, known as the “children of shame,” to make sure they would not claim a link with Belgium later in their lives.

Legal documents claim the children were abandoned by both the state and the church after Congo gained independence, and that some of them were sexually molested by militia fighters.

“If they are fighting for this crime to be recognized, it is for their children, their grandchildren. Because the trauma is transmitted from generation to generation,” Hirsch said Thursday. “We ask you to name the crime and to condemn the Belgian state.”

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

Key Leader of West African Terrorist Group Is Dead, Nigerian Army Says (The New York Times)

By Ruth Maclean and Ismail Alfa

October 15, 2021

A leading figure in a terrorist group that has declared an affiliation with the Islamic State and destabilized a vast region in West-Central Africa has died, according to Nigeria's top military commander, but the threat from violent extremists in the area is far from over.

The militant, Abu Musab al-Barnawi, was a key figure in a group known as the Islamic State West Africa Province, or ISWAP. Gen. Lucky Irabor, Nigeria's military commander, said on Thursday that he could "authoritatively confirm" the death of Mr. Barnawi, but did not provide any further details.

ISWAP splintered off from the better known group Boko Haram in 2016, and for years both outfits have terrorized people across Nigeria and the neighboring countries of Chad, Cameroon and Niger, leaving tens of thousands dead and millions homeless.

ISWAP has focused its attacks on the military — in contrast to Boko Haram, which is thought to be responsible for the vast majority of deaths of civilians, according to analysts and military officials in the region. ISWAP is now thought to be as powerful — if not more so — than Boko Haram.

Mr. Barnawi, whose age was unknown, was the son of Mohammed Yusuf, Boko Haram's founder.

The longtime leader of Boko Haram, Abubakar Shekau, was also reported to have died this year, killing himself before he could be taken prisoner by Mr. Barnawi's group.

Since then, fighters of Boko Haram and their families have left the group by the thousands, and defected to the government. But those familiar with the militant groups caution that there are new leaders ready to replace the kingpins who are killed.

"The death of Shekau and Abu Musab al-Barnawi will not be the end of insurgency in the Northeast," said Ibrahim Awami, who said he had been abducted and forced to join ISWAP in 2016, but escaped less than a month ago. "There are many Shekaus and al-Barnawis still in the bushes."

Mr. Awami, 32, said that Mr. al-Barnawi had been shot in the leg earlier this year in a fight with the Buduma, an indigenous group in the Lake Chad region.

"Every day, there is a fight against one another in the ISWAP camp and mutual suspicion between the leaders has been on the increase. Hardly a new leader stays for a month or two without having to be killed or removed," he said.

Mr. Barnawi's death could not be independently confirmed, and to many Nigerians, the military chief's statement is not conclusive evidence of it. The nation's military had previously claimed to have killed the Boko Haram leader, Mr. Shekau, only to have him later turn up alive, sometimes gloating in videos.

In his news conference, General Irabor said of Mr. Barnawi, "He is dead and remains dead."

The U.S. State Department and the U.S. Africa Command said they were aware of the reports of the death of Mr. Barnawi, but could not confirm them.

Mr. Barnawi's demise, if true, would be a blow to his group's fortunes in the region. But it may not affect the leadership structure. It has long been unclear who really runs his extremist force.

The real power was long thought to be Mamman Nur, once a top leader in the original Boko Haram group. In northeastern Nigeria, ISWAP is still often referred to as "the Mamman Nur faction" — meaning a faction of Boko Haram, as opposed to the group led by Mr. Shekau.

Mamman Nur, however, is thought to have died in 2018, and security experts in the region say it is difficult to know exactly who is at the group's helm now.

Still, Colin P. Clarke, a counterterrorism analyst at the Soufan Group, a security consulting firm based in New York, said, "Without risking overstating the significance, the death of al-Barnawi is extremely important" because ISWAP has greatly expanded its territory in recent years.

He added, "With the recent death of Shekau, jihadism in West Africa is undergoing a transition, as groups vie for resources and recruits."

UN delists civilian JTF from armed groups recruiting kids (The Guardian Nigeria) By Njadvara
Musa, Maiduguri
October 19, 2021

United Nations Secretary-General Antonio Guterres has delisted the Civilian Joint Task Force (CJTF) from armed groups recruiting children as soldiers in the North East.

According to him, the move is a step towards child protection.

UNICEF Chief of Maiduguri Field Office, Phuong Nguyen, in a statement yesterday in the Borno State capital, confirmed: "Guterres credited the delisting to a significant reduction in the number of children recruited into the ranks of the CJTF and the armed group's commitment."

She said the promise was to implement an action plan signed with the UN country task force on monitoring and reporting in 2017.

"This is to stop the recruitment and use of children in conflicts," Nguyen restated in the statement.

She recollected that the group was formed in 2013 to support efforts of the Nigerian military to protect communities from Boko Haram attacks, stating that: "The Civilian JTF expanded in size and influence in the North East region."

Besides, Nguyen added that since signing the agreement, the body has released more than 2,000 children from its ranks.

According to her, many of the kids have also been enrolled in school and provided with psychosocial support by UNICEF.

She lamented the recruitment of 3,500 children by parties to the conflict between 2013 and 2020, observing that girls and boys have been used as suicide bombers, spies, labourers, cooks, messengers and wives.

Nguyen warned that children recruited into armed groups often suffer from gender-based violence, including rape.

"Child soldiers are at a great risk of death or disability while undergoing armed training and initiation rites, as well as during combat," she cautioned.

The UNICEF chief, therefore, advised the CJTF leadership to establish child protection units across its offices to prevent future recruitment of kids.

"It should consistently model its agreement to not use children for any kind of role," she asserted.

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Liberia

'I don't know Hassan Bility'- General 'Butt Naked' refutes Massaquoi trial bribery claims (Premium Times)

October 7, 2014

Joshua Blahyi "General Butt Naked" appeared in court today to refute claims he bribed witnesses.

One of the men accused of bribing and tampering with witnesses in the ongoing war crimes trial of Gibril Massaquoi rejected the allegations in court on Wednesday.

Joshua Milton Blahyi, also known by his war name, "General Butt Naked", was accused of colluding with Hassan Bility to bribe witnesses in Mr Massaquoi's ongoing trial by the court from Finland, and other high profile cases tried in the United States and Europe involving people connected to the Liberian civil war.

Bility is the director of the Liberian NGO, Global Justice Research Project (GJRP), which together with its Swiss partner Civitas Maxima, documented Mr. Massaquoi's alleged crimes during Liberia's second civil war and presented them to Finnish police.

After investigating the charges the Finnish prosecutors charged Mr Massaquoi who was living in Finland under an arrangement with the Special Court for Sierra Leone. Mr Massaquoi had served as an informant to the Special Court.

Appearing before the four-judge panel, Blahyi said he did not know Mr Bility, and has not testified in any court trying people for crimes committed during Liberia's 14-year civil war.

"I don't know Bility," he said, responding to lead prosecutor Tom Laitinin's questions. "The Bility name is a household name in Liberia, but I can't remember sitting in a room with him."

Except for Liberia's Truth and Reconciliation Commission (TRC), Blahyi said he has not served as a witness in any war crimes court or trial.

Blahyi, 50, is the first former Liberian warlord to appear before the Finnish Court since it returned to Liberia last month.

It had heard from dozens of witnesses in Liberia and Sierra Leone in February and March this year. Blahyi was a leader of the United Liberation Movement for Democracy (ULIMO), which supported President Samuel Doe against the insurrection by Charles Taylor's rebel forces.

Doe's assassination triggered one of the most brutal civil conflicts on the African continent that claimed the lives of an estimated 250,000 people between 1989 and 2003.

Under the war name "General Butt Naked" Blahyi wreaked havoc as head of a troop of young, drugged and naked soldiers known for their cruelty and penchant for magic during the first civil war (1989-1997).

In 2008, Blahyi confessed to the TRC to the murder of thousands of people, claiming that during the war he had magical powers due to his initiation into a traditional secretive society when he was 11 years old.

Indicted by the TRC, Blahyi accepted responsibility for his crimes and said he is willing to be tried, and if convicted, face punishment.

Now, an evangelical pastor, he has launched an initiative in Monrovia to get former child soldiers off drugs and out of crime.

Looking relaxed as he took the witness stand on Wednesday, Blahyi told the court that he was not the only person to go with the name General Butt Naked.

He said one of the fighters who used the name fought for the Liberia Peace Council (LPC), another warring faction, headed George S. Boley. (Boley, expelled from the United States in 2012 for his involvement in war crimes, currently serves as a member of the Liberian Legislature). The ex-soldier in question is now handicapped, Blahyi said.

Asked by defence lawyer Kaarle Gummerus how he got the name 'Butt Naked', Blahyi said during the war a journalist photographed him while he was naked.

"In 1996 my role was to operate in Central Monrovia. During the war a journalist captured me on camera. But because they couldn't get any response from me, they published a story about me as the Naked General."

"I have a traditional position as a priest to my tribe," Blahyi told the court. "I protected my tribe. And to operate in my priestly office, I have to go naked."

Three defence witnesses have appeared before the Finnish Court alleging that Mr Bility coached them to lie about Mr Massaquoi and Agnes Taylor, who was charged and detained in the United Kingdom. They said Mr Bility wanted them to testify that Mr. Massaquoi and Ms Taylor committed human rights violations and promised to pay them between US\$15,000 and US\$20,000 once they had testified.

Mr Bility, upon the invitation of the prosecution, appeared before the court earlier this week and rubbished the claims.

Another senior staffer of GJRP, Fayiah Williams, appeared in court Wednesday and stated emphatically that at no time he bribed any witness.

Both prosecution and defense lawyers questioned Mr Williams, 44, about a witness who alleged that he took him to Ghana and coached him to lie to British police that he witnessed Ms Taylor committing crimes against humanity.

Mr Williams said he was a founding staff member of GJRP back in 2012, and since then the organization has always maintained its policy of soliciting war related information from witnesses at their own will, not for any payment.

Mr Bility has previously told reporters that he works hard to find credible witnesses who have clear, detailed memories of events and will stand up to stressful cross examination in court.

In a meeting with the witness in question back in 2012, Mr William recounted:

"I told him that your visit here [the GJRP office], we don't pay people for speaking to us, but we do pay for transportation. Whatever you spent to come, in that just amount, we pay back. And you are free to end the interview if you feel uncomfortable. I went further by asking him if he would explain his ordeal."

"I told him that I will take notes as he explained," Mr Williams said. "And it was not the formal way we are doing now, but I wrote down those pieces of information he told us. I thanked him and I told him that maybe we will get back to him in the future."

Mr William's notes were subpoenaed and presented in court by lead prosecutor Laitinin.

The third witness, codenamed X8 to protect his identity, corroborated the claims of the first two witnesses about the process for becoming a witness. Asked how he learned about the trial, he said he heard about it through a local radio station.

Because he was familiar with the case, the witness said he called a staff of GJRP who connected him with Finnish Police.

The trial continues on Friday which will likely be the final day of the hearings in Liberia before the court returns to Finland.

Liberia: U.S. ambassador intervenes, endorses Bility (Premium Times)

October 8, 2021

"We stand with Mr Bility for the work he is doing and many other people are standing with him. He is supported by other governments and diplomats of other governments," said Ambassador McCarthy.

The United States Ambassador to Liberia has given a powerful endorsement to Hassan Bility, the justice activist accused in

court proceedings this month of bribing witnesses.

In a visit to the Monrovia office of Mr Bility's organisation the Global Justice and Research Project, Ambassador Michael McCarthy, commended Bility's work in gathering evidence that has led to the convictions of three war criminals and charges against nearly a dozen more.

"We stand with Mr Bility for the work he is doing and many other people are standing with him. He is supported by other governments and diplomats of other governments," said Ambassador McCarthy in an interview.

The ambassador did not directly address accusations by three witnesses in the ongoing war crimes trial of Gibril Massaquoi that Mr Bility attempted to bribe them to make false testimonies.

Mr Bility has rejected the claims saying they are being orchestrated by those who have been charged as a result of his work or fear they will be charged.

Ambassador McCarthy said the U.S. Embassy took the threats of violence against Bility and his team very seriously.

"I want to make it clear that violence against those who seek justice through the rule of law must never be tolerated in Liberia," Ambassador McCarthy said in a statement. "The United States Embassy regards the security of committed researchers like these to be of the utmost importance, and as a bellwether of Liberia's democratic progress."

The ambassador's intervention will be felt by many perpetrators accused of war crimes in Liberia's civil war.

Those like Agnes Taylor, whose war crimes case in the U.K. was dismissed on a technicality leading to the denial of her permanent residency application, will be unlikely to secure a visa to most international countries including the United States and may risk charges in any country where she does secure a visa.

Ms Taylor will also risk being extradited to the U.K. should prosecutors there decide to open a new case.

Others such as Representative George Boley, who was deported to Liberia from the United States after being found by U.S. authorities to have violated immigration laws, is in the same boat. Those inside Liberia will be afraid to travel in case they also face charges and extradition.

Inside the United States, there are accused war criminals living in fear they too might be charged as Boley, Mohammed Jabbateh, Tom Woewiyu and Moses Thomas were.

The ambassador applauded Mr Bility's success in securing dozens of charges and convictions.

He also praised the Liberian government and media for allowing thorough coverage of the trial of Gibril Massaquoi and other cases in the United States and Europe. Many countries do not have such things said the ambassador and the people of Liberia should be proud of institutions like the GJRP.

"Civil society and a free press are alive in Liberia. Organisations like Mr Bility's can't exist in many countries in the world but here in Liberia he and his colleagues do their work," he said.

Ambassador McCarthy said America's commitment to justice was underscored by the fact that the first person convicted for crimes in Liberia's civil wars was American citizen, Chucky Taylor, the son of former President Charles Taylor. Charles Taylor is serving a 50-year sentence for crimes in Sierra Leone. Chucky is serving a 97-year sentence in the U.S. state of Florida.

At the same time, Ambassador McCarthy urged the Liberian legislature to overcome gridlock and pass a bill establishing a war and economic crimes court.

"Criminals who committed war crimes should not live with impunity and think they will never pay for their crimes," said the ambassador. "At the same time, it is very important that the Liberia's war crimes commission be designed and overseen by Liberians, and it cannot be run by outsiders. We support the active discussion as to which form this commission should take but it is left with the Liberian people in the desire of a system of justice that will account for unpunished crimes."

The trial of Mr. Massaquoi will continue on Friday which is likely to be the last day before the court returns to Finland for final hearings.

A verdict is expected this year.

EAST AFRICA

Uganda

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

UHLF rebel leader arrested in Uganda, says Gen Muhoozi (The Monitor) October 16, 2021

The alleged leader of Uganda Homeland Liberation Force (UHLF), one of the rebel outfits blamed for the recent attacks on Uganda People's Defence Forces (UPDF) detachments in northern Uganda has been arrested, the commander of Land Forces, Lt Gen Muhoozi Kainerugaba said Saturday.

In a statement posted on his twitter handle, Gen Muhoozi said Openjuru Howard was arrested in Uganda by the Chieftaincy of Military Intelligence (CMI) operatives in "a carefully planned operation that took many months."

"Ugandan intelligence has arrested the leader of the so called Uganda Homeland Liberation Force, Openjuru Howard, inside the country. It was a carefully planned operation that took many months. CMI is proving that it is a truly excellent intelligence service. Uganda ni hatari!" he tweeted.

In July this year, one of the alleged members of the rebel group, Mr Patrick Oryema, 60, surrendered to the security team in Nebbi District, reportedly confessing that he participated in the attack days before.

The development came after Gen Muhoozi blamed this year's attack on UPDF detach in Zombo District on another rebel outfit, Co-operative for the Development of Congo (CODECO). Mr Oryema, a resident of Ndhew Sub-county in Nebbi, said he joined UHLM a year ago in DR Congo.

According to Facebook posts by Mr Openjuru, the rebel outfit was formed to destabilise peace and security in the country and topple the government.

Mr Andrew Kajoyingi, the Zomb Resident District Commissioner, during last year's March attack said: "These youth were secretly picked from here, that they were going to work in some coffee plantation in Kiryadongo [District] and little did we know that there would be such a subversive movement in the district. Our intelligence report indicates that it is led by Howard Openjuru of UHLM."

The army refuted the statement then.

However, Mr Oryema said he was lured by a witchdoctor but ended up at a rebel camp in DR Congo.

"[After] drinking the water mixed with some bitter fruit served by the witch doctor, I joined Uganda Homeland Liberation Movement rebel group unknowingly in DR Congo and when I realised it, I escaped because life was hard in the bush," he said. Mr Oryema said he had no military background to bear such conditions. Earlier, the UPDF arrested the alleged witch doctor. Another leader of CODECO, a one Mr Athocon surrendered to the UPDF two weeks ago.

After the first attack, Mr Openjuru, posted on Facebook, saying: "These people who brought very senseless and unnecessary attack in Zombo District must be condemned for the stupidity. You start a war you can't defend and think you are serious. Worst still it is your home place where your family, friends and relatives are. That is committing suicide." He added: "We are well prepared, organised and God is with us we shall be very successful and liberate Uganda from the hands of the wolves, looters, killers, self-centred, greedy, power hungry lunatics."

Uganda: Thirteen Arrested Over Links to ADF Terrorists (All Africa) By Juliet Nalwooga
October 19, 2021

A joint Uganda security team has arrested 13 suspects it alleges are members or

linked to the Allied Democratic Force (ADF), a designated terrorist group which the Islamic State in Central Africa Province (ISCAP) confirmed as an affiliate in 2019.

Among those taken into custody are a pastor and an engineer.

The men were apprehended in various sting operations in Paidha Town in Zombo District and in Kasese Municipality, which both straddle the border with the DR Congo (DRC), as well as in Njeru near the eastern Jinja City. Many had been under surveillance, security officials told journalists at a press conference at Uganda Police Forces headquarters in Naguru, a Kampala suburb, and undercover operatives closed in on them after the United Kingdom last week said a terror attack on Uganda was "very likely".

"Terrorists are very likely to try to carry out attacks in Uganda. Attacks could be indiscriminate, including in places visited by foreigners. UK Counter-Terrorism Policing has information and advice on staying safe abroad and what to do in the event of a terrorist attack," the UK government statement noted in the advisory principally for its citizens.

In Kampala, security forces officially had a muted response, noting that Uganda would not raise the threat level despite the alert.

According to sources familiar with the processes, Ugandan security and intelligence officials, however, quietly conferred with their British counterparts to ascertain whether the threat was specific or general. No place, date or timing of the likely attack was established, sources told this newspaper, but Ugandan officers nonetheless concluded that they would take no chances and decided to act fast.

France had also issued similar threat of a likely terror attack.

Following high-level briefings, a joint force comprising Chieftaincy of Military Intelligence (CMI) operatives, Crime Intelligence, regular UPDF, police and Joint Anti-Terrorism Taskforce elements accelerated the tracking of the suspected outlaws that had been on their radar for months.

The first major breakthrough, according to security, was when CMI operatives who had been tracking Howard Openjuru, alleged to be a commander of the DR Congo-based Uganda Homeland Liberation Front (UHLF) rebel group, from Paidha in West Nile and arrested him in Njeru towards the eastern part of the country. This newspaper broke the story of the arrest of Openjuru, a fierce critic on social media of the ruling National Resistance Movement (NRM) government and an open advocate of its removal by all means necessary, in its Sunday edition.

Addressing journalists yesterday, Police Spokesperson Fred Enanga said a joint security team had taken into custody thirteen suspects, eight believe to be involved in subversive activities and with active links to ADF.

He provided no evidence to back the claims, but said the suspects were being interrogated at the Special Investigations Directorate in Kireka, which is jointly manned by police and army.

The lead agency or officer of the investigations remained unclear.

"The suspects were surveilled and tracked down to one of the churches (Church of Christ for Alerted Saints). There was some bit of resistance [by the suspects during arrest], but our task teams managed to arrest eight of them," Mr Enanga said.

We are withholding names of the other suspects, pending their appearance in court, although Mr Enanga did not specify when they would be arraigned in court and preferred charges.

He, however, said the detainees subscribe to ADF and indicated that more arrests of other rebel leaders, collaborators, agents and operatives are likely amid ongoing crackdown.

Mr Enanga added: "We impounded a vehicle from them suspected to be a property of ADF registration Number UAV 629S, a Toyota Premio, and we also got two additional motorcycles registration numbers UFK 162A and UER 049F."

Counter-terrorism teams, following a tip off, arrested two of the suspected ADF members during a sting operation in Nyakabingo Cell in Kasese Municipality.

"These two suspects have not been in the area for the last ten years. They were [living] in eastern DRC. They claim that they had come back on the land that belonged to one of their grandfathers. The explanation that they were giving us was quite suspicious, we are now processing them on grounds of subversion," Mr Enanga said.

We could not independently verify the alleged links of the suspects to ADF and the security forces did not tender any evidence to incriminate any of the dozen-plus in custody.

The Defence and Military spokesperson, Brig Flavia Byekwaso, while addressing yesterday's press conference, said ADF and al-Shabaab, working with their international allies, continue pose a threat to Uganda and the region.

The UPDF and other security agencies, she said, however, have capacity to detect, prevent, confront and degrade the capacity of the terrorists, through both overt and covert operations.

The ADF is a Uganda-born rebel group that in the 1990s terrorised mainly western Uganda border areas in Kasese, Bundibugyo and Kabarole before starting a campaign of indiscriminate killings in Kampala by tossing grenades in mainly crowded bars.

Their signature brutality manifested on June 8, 1998 when the marauding rebels struck at Kichwamba Technical Institute in Kabarole District, burning dead 80 students and abducting about 100.

In a major offensive, the UPDF dislodged the bandits from their lairs in the mountainous frontier and they fled to eastern Congo from where, under Jamil Mukulu, they continue to unleash mayhem, this time on rural Congolese citizens.

Sporadic onslaughts by Congolese forces and a brief lightning air raid by UPDF in December 2017 subdued the rebels, only for them, according to security and intelligence officials, to regroup under Mukulu, born David Steven.

Tanzanian forces arrested Mukulu in April 2015 and handed him to Uganda where he is being prosecuted for a plethora of capital offences, among them terrorism and murders.

However, Musa Seka Baluku succeeded him, pledging allegiance to the terrorist Islamic State (IS) outfit in 2016, although the transnational terrorist group confirmed its operations in the Uganda border area only in April 2019.

From then on, the United States, according to information on the Department of State website, and other global security and spy agencies, alternately refer to ADF as the Islamic State Central Africa Province (ISCAP) and or Medina at Tauheed Wau Mujahedeen.

The group's mapped operational areas include North Kivu and Ituri provinces, in DR Congo, where Uganda says it continues to pose an imminent threat.

Highly-placed security and intelligence sources have over the months told this newspaper that plans for Ugandan and Congolese forces to jointly attack the ADF bases have been on-and-off the table from May, this year, when the first raid was planned to happen.

President Museveni would later say that Kampala is awaiting a final decision from Kinshasa.

According to impeccable sources, Gen Museveni, the West's security doyen in the Great Lakes, briefed United States Ambassador to Uganda, Ms Natalie Brown, that up to 345 rebel and militia groups were holed up in eastern DR Congo, some openly cultivating, and asked for Washington's backing in the event Uganda chooses to strike.

The US Department of the Treasury in 2019 already sanctioned half a dozen ADF commanders, including Mukulu's successor Baluku, "under the Global Magnitsky sanctions program[me] for their roles in serious human rights abuse, with a subsequent United Nations sanctions listing for Baluku in early 2020 under the DRC sanctions program," the US Department of State noted in a message posted on its website on March 10, 2021.

At yesterday's press conference, Brig Byekwaso, referring to the ADF threat, said: "They are out there and we know sometimes they have cells within the country for which they spring and do what they are good at, but we maintain and make sure that the forces jointly remain alert and very vigilant to minimise such occurrences."

An IS-affiliated website claimed this month that it had exploded an improvised explosive device (IED) and killed security forces at a police facility in Kawempe, but Ugandan officials, while confirming a blast, discount the account that it was an IED or claimed some lives.

Joint security statement about terror

As you are all aware the UK and the French Embassy, respectively issued travel advisories and terror alerts to their citizens intending to travel to Uganda and those in Uganda. They further called upon them to be extra alert and vigilant as they go about their daily activities.

As the Joint Security Agencies, we do appreciate and take cognisance of the advisories to their respective citizens. Our Joint Counter Terror teams have subjected the respective alerts to a process of validation for specifics, to help determine whether these threats are imminent or not. These specifics are still not readily available.

In this very respect, they continue to review our security posture across the country which continues to be maintained as normal. The public should rest assured that our threat levels and counter terror responses, are constantly under review. They should therefore, remain calm but vigilant. We wish to add that, in case they come across any suspicious behaviour or anything of public concern, they should alert the nearest security agency.

Once again, if we feel it necessary to heighten our threat level, during this period, we shall definitely do so. Our task teams do take the security and safety of all Ugandans and visitors in the country, as top priority. We have previously thwarted several plots, both foreign and domestic, since the double attack of 2010 in Kampala and will continue to jealously guard our country, from all forms of threats.

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Kenya

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

East Africa: ICJ Thunderbolt - Kenyatta's Tough Choices on KDF Troops in Somalia (All Africa)

By Vincent Achuka
October 13, 2021

The International Court of Justice's (ICJ) unfavourable judgment on the maritime dispute with Somalia has left the Kenya Defence Forces (KDF) in a Catch-22 situation.

President Uhuru Kenyatta and his generals have to make a decision on the troops' continued operations in the war-torn nation under the African Union Mission for Somalia (Amisom).

Mogadishu has in recent years not shied away from its displeasure about the presence of Kenyan soldiers in the country, and calls for their withdrawal are likely to increase in the coming days.

President Kenyatta will have to decide whether his troops will continue to assist in securing 'an enemy state', while at the same time defending Kenya's territory from the same nation.

KDF has been part of a 12,000-strong Amisom force that has been helping the Somali National Security Forces to fight the Al-Shabaab militants. After yesterday's ruling, however, the troops will also be expected to secure 160,000-square kilometres of territory in the Indian Ocean believed to contain vast oil and gas deposits. Nairobi indicated it won't cede an inch of territory to another country and vowed to deploy the military to fight off any form of aggression.

Economic ramifications

"Kenya recognises and has consistently indicated as much, that the judgment of the court -- whichever way will have profound security, political, social and economic ramifications in the region and beyond," said Foreign Affairs Principal Secretary Macharia Kamau last Friday.

He was flanked by Vice-Chief of Defence Forces Lt-General Francis Ogolla, Solicitor-General Kennedy Ogeto and Defence PS Ibrahim Mohamed.

President Kenyatta recently upgraded the Manda Bay station at the north coast into a full naval base. The base is supposed to enhance security on the northern corridor of Kenya's section of the Indian Ocean and the Lamu Port-South Sudan Ethiopia Transport (Lapsset) project.

The timing of the opening ceremony, just two weeks to the ICJ ruling, raised eyebrows. Operation Sledge Hammer, an amphibious assault on Kismayu under Brigadier Tom Ngere, was launched from Manda Bay in 2012, leading to the

liberation of the port from the Al-Shabaab.

"We will continue supporting you with tools and resources that you will need to defend our nation and to secure our interest as a nation," President Kenyatta said.

During the presentation of the presidential and regimental colours to the base, the President said it will play a critical role in defending Kenya's sovereignty, maintaining territorial integrity, and securing the nation's maritime borders.

Counterterrorism efforts

"The Kenya Navy Base Manda Bay is of utmost significance in enhancing counterterrorism efforts and maritime security, besides protecting the country's port infrastructure. In addition, this base boosts security in the region and guards vital trade routes that are the lifeblood of international commerce," President Kenyatta said on September 23. "Our security as a country is ultimately a shared responsibility and all security organs have a role to play. The multi-variant security challenges that we face demand greater cooperation between our security agencies," he added.

Although Somalia does not have military capability capable of mounting a serious challenge to the Kenya Navy over the contested zone, Nairobi is willing to deploy troops if a need arises.

3,000 troops

Should this happen, the more than 3,000 troops in Somalia could find themselves in an awkward situation. Last week, Amisom Kenya commander in Sector II, Brigadier Jeff Nyagah, said there was still a lot of work to be done before withdrawal begins.

"If you take a critical analysis of the capacity and capability of the Somali security forces, we still have work to do," said Brig. Nyagah.

Whatever decision President Kenyatta makes in the coming days over KDF's forays in Somalia as a consequence of the ICJ ruling will pose enormous implications for regional security.

A withdrawal of troops will give Al-Shabaab space to regroup on the southern part of Somalia and mount attacks inside Kenya.

"Apart from adding itself to the list of countries that have burnt their fingers in Somalia, a knee-jerk withdrawal from Somalia without a proper exit strategy would be problematic," said the Institute of Security Studies (ISS) about whether KDF should stay or withdraw from Somalia.

"Additionally, Kenya's withdrawal from Somalia would have negative implications for the country's strategic interests in the region and its efforts to position itself as an indispensable partner in the region's security matrix," said ISS.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

US deports genocide fugitive to Rwanda (The East African) By Agne Iliza
October 8, 2021

Rwanda's quest for justice for survivors of the Genocide Against the Tutsi is gaining momentum as Western countries are beginning to facilitate deportation of genocide fugitives to Rwanda.

On Thursday, the United States deported Oswald Rurangwa, a genocide fugitive who was sentenced to 30 years in jail by the local Gacaca court in 2007 for his role in the 1994 Genocide Against the Tutsi.

According to Rurangwa's charge sheet, he is accused of having actively taken part in mass murder in former Prefecture de

Kigali, now Kigali City, particularly in the Gisozi suburb. Close to 300,000 people were killed in the city, 250,000 of the victims are rested in the Kigali Genocide Memorial.

“The NPPA commends the US judicial authorities for the deportation of genocide fugitives, continued cooperation in matters of mutual legal assistance and contribution on global effort to fight impunity,” Rwanda’s National Public Prosecution Authority said in a statement.

Rurangwa, 59, also headed the then ruling party Mouvement Révolutionnaire National pour le Développement (MRND) in Gisozi, his birth place and residence during the genocide.

In 2008, a year after his conviction, Rurangwa, also known as Oswald Rukemuye, was tracked in Ohio where he was a student at Central State University in Wilberforce.

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Somalia

Somaliland cites ‘security reasons’ for deporting Somalis (The East African) By Abdulkadir Khalif
October 7, 2021

Somaliland, the self-declared independent state in northern Somalia, has cited security concerns for evicting hundreds of people from its territory, in a move that sparked criticism from the United Nations.

Details of the eviction had been “distorted” by Mogadishu to portray the region as rogue, officials in Hargeisa, its capital, said in a statement.

Officials described the decision as part of Somaliland’s “sovereign” responsibilities, saying it was “motivated by issues pertaining to security, including appeals from local communities and authorities”.

“The Prime Minister of Somalia chose to convey unfounded information and share baseless accusations on the issue of Somaliland’s legal and necessary decision to deport selected individuals, who had unlawfully settled in the district of Las Anod, provincial capital of Sool region, Somaliland,” they said, referring to criticism by Somalia's PM Hussein Roble.

“The Government (of Somaliland), thus will not have its record distorted by neighbouring Somalia whose inability to meet its own internal and external governance responsibilities has led it to lash out at others in order to distract the international community from its own deficiencies,” it added.

Somaliland, which has existed for the past three decades with its own institutions but remains unrecognised internationally, caused controversy on Sunday and Monday after expelling hundreds of families believed to be causing security concerns among locals.

The people, including pregnant women and nursing mothers, were ferried on lorries and dumped near the border regions with neighbouring Puntland, a federal state of Somalia.

UN humanitarian affairs officials and the Somali NGO Consortium said the forced displacements of people from Las Anod were a violation of human rights.

“The humanitarian community deeply regrets the arrest and subsequent forced displacements of more than 1,000 women, children and men from (Las Anod) Las Canood, Sool Region on 2 and 3 October,” the statement said.

“We are also very concerned about the reports of additional forced displacements planned in the coming days.”

Although Somaliland says the groups expelled had raised security concerns among local communities, the authorities did not provide more details.

The move came after a local civic leader was reportedly murdered. A spokesperson at the Somaliland liaison office in Nairobi suggested that the people expelled did not have proper papers.

The region, one of the safest in Somalia, has a good track record in dealing with terrorism and has largely escaped the wrath of Al-Shabaab militants, who have attacked and controlled parts of central and southern Somalia.

On the expulsion, which they called 'deportation', they got the stick for it.

"Expelling Somalis from a Somali territory is shameful, ugly and dishonouring," said PM Roble earlier on Monday.

"Ordering people who have been peacefully trading to leave for simply originally coming from the Southern regions is an unfortunate happening that will be recorded by history," he added.

Faysal Ali Warabe, the leader of UCID, one of Somaliland's opposition parties, expressed sorrow but agreed that the authority in Las Anod had the right to protect its security.

"The authority should expel the unwanted people in an orderly manner," Warabe told the media.

Somaliland has run its own government, currency, military and institutions following the collapse of the military regime of the late General Mohamed Siad Barre in 1993.

On Saturday, hundreds of people from Las Anod arrived in Burtinle, Puntland.

They were reportedly identified as originating from Southern Somalia and were rounded up, taken to a stadium in the town and ordered to board trucks.

On Sunday, PM Roble, on a visit to Barawe, the capital of South West state, expressed displeasure at the news that hundreds of Somalis had been expelled from Somaliland.

Though it is in the disputed Sool region, claimed by both Somaliland and Puntland, Las Anod is under the control of Somaliland.

Al-Shabaab executes two men in Somalia (Shabelle Media) October 7, 2021

Al-Shabaab has again carried out an execution of two people in public area in southern Somalia yesterday afternoon.

The shooting which took place in Kamsuma was attended by senior members of Al-Shabaab and various members of the public who watched the execution.

The two men were identified as Abdullahi Ooyow Mayane, 20, and Abdullahi Mohamed Farah, 24, were sentenced to death by an Al-Shabaab court.

Abdullahi Ooyow accused al-Shabaab of sexually abusing a 5-year-old boy, while Abdullahi Mohamed was accused of being a member of the Jubaland army.

Al-Shabaab conducts executions in areas under its control in southern and central Somalia.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb Ex-Police Chief Seeks Srebrenica Genocide Acquittal (Balkan Transitional Justice)

By Marija Tausan

October 18, 2021

The defence lawyer for Dragomir Vasic urged the Bosnian state court in Sarajevo on Monday to clear his client of assisting in the forcible resettlement of Bosniaks from Srebrenica in July 1995 as well as the capture and execution of men and boys in Bratunac, Srebrenica and Zvornik.

“The prosecution did not prove that Vasic knew about the intention of the alleged perpetrators of the joint criminal enterprise,” said lawyer Aleksandar Lazarevic.

According to the indictment, Vasic was the commander of the Zvornik police headquarters in the city of Zvornik at the time of the Srebrenica genocide in July 1995, when Bosnian Serb military and police forces killed more than 7,000 Bosniak men and boys, and the chief of the Zvornik police’s Public Security Station.

He is on trial alongside Miodrag Josipovic, who was chief of the Public Security Station in Bratunac, Branimir Tesic, deputy commander of the Bratunac police station, Danilo Zoljic, commander of police special units, and Radomir Pantic, commander of the police special units’ First Company.

Vasic has served as an MP in the parliament of Bosnia’s Serb-dominated Republika Srpska entity, representing the Serb Democratic Party founded by Radovan Karadzic, who is serving a life sentence for the genocide of Bosniaks from Srebrenica and other crimes.

His indictment in 2015 caused some war victims’ groups to call for a ban on people accused of such crimes taking up positions of authority.

Defence lawyer Lazarevic insisted that Vasic was not present at two important meetings at the Fontana Hotel in Bratunac in July 1995, when the leadership of Bosnian Serb forces set out conditions for the removal of the Bosniaks from Srebrenica after they seized the area.

Lazarevic said that Vasic did attend a third meeting at the Fontana Hotel, but he insisted: “There was absolutely no participation from Vasic. He did not utter a single sentence, nor did anyone ask him anything.”

He also argued that there was no evidence that Vasic was present at a meeting in the offices of the Serb Democratic Party in Bratunac, where the fate of the captured Bosniaks was discussed.

The closing arguments in the trial will continue on October 25.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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Domestic Prosecutions In The Former Yugoslavia

Freed Serbian Police Official Barred from Denying War Crimes (Balkan Transitional Justice) By

Milica Stojanovic

October 11, 2021

After UN officials repeatedly expressed concerns that freed war criminals have used media appearances after their release to deny atrocities, the Mechanism for International Criminal Tribunals has barred Serbian police general Sreten Lukic from denying any crimes committed during the Yugoslav wars as a condition of his release.

Lukic, who was released on Friday and has returned to Serbia, has also agreed not to speak to media and not to glorify other war criminals.

“I shall not make any statement denying the crimes over which the ICTY [International Criminal Tribunal for the Former Yugoslavia] had jurisdiction, and over which the Mechanism [for International Criminal Tribunals] retains jurisdiction, that were committed during the conflict in the former Yugoslavia,” Lukic pledged in his conditional release agreement.

“I shall under no circumstances directly or indirectly express publicly any agreement with, or otherwise contribute in any way to, the glorification of persons convicted by the ICTY or the Mechanism,” he added.

He also pledged that he “shall not discuss my case, including any aspect of the events in the former Yugoslavia that were the subject of my case, with the media, through social media, or with anyone other than my legal counsel recognised by the Mechanism” unless authorised in advance.

Jovana Kolaric from the Belgrade-based Humanitarian Law Centre said that the decision comes after repeated concerns raised in reports to the UN Security Council by the head of the Hague court and its chief prosecutor about media appearances made by freed war criminals. Previous early release agreements, as in the case of former Bosnian Croat official Valentin Coric, have said that freed convicts should not speak to the media, but the Lukic decision imposes tougher conditions and is “obviously an attempt” to address the problem.

“The Mechanism is familiar with the public, political and media activities of people who were released after serving two-thirds of their sentence, and reports [to the Security Council] often point out that glorification of people who were convicted of war crimes is inadmissible,” Kolaric told BIRN.

Lukic, who was wartime head of the Serbian interior ministry’s staff for Kosovo during the war in 1999, was found guilty in 2009 of murder, persecution, deportation, and other inhumane acts. The verdict was confirmed in 2014, when his sentence was reduced from 22 to 20 years in prison.

In deciding on his early release, judge Carmel Agius said he had “taken particular note of Lukic’s personal statements disowning any interest in politics”.

Agius also said that Lukic has stated that he wants no involvement with politicians who have been seeking political advantage “by the use of public glamorisation of other former ICTY convicted persons”, and that he “will refuse [his] permission to any politician or political party to utilise [his] name, image or circumstance in such a purely political manner”.

Lukic was convicted as a member of group of Serbian high police, army and state officials. Some of them, like former Yugoslav deputy prime minister Nikola Sainovic and Yugoslav Army generals Vladimir Lazarevic and Dragoljub Ojdanic, have already granted early release, and have received a lot of media coverage for either denying that the crimes happened or diminishing their role in them.

In October 2017, Lazarevic delivered a lecture at the Serbian Military Academy on the subject of the “heroism and humanity” of Serbian soldiers during their “counter-terrorist operations” in Kosovo in 1998-99 and during the NATO bombing of Yugoslavia in 1999.

On May 9, 2019, Lazarevic headed a World War II Victory Day parade through the streets of the Serbian city of Nis. The event was organised by Russian war veterans with the backing of the Serbian authorities.

Ojdanic, who was granted early release in 2013, retracted the confession he gave to the UN court after he was freed. Sainovic has become a senior official with the Socialist Party of Serbia, Slobodan Milosevic’s party during the 1990s, which is now party of the Serbian government.

Serbia to Transfer Ex-Policeman’s Controversial War Crimes Case to Bosnia (Balkan

Transitional Justice) By Milica Stojanovic

October 14, 2021

The Serbian War Crimes Prosecutor's Office announced on Thursday that it has proposed that Bosnia and Herzegovina take over the criminal proceedings against Edin Vranj, a former senior Police Administration official in the Bosnia and Herzegovina's Federation entity who was indicted in Serbia for war crimes.

Vranj was arrested on September 13 at a border crossing between Serbia and Bosnia and Herzegovina, sparking furious reactions from politicians in his home country who claimed that Serbia has been targeting Bosniaks who fought against Bosnian Serb forces during the 1992-95 war.

Thursday's announcement came after chief prosecutor Snezana Stanojkovic met Serbian President Aleksandar Vucic, Interior Minister Aleksandar Vulin and other senior officials.

"Bearing in mind the cooperation with the relevant authorities of Bosnia and Herzegovina and the need to improve it, the War Crimes Prosecutor's Office submitted a proposal to the High Court in Belgrade to transfer further proceedings on the indictment to the specialist bodies responsible for processing war crimes in Bosnia and Herzegovina," said a statement issued after the meeting.

Belgrade Higher Court did not respond to BIRN's request for further details.

Vranj was formally indicted on Wednesday for committing a war crime against prisoners of war during the Bosnian conflict in 1993 and 1994 in the municipality of Gorazde.

After the indictment was issued, the Bosnian state prosecution said it would ask for the transfer of the case to the Bosnian judicial authorities.

The state prosecution said in a statement that the Vranj case will be one of the topics of a meeting on Friday in Belgrade between Serbian war crimes prosecutor Stanojkovic and the main Bosnian prosecutor, Gordana Tadic.

The chief prosecutor at the UN's Mechanism for International Criminal Tribunals, Serge Brammertz, said he welcomed the Serbian announcement that there would be more legal cooperation with Bosnia and Herzegovina on war crimes cases, which he said was "important to build trust between the two countries and support justice".

"In my recent discussions with President Vucic in Belgrade, we agreed that arrests at the border were undermining effective cooperation between prosecutors. I am, therefore, grateful that President Vucic is addressing this issue, beginning with the measures announced today," Brammertz said in a statement.

"I note that Serbian and Bosnian prosecutors will meet soon and expect there will be concrete agreements to transfer many more cases," he added.

Vranj's arrest caused the Bosnian Foreign Ministry to issue a warning to Bosnian citizens who were "involved in the defence of Bosnia and Herzegovina in the period from 1992 to the end of 1995" not to travel to Serbia until further notice "due to the risk of arrests and trials in the Republic of Serbia on war crimes charges".

Two members of Bosnia's tripartite presidency, Sefik Dzaferovic and Zeljko Komsic, claimed that Serbia's "real goal is not prosecution of war crimes, but selective persecution with political motives".

Serbia Frees Bosnian Police Official After War Crimes Arrest (Balkan Transitional Justice) By

Milica Stojanovic

October 18, 2021

Edin Vranj, a former senior Police Administration official in Bosnia and Herzegovina's Federation entity, was released from detention in Belgrade on Monday after the Belgrade Appeals Court terminated his custody remand, the Serbian War Crimes Prosecutor's Office told BIRN.

Bosnian Foreign Minister Bisera Turkovic said she welcomed the decision to free Vranj, who was indicted in Serbia for war crimes.

"The co-operation of the [Serbian] prosecution in the prosecution of war crimes is necessary for normalisation [of relations]," Turkovic wrote on Twitter.

She said she also expected “action in this direction” in the cases of two other Bosnians whose arrests by Serbia have caused controversy, Osman Osmanovic and Husein Mujanovic.

Last week the Serbian War Crimes Prosecutor’s Office announced that it had proposed that Bosnia and Herzegovina take over the criminal proceedings against Vranj.

Vranj was arrested on September 13 at a border crossing between Serbia and Bosnia and Herzegovina, sparking furious reactions from politicians in his home country who claimed that Serbia has been targeting Bosniaks who fought against Bosnian Serb forces during the 1992-95 war.

He was formally indicted on October 13 for committing a war crime against prisoners of war during the Bosnian conflict in 1993 and 1994 in the municipality of Gorazde.

Vranj’s arrest caused the Bosnian Foreign Ministry to issue a warning to Bosnian citizens who were “involved in the defence of Bosnia and Herzegovina in the period from 1992 to the end of 1995” not to travel to Serbia until further notice “due to the risk of arrests and trials in the Republic of Serbia on war crimes charges”.

Two members of Bosnia’s tripartite presidency, Sefik Dzaferovic and Zeljko Komsic, claimed that Serbia’s “real goal is not prosecution of war crimes, but selective persecution with political motives”.

After Mujanovic and Osmanovic, Vranj was the third citizen of Bosnia and Herzegovina to be arrested at a border crossing with Serbia in recent years over accusations of war crimes.

European Commission Raps Serbia’s ‘Weak’ War Crimes Case Record (Balkan Transitional Justice) By Milica Stojanovic, Samir Kajosevic, Xhorxhina and Semir Mujkic

October 19, 2021

The Serbian authorities have “a very weak track record in the processing of war crimes cases” and continue to “provide support and public space to convicted war criminals”, according to European Commission’s latest report on Serbia’s progress towards membership, which was published on Tuesday.

The report notes that Serbia has not cooperated with the International Residual Mechanism for Criminal Tribunals in The Hague to arrest two nationalist Serbian Radical Party politicians who are wanted for trial after being indicted for contempt of the Hague war crimes court by pressuring witnesses during the trial of their leader, Vojislav Seselj

On the issue of cooperation with other ex-Yugoslav states on war crimes prosecutions, the European Commission noted that “Serbia has yet to enforce the final judgment of Bosnia and Herzegovina in the case of [Bosnian Serb general] Novak Djukic”, who fled to Serbia following his conviction for ordering the shelling of the town of Tuzla in 1995, when 71 people were killed.

The Commission also noted that the Serbian government has just adopted a new national strategy for the investigation and prosecution of war crimes, saying that this is “an opportunity to realise commitments to the fight against impunity and reconciliation, notably to increase investigations and indictments in high-level cases and strengthen regional co-operation”.

The report also urged Serbia to “show a genuine commitment for investigating and adjudicating war crimes cases”, and to “prioritise complex cases and those involving senior ranking officials”. Serbia has so far shied away from prosecuting top-level figures for wartime crimes.

The European Commission’s progress report urges Montenegro to step up its efforts to fight impunity and demonstrate a more proactive approach in order to effectively investigate, prosecute, try and punish war crimes.

Too few war crimes cases are being prosecuted in the country, the European Commission cautions.

“There are currently five cases in the preliminary phase of investigation [in Montenegro] concerning war crimes committed on the territories of Bosnia and Herzegovina, and of Croatia. One new investigation was opened in 2021, while one was closed for lack of grounds for prosecution,” the report says.

The European Commission meanwhile urges Kosovo to develop a broad strategy for transitional justice including “a comprehensive approach to addressing its past”.

It says that the future of the Truth and Reconciliation Commission initiated several years ago by former President Hashim Thaci, who is now facing war crime charges in The Hague, remains unclear.

The report notes that the Vetevendosje-led government, installed in March this year, has put forward measures to strengthen domestic institutional mechanisms dealing with war crimes by amending the Criminal Procedure Code to allow trials in absentia for war crimes.

However, the Commission says that the implementation of the national strategy on war crimes continues to be hampered by the political context, lack of resources and the lack of international and regional cooperation.

Few new cases have been launched, the report notes: “In the reporting period, the Kosovo Police arrested two persons suspected of war crimes and three new investigations were opened,” it says.

In Bosnia and Herzegovina, the report says that in order to fulfil the national war crimes strategy’s main target of completing all war crimes cases by 2023, the Council of Ministers must establish a supervisory body and ensure sufficient funding without further delay.

The report also says that Bosnia and Herzegovina’s judicial cooperation with other countries in the ex-Yugoslav region on war crime prosecutions remains ineffective.

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Turkey

Syrian opposition fails to stop war crimes in Afrin: Kurdish National Council (Kurdistan24) By Wladimir van Wigenburg
October 20, 2021

The Kurdish National Council (KNC) in a statement on Tuesday blamed the Syrian opposition, of which it is a part, for not stopping war crimes committed by Turkish-backed groups in the northern Kurdish-majority enclave of Afrin.

In March 2018, Turkey and rebel groups it backs took control of Afrin during its so-called “Operation Olive Branch.” The occupation has continued amid widespread and regular accusations of war crimes, including ethnic cleansing, kidnapping for ransom, and gender-based violence.

Despite promises by the National Coalition of Syrian Revolution and Opposition Forces (known in Arabic as Etilaf), the umbrella under which armed groups from the Turkish-backed Syrian National Army (SNA) fall, to stop such violations, the KNC said in a statement that the number of human rights violations is actually increasing in areas with large Kurdish populations like Afrin.

“The Coalition did not implement the agreement signed with the KNC, and observe violations and stop them and hold those accountable who are responsible,” the KNC said.

Moreover, the Syrian opposition bloc has not facilitated the process of the return of internally displaced persons (IDPs) and refugees, the KNC said, adding that local civilians are suffering from “terrorist bombings” in the area that have taken scores of innocent lives.

The KNC specifically singled out the Suleiman Shah Brigade, led by Muhammad al-Jassem (also nicknamed Abu Amsha), for seizing some 25 percent of olive production in areas under their control in Afrin.

“This comes amidst the continuation of kidnapping, torture, killing and demographic change in Kurdish villages and localities.”

Over the past few months, the KNC has called on Kurds from Afrin to return to their areas of origin to prevent widespread demographic change. As a result, a number of families have returned from displacement camps in northern Aleppo.

Kurds made up 96 percent of Afrin’s population before 2011 but now represent only about one-fourth of the total, local organizations claim. It added that 75 percent of the current residents are Arab and Turkmen settlers.

The KNC also said that the families who do manage to return are barred from their own homes and often face arrest, interrogation, and further displacement.

The KNC strongly “condemned these actions and bombings in Afrin, Tal Abyad and Serekaniye (Ras al-Ain)” and called on Turkey, relevant states involved in Syria affairs, and human rights organizations to hold those responsible for the abuses accountable.

It also urged the removal of armed groups from civilian areas and that they should be kept away from the source of civilians’ livelihoods, including at olive groves, and to work for the return of the displaced from Afrin and hand over the local administration of the area to its native inhabitants.

According to a report by the human rights organization Syrians for Truth and Justice (STJ), the Turkish-backed Syrian National Army (SNA) arrested at least 52 individuals in the Turkish-occupied regions of Afrin, Serekaniye, and Tal Abyad in September 2021.

A report issued in September by the UN’s Independent International Commission of Inquiry on Syria also stated that the Turkish-supported SNA continues to unlawfully arrest Kurdish citizens in areas under their control in northern Syria.

Tuesday’s KNC statement was followed by another released by Afrin activists on Thursday that criticized the KNC for glorifying the situation there, while local authorities, led by the Democratic Union Party (PYD), kept civilians displaced from Afrin forcefully held in camps in northern Aleppo.

Suspected Turkish drone strike targets three people in Syrian Kurdish town (Al-Monitor) October 20, 2021

A drone strike believed to have been launched by Turkey struck a vehicle in the Kurdish-controlled town of Kobani in northeast Syria on Wednesday, according to local reports. Three people in the vehicle were injured, local ANHA News Agency reported. The Syrian Observatory for Human Rights (SOHR), a UK-based monitoring network, said two people were killed in the strike.

One of those targeted was the co-chair of the Kurdish-led administration’s justice commission for the Kobani canton, according to ANHA, which has close ties to the Kurdish-led administration. Two teenagers were also reportedly in the vehicle when it was targeted.

The strike came on the four-year anniversary of the Kurdish-led fighters’ liberation of the Syrian city of Raqqa from the Islamic State (IS), which the jihadist group ruled as the capital of its proto-state.

Turkey considers the Kurdish-led fighters, known in Syria as the People’s Protection Units (YPG), to be terrorists inextricably linked from the Kurdistan Workers Party, or PKK, which has waged an insurgency against the Turkish state since the 1980s in a bid for Kurdish autonomy.

With US and international military support, the YPG and allied local militias captured swaths of northeast Syria from IS in a blistering ground war between 2015-2019.

The Kurdish-led alliance remains in control of much of Syria’s northeast with US support. Their political wing has declared the region an autonomous part of Syria, imposing a unique form of governance rooted in what it calls democratic confederalism.

Critics say authority in the Kurdish-led administration is highly centralized and that the war-weary region is democratic in name only.

Wednesday’s strike is the latest in a series of targeted killings in northeast Syria apparently launched by Turkey despite a 2019 cease-fire negotiated by the United States.

Last year, three Kurdish women were killed near Kobani in a similar strike after US forces vacated the area ahead of a brutal ground assault by Turkey and its Syrian proxy militias against the YPG.

The city has symbolic importance for Syria’s Kurds, as it remained the final stronghold in the majority-Kurdish region free from IS control when the US administration of President Barack Obama decided to provide pivotal air support to the fighters in 2014.

Today’s strike also comes as Turkey’s President Recep Tayyip Erdogan, facing political woes at home, ramps up threats yet again to attack the Kurdish militias in Syria. Turkey’s government has accused the Kurdish fighters of killing two Turkish police officers in recent attacks.

In neighboring Kurdistan Region of Iraq, Turkey regularly conducts drone strikes against alleged PKK fighters.

Two prior Turkish incursions into majority-Kurdish areas of Syria, one in 2018 and the other in 2019, led to mass civilian displacement and accusations of war crimes on the international stage. Each time, the United States declined to use military force to resist its NATO ally's attacks.

Last week, State Department spokesperson Ned Price called on both sides to adhere to the agreed-upon cease-fire lines.

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Kosovo Specialist Chambers

Kosovo rebel veterans' leaders deny charges over leaked witness data (Reuters) By Stephanie van den Berg
October 7, 2021

THE HAGUE, Oct 7 (Reuters) - Leaders of the Kosovo Liberation Army (KLA) veterans' association pleaded not guilty at a war crimes tribunal on Thursday to charges of obstruction and intimidation for allegedly revealing names of protected witnesses.

Prosecutors allege Hysni Gucati and Nasim Haradinaj, who run the association, gave Kosovo media and politicians confidential court documents last year that included names and personal data from witnesses involved in war crimes cases.

According to specialist prosecutor Jack Smith there is a "small but powerful group" in Kosovo that opposes the court and will do anything to push "a false narrative" that there were no KLA crimes during the 1998-99 conflict with Serbia.

"These accused are a part of this group that wants this court to go away at any cost," Smith told judges.

Gucati and Haradinaj risk a fine and a jail sentence of up to 10 years if they are convicted.

"I am innocent, I have no connection to any of the points in the confirmed indictment," Gucati said. Haradinaj also pleaded not guilty at the Kosovo Specialist Chambers tribunal.

The veterans' association wields considerable influence in Kosovo, where many former KLA fighters are now in political positions and KLA veterans are celebrated as national heroes.

More than 13,000 people are believed to have died during the war, when Kosovo was still part of Serbia under the rule of late Yugoslav President Slobodan Milosevic. Fighting ended after NATO air strikes against Milosevic's forces, and Kosovo is recognised as an independent country by the United States and the majority of European countries.

The Kosovo Specialist Chambers was set up in 2015 under pressure from the European Union and the United States specifically to try crimes committed by ex-rebels, but veterans' supporters see it as unfair.

Witness intimidation has been a problem for local prosecutions of alleged KLA crimes in the past. It is one of the reasons the Kosovo Specialist Chambers is seated in The Hague and has international staff.

The trial of the KLA veterans' leaders is the second trial that has opened before the Kosovo war crimes tribunal so far.

Violence in North Kosovo Draws Conflicting Reactions (BalkanInsight) By Xhorxhina Bami and Milica Stojanovic
October 13, 2021

After violence erupted in northern Kosovo following a police raid, Serbian leaders met Kosovo Serb representatives, and Kosovo leaders defended the police's action against what appeared to be EU criticism of 'unilateral action'.

Following violence in Serb-majority northern Kosovo on Wednesday, after Kosovo police conducted raids against suspected smugglers, the US called for calm, the EU criticised a "unilateral action", Serbia condemned Kosovo, and Kosovo leaders defended the police.

Kosovo police arrested eight people and issued arrest warrants for 10 more, during and after the raids against suspected smugglers. Six of the arrested people are of Albanian nationality, one is Serb and one Bosniak. Eight out of 10 people served with arrest warrants are Albanians and two are Serbs.

A Kosovo Serb from Zvecan, who police claimed had a criminal past, was shot and underwent surgery and is in care in Mitrovica North hospital.

Serbian President Vucic meanwhile met Kosovo Serbs in Raska, near the border with Kosovo, where he was asked if he would “stand behind us, and defend us”.

At the meeting broadcast on Radio Television of Serbia, as well as other media, Vucic told Kosovo Serbs that “we have to be someone who will maintain to respect the agreement”.

“Do not react to non-violence, but if they [Kosovo authorities] start violence, you protect your people and we will be with you,” Vucic told them.

“Just keep in mind what the price is that we will all have to pay for that, and why my request is to try to avoid it, and if they [Kosovo authorities] start and continue shooting our people, then we really won’t have a choice,” he added.

Together with Vucic at the meeting were Defence Minister Nebojsa Stefanovic, Interior Minister Aleksandar Vulin, chief of general staff Milan Mojsilovic and Kosovo Office director Petar Petkovic.

President of parliament Ivica Dacic said earlier that “the international community has to make a key decision about what it wants in Kosovo and Metohija – war or peace”.

“What is happening now is not only a mockery in the face of the entire international community, but it is also an attempt to intimidate with the ultimate goal of the military conquest of northern Kosovo, where Serbs live, with the additional goal of expelling them from Kosovo and Metohija,” Dacic told Tanjug news agency.

The United States Embassy in Kosovo urged calm after the incidents in the north.

“The United States is concerned by responses to today’s Kosovo law enforcement actions on Kosovo territory. All violence, whether directed at authorities, media, or civilians, is unacceptable and should be investigated and prosecuted to the full extent of the law. We urge calm,” embassy spokesperson Eric Brassil told BIRN.

In a joint press conference with the Kosovo police director, Interior Minister Xhelal Svecila on Wednesday rejected EU claims about a “unilateral and uncoordinated action”.

“We have had coordination with international actors. [NATO peacekeeping mission] KFOR was informed. If one thinks that we have to coordinate with Belgrade, I think this is a wrong approach,” Svecila said.

There was “coordination with international actors and we informed them” he added, saying that “KFOR was notified beforehand”.

This came after the EU High Representative, Josep Borrell, said via a Tweet that “the violent incidents in the north of Kosovo need to stop immediately. Unilateral and uncoordinated actions that endanger stability are unacceptable”, adding that “all open issues must be addressed through the EU-facilitated Dialogue”.

Replying to Borrell, Luan Dalipi, chef-de-cabinet for PM Albin Kurti, emphasized the need “not to portray the unfortunate violence instigated by few hooligans orchestrated by Belgrade as some inter-ethnic problem between Albanian and Serbian citizens in Kosovo”.

“No one, and especially no high-level EU official, should try to make this a political or ethnic problem, and bilateral coordination is not relevant in this case, because stopping crime and illegal trading is a typical competency of a sovereign country,” Dalipi added.

“Crime and contraband have no ethnicity”, Dalipi added, noting that the prosecutor and the judge who authorized the action are Kosovo Serbs.

Kosovo President Osmani also claimed that “crime has no ethnicity” via Twitter, adding: “Falsely linking today’s action with specific ethnic groups is deeply irresponsible, as it will only serve to increase tensions. Anyone that is against this action is siding with organized crime and is against EU rule-of-law values”.

“Kosovo is challenged by crime and corruption but we are engaging to have a war against these occurrences. This action is

in the sequence of the war against corruption,” Interior Minister Svecła told the media.

The police director, Samedin Mehmeti, told the media that groups in the divided town of Mitrovica blocked the roads, threw hand grenades and fired firearms. “It is suspected that there was a leak of information about the operation,” he said.

President Osmani on Twitter also condemned attacks on journalists by protesters in the north of Kosovo.

“This is yet another demonstration of dangers posed by Serbia’s illegal & violent structures,” she wrote, adding: “Journalism is the foundation of a free & democratic nation. Journalists need to work in a safe environment.”

In the police clashes with Kosovo Serb protesters in Mitrovica, Kosovo Serbs threw different explosive devices at the police and put up blockades of trucks on roads close to the technical high school in Serb-run North Mitrovica. Eight police officers were injured, according to Kosovo Interior Minister Svecła, and journalists attacked.

Police used tear gas to disperse the protesters.

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Azerbaijan

ALC announces new cases filed on “disappeared captives” and “unlawful killings” before the ECHR (Armenian Weekly) October 20, 2021

The Armenian Legal Center for Justice & Human Rights (ALC) has announced the filing of 16 new cases of “enforced disappearances” before the European Court of Human Rights (ECHR) on behalf of 20 Armenian individuals who have disappeared while in Azerbaijani captivity. The ALC, in partnership with the International & Comparative Law Center (ICLaw), have filed these cases with strong evidence that these individuals were captured and detained by Azerbaijani forces during the 2020 Artsakh War, but further information about their current status has not been released by Azerbaijan. Under international humanitarian law and the European Convention on Human Rights, these disappearances are incidents of “enforced disappearance,” and Azerbaijan must investigate and release information on these individuals.

According to international law, an “enforced disappearance” is a continuing war crime, and as such, it lasts until the fate and whereabouts of the victim are established with certainty. These new cases filed by ALC and ICLaw move the judicial system to enforce an obligation on Azerbaijan to investigate, not only the disappearance of these individuals, but also the pattern of Azerbaijan’s widespread systematic attacks on civilian populations.

These new cases of “enforced disappearance” before the ECHR implicate the European Convention on Human Rights’ Article 3 Prohibition of Torture, Article 8 Respect for Private/Family Life, and Article 14 Prohibition of Discrimination. The purpose of this legal action is to highlight that Azerbaijan has exclusive possession of the information about these individuals and has thus far failed to acknowledge their captivity and share this information with the victims’ families.

ALC and ICLaw have also filed two new cases for the unlawful killing of 10 Armenian Prisoners of War (POWs) by Azerbaijan under Article 2 of the European Convention on Human Rights. Based on the irrefutable evidence submitted to the ECHR, these 10 Armenian POWs were taken captive by Azerbaijani servicemen while alive and uninjured. And yet, while in custody, they were inhumanely tortured and brutally murdered by Azerbaijani state actors. In one instance, nine of these Armenian POWs were killed in captivity after the cessation of hostilities and after the November 9, 2020 trilateral ceasefire announcement.

“Azerbaijan must be held accountable by the international community for its continued aggression and war crimes against Armenians. All Armenians held in captivity must be released without preconditions or further negotiation and bartering, including those who have disappeared and remain unacknowledged,” stated ALC chairperson Ken Hachikian. “These new cases of enforced disappearance and unlawful killings are just one more step in our relentless advocacy on behalf of Armenians held in Azerbaijani captivity.”

With a team of attorneys and investigators in Armenia, ICLaw has gathered information and documented extensive evidence of Armenians taken captive by Azerbaijan during the time period of September 2020 through May 2021. Based

on this fact-finding work, ALC and ICLaw have collaborated to file numerous cases before the ECHR, including cases for interim measures, the right to life, unlawful killings and enforced disappearances. As more information is obtained, ICLaw and ALC will continue to pursue both the freedom and the rights of all Armenians held captive by Azerbaijan.

Armenian POWs who have disappeared

Sergey Ananyan Artur Asatryan Khachatur Avetisyan Narek Boryan Robert Ghazaryan Aram Hovsepyan Karen Iskandaryan Hayk Khachaturov Gagik Khachatryan Hayko Khachatryan Tigran Manasyan Mikayel Mkrtumyan Irina Musayelyan Gurgen Safaryan Ararat Sakanyan Martik Sargsyan Levon Sargsyan Karen Sargsyan Ivan Soghomonyan Norayr Soghomonyan

Armenian POWs killed in captivity

Arthur Manvelyan was born in December 1980. He was married and had two daughters. He volunteered to participate in the defense of Artsakh from the very first day of Azerbaijan's attack in September 2020. On October 7, 2020, during the hostilities near Mekhakavan, Manvelyan was wounded and then shot from range by an Azerbaijani soldier. The moment of the shooting was videotaped by the Azerbaijani servicemen who killed him; the video was published widely throughout the internet.

After the cessation of the 2020 Artsakh War and the trilateral ceasefire announcement, Armenian soldiers remained in Hin Tagher, a village in Hadrut, Artsakh. Azerbaijani soldiers launched an artificial conflict and attacked the Armenian soldiers. Dozens of Azeri servicemen surrounded these nine Armenian soldiers: Harutyun Andriasyan, Sargis Harutyunyan, Andranik Shahnazaryan, Armen Martirosyan, Smbat Avetisyan, Roman Margaryan, Harutyun Mkrtchyan, Gevorg Arshakyan and Garik Barseghyan. As a result, all nine Armenian servicemen were tortured and brutally murdered.

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Syria

Assad may never face justice as Interpol resumes co-operation with Syria (The National News)

By Ahmed Maher

October 7, 2021

Interpol's move to resume co-operation with Syria will strengthen the regime's campaign of intimidation against refugees and dissidents living in exile in the Middle East and Europe.

Syrian activists believe the collaboration between Damascus and the global policing body will allow President Bashar Al

Assad and other officials from Syria's notorious intelligence services and security apparatus to continue to crack down on dissenters outside Syria.

Interpol's executive committee this week decided to give Syria the right to send and receive messages from other member countries again, at a recommendation from the Secretariat General, in the first step to resuming co-operation with the country.

The organisation suspended Syria's access rights in 2012, months after civil war grew out of a popular uprising against Mr Assad, in what the France-based body called a "corrective measure". Syria has been a member country of Interpol since 1953.

"It's unfortunate that Interpol has reinstated co-operation with the Syrian regime, which has committed large-scale crimes against humanity and pursued tactics to crush any form of dissent," said Fadel Abdul Ghany, founder of the Syrian Network for Human Rights.

"Re-adding the Assad regime to the database of Interpol, which has 194 member states, again will enable it to hunt down dissidents. Panic spread among Syrian refugees and must have been reverberated around Syrian communities in exile," he told The National from the Qatari capital Doha.

Interpol says member countries maintain full control over the data they provide to Interpol and decide which of the organisation's regional offices – known as National Central Bureaux – get to see their information.

An Interpol spokesman sought to downplay fears that the regime could exploit access to global policing information to target dissidents or refugees.

"This means that NCB Damascus can only access information in Interpol's databases that has not been restricted by other member countries," he told The National.

'Red notices can be abused' Since the start of the civil war in Syria in 2011, activists like Mr Abdul Ghany have been documenting atrocities in the country and accused Syrian government forces and state-sponsored militias, known locally as Al Shabiha, of being behind them.

They supplied evidence to some European countries, such as Germany, which apply universal jurisdiction, allowing them to investigate human rights abuses committed abroad and prosecute individuals for war crimes committed outside their own borders.

A German court last February sentenced a former Syrian intelligence officer to four and a half years in jail for complicity in crimes against humanity.

Prosecutors argued that the man, identified as Eyad Al Gharib, had helped to arrest demonstrators taking part in the 2011 anti-government protests and who were later tortured and murdered.

Another former Syrian intelligence officer, Anwar Raslan, is on trial. Both fled Syria's civil war and were given asylum in Germany – but were arrested in 2019 after they were recognised by other Syrians.

Restoring the Assad regime's access to Interpol raises fears over the potential misuse of the global policing body's red notices, which are usually used to notify international police forces to locate and arrest wanted criminals.

Activists are concerned that Damascus could use red notices to pursue its opponents outside Syria's borders. There are also fears that those wanted by the Syrian authorities might be tortured or killed if they were ever extradited to Damascus.

The Interpol spokesman said: "A dedicated multidisciplinary task force at Interpol's General Secretariat headquarters conducts a compliance review for all red notice requests.

"This review takes into account information available at the time of publication, and a notice is only published if it complies with the organisation's constitution, under which it is strictly forbidden for the organisation to undertake any intervention or activities of a political, military, religious or racial character. Whenever new and relevant information is brought to the attention of the General Secretariat after a red notice has been published, the task force re-examines the case."

Human rights activists and lawyers, however, say that lifting a red notice is not a straightforward process and might take many months even in democracies like Germany and France, which both investigated war crimes allegedly committed by the Assad regime over the past decade.

According to Interpol's founding charter, all member countries are informed about the non-compliance of a notice and are asked to update their national databases accordingly.

The organisation cannot demand that action be taken on a notice, and whether to do so is at the discretion of each member country.

"Red notices can be abused by any autocratic regime like the one in Damascus. I'm afraid to say that this normalisation step with Assad will consolidate his powerbase and he may never face justice," Mr Abdul Ghany said.

In Syria, Documenting War Crimes Falls to Journalists and Citizens (VOA News) By Sirwan Kajjo
October 8, 2021

Torture in prison, chemical weapons, the direct targeting of foreign media, and hundreds of thousands of deaths. Syria's President Bashar al-Assad stands accused of a long list of crimes against his people.

Since the beginning of the conflict in 2011, journalists and human rights lawyers have been part of the process of documenting what appeared to be war crimes and abuses committed by forces loyal to the president.

As attempts to intervene by the international community largely failed, it fell to media and private citizens to demand accountability — and with some success.

A new film, "Bringing Assad to Justice," highlights those efforts.

"People need to be made aware that Syria is one of the world's biggest crime scenes," said Ronan Tynan, the film's director, who is based in Dublin, Ireland. In Syria, "torture is systematic, disappearances continue, and hundreds of thousands have already been victims of these notorious crimes as well as arbitrary killing."

The United Nations said last month that Syria's decade-long conflict has left more than 350,000 people dead.

Rights groups say the Syrian government is largely responsible.

Assad's administration has denied accusations of war crimes, in some cases blaming opposition groups and their Western backers.

Collecting evidence

British journalist Paul Conroy is among the international journalists who have covered the conflict.

The photographer was with U.S. journalist Marie Colvin and French photojournalist Remi Ochlik in the city of Homs in Syria in 2012 when Syrian forces targeted their makeshift media center. The shelling killed Colvin and Ochlik and critically wounded Conroy.

The journalists had been in the city covering shelling and civilian casualties.

In 2016, Colvin's family filed a lawsuit in a U.S. court against the Syrian government for her killing, which included evidence collected by Syrian and Western journalists.

"After Marie was killed, we had to depend on local citizen journalists who paid a terrible price in deaths and disappearances," Conroy, who features in the documentary, told VOA.

"Evidence is the key to this, and it's been a joint effort all around. The Western press have played a part, but the real tribute should go to the young Syrian activists who've taken cameras and gone into the most horrifying situations to gather this evidence," he said.

In 2019, a U.S. court found the Syrian government responsible in the murder of Colvin, ordering it to pay \$300 million in punitive damages.

Filmmaker Tynan said much of the archival footage he used in the film was produced by Conroy and local citizen journalists in Syria.

"These people are not just media workers; they are human rights defenders in the truest sense of that word. And without them, we would not have the evidence we have today against crimes against humanity in Syria," Tynan said.

Footage and accounts collected by citizen journalists have also been integral to the work of human rights organizations.

Since its founding in 2016, Syrians for Truth and Justice (STJ), a France-based advocacy group that documents violations in Syria, says it has relied almost solely on local journalists to gather evidence of alleged crimes carried out by the Syrian government and other forces that have controlled various regions in the country.

In the Syrian context, citizen journalists have been playing a critical role in documenting abuses and crimes carried out by all sides of this conflict, said Bassam al-Ahmad, STJ's executive director.

"They go to places that other journalists can't go to. They have access to information and places that others don't," he told VOA. "The many chemical weapons attacks in Syria were first reported to the world by citizen journalists."

Rights groups have accused Syrian government forces of carrying out chemical weapons attacks against civilians across the war-torn country.

In June, the intergovernmental Organization for the Prohibition of Chemical Weapons (OPCW) told the U.N. Security Council that an investigation into 77 allegations against the Syrian government concluded that chemical weapons were likely or definitely used in 17 cases.

Syria's U.N. representative, Bassam Sabbagh, this month denied the use of chemical weapons. He said members of the OPCW were welcome to visit with the exception of one individual who, Sabbagh said, had failed to be objective.

Accountability

The International Criminal Court in The Hague has not been able to prosecute war crimes and crimes against humanity committed in Syria, citing lack of jurisdiction because Syria is not a member state of the Rome Statute, which established the ICC.

But several European countries, including France and Germany, have begun initiatives to hold Syrian government officials accountable for their crimes.

In July, a military doctor accused of torturing dissidents in military facilities in Syria was indicted by a German court on charges of crimes against humanity.

Tynan said two prominent Syrian lawyers and journalists, Anwar al-Buonni and Mazen Darwish, who are also featured in his film, have been instrumental in that case as well as helping to secure arrest warrants for Syrian government officials in Europe.

"There are many different justice initiatives going on," he said. "France and Germany have issued international arrest warrants against key [Syrian] regime leaders."

Journalist Conroy hopes the content and evidence the film gathered will contribute to achieving accountability for Syria.

"The Syrian people deserve justice, and I think it's up to everyone who's involved and sees what's happening to keep this story alive and point fingers and go 'these people should not be allowed back [into the international community],'" he said. "They are de facto war criminals, and they shouldn't be dealt with as if they are any other government who made a few mistakes."

"Bringing Assad to Justice" was released in Berlin on Wednesday and is available for viewing on digital streaming services.

The Devil's Advocate: How Turkey Is Seeking to Save Its Syrian Proxies (Massis Post) By Armen Tigranakert

October 17, 2021

Turkey steadily unites its controlled armed groups of the Syrian National Army in a bid of exempting them from responsibility for multiple crimes committed against humanity.

On July 28, the U.S. Treasury Department imposed sanctions on the Turkish-backed faction Ahrar Al-Sharqia, which committed the outrageous murder of the Syrian Kurdish female politician Hevrin Khalaf in 2019, vowing to keep pursuing accountability for perpetrators of human rights violations in the country. The decision was made at the initiative of the Biden-led American administration, which can hardly be considered as friendly towards Turkey, seemingly making Ankara worry for the fate of its allies in northwestern Syria.

Clearly realizing a potential threat of further sanctions, Ankara was quick to take what can be called preventive measures. Virtually after the secret visit of the Turkish defense minister to the Syrian border city of Azaz, five armed groups of the SNA announced on September 9 their full merger, forming a new faction named the Syrian Front for Liberation. It included the Sultan Suleiman Shah Division, Hamza Division, Al-Muatassim Brigade, Suqur Al-Shimal Brigade and 20th Division.

The series of mergers continued when the SNA joint operations room Azm claimed that six groups, namely Sultan Murad, North Brigades, 9th Division, Muntasser Brigade, 112 Brigade, Sham Revolutionnaires, agreed on their complete unification under the name of the Movement of Revolutionnaires. The official statement that was released on the occasion of the establishment of the new movement read that the true aim of this move was to reduce the number of groups operating as part of the Azm coalition.

Nevertheless, it's worth noting that in both cases, armed factions emphasized that they broke away from their past names, flags, and emblems in an obvious attempt to cover their own traces and escape justice in a new military formation which hasn't spoiled its reputation yet.

Many experts believe that the situation on the ground will remain as it was even after the groups were transformed and rebranded. The armed factions will apparently act in the same way and under the command of the same leaders who are responsible for atrocities against civilian populations. Except this will be under other names.

Such attempts taken by Ankara to save its proxy forces in Syria can undermine the efforts of the international community to effectively investigate war crimes and bring perpetrators to justice.

Even Salem Al-Meslet, the president of the National Coalition for Syrian Revolutionary and Opposition Forces, surprisingly confirmed how effective the impact of sanctioning Ahrar Al-Sharqia was to help reign in the lawless pro-Kurdish groups. And this is despite the fact that this body was designed to support the Free Syrian Army (currently the SNA).

In fact, Turkey had and has something to be worried about. Ahrar Al-Sharqia constitutes one of the long list of Turkish-affiliated Syrian factions accused of extrajudicial killings, kidnappings, torture of civilians, seizure of private property, robberies, and destruction of archeological sites.

The human rights organisations reported that the list includes the most of armed groups active in the northwest of Syria, including Hamza, Sultan Suleiman Shah, Sultan Murad Divisions, etc.

The UN commission of Inquiry on Syria documented a myriad of violations committed by the SNA factions towards national minorities as Kurds, Yazidis, Armenians, and others living in Turkish-controlled areas of Syria.

Syrian armed groups are also blamed for a huge number of enforced disappearances of women. According to the Missing Afrin Women Project, more than 150 women and girls were kidnapped at the hands of the SNA fighters only in Afrin since 2018.

It's no secret that Turkey aims to finally join all opposition forces together, including jihadist organisations like the Hay'at Tahrir Al-Sham in Idlib province, under the aegis of its controlled SNA. With this aim, the Turkish leadership will try hard to hide loyal criminals and bandits behind the SNA and clear their reputation, using all means, particularly disinformation campaigns as it was on the second anniversary of Hevrin Khalaf's killing. The pro-opposition accounts and media outlets published false information about the US plans to lift sanctions from Ahrar Al-Sharqia over a lack of evidence.

Although Ankara positions its politics towards Syria as supportive of freedom and the true opposition in Syria, such maneuvers have nothing to do with the goals it announced.

In turn, Europe and the United States should take into account in their diplomacy towards Syria, that the murderous opposition forces are therefore doomed to failure and have no chance of survival in a long run.

"Our Lives Are Like Death" Syrian Refugee Returns from Lebanon and Jordan (Human Rights Watch) By Nadia Hardman

October 20, 2021

Syrian refugees who voluntarily returned to Syria between 2017 and 2021 from Lebanon and Jordan faced grave human rights abuses and persecution at the hands of Syrian government and affiliated militias, including torture, extra-judicial killings, and kidnappings. The majority of those interviewed by Human Rights Watch also struggled to survive and meet their basic needs in a country

decimated by conflict and widespread destruction.

After a decade-long civil war, Syrian refugees are the world's largest refugee population. Spread over 127 countries – with the highest absolute numbers in Turkey – Lebanon and Jordan host the highest ratio of refugees relative to their populations. Lebanon and Jordan at first welcomed refugees with borders kept open to facilitate large refugee flows. As the numbers of refugees in Lebanon increased, however, Lebanon adopted a range of coercive and abusive measures including discriminatory curfews, evictions, arrests, and other restrictions on legal residency and access to employment and education. Amidst Lebanon's catastrophic economic collapse, exacerbated by the Covid-19 pandemic, over 90 percent of Syrian refugees live in extreme poverty, relying on credit and mounting debt to survive. In Jordan, only two percent of refugee households can meet their essential food needs. Despite these stark figures, humanitarian aid appeals remain dramatically underfunded across the region. In 2020, only 52 percent of the amount UN agencies requested across the five main refugee-hosting countries – Turkey, Lebanon, Jordan, Iraq, and Egypt – was funded. Lebanon was 57 percent and Jordan 47 percent funded respectively in 2020.

Despite increasing levels of vulnerability in Lebanon and Jordan, the number of spontaneous refugee returns to Syria has not significantly increased. Refugees continue to cite safety and security in Syria as their primary considerations when deciding whether to return home. Those who do make the decision to return often do so under extreme pressure. In Lebanon, the government continues to pursue policies designed to coerce Syrian refugees to leave, and the acute economic crisis and staggering inflation have made it exceedingly difficult for refugees to afford the most basic necessities. In Jordan, the economic downturn and drastic lockdown measures have undermined the livelihoods of thousands of Syrian refugees. Returnees often decide to go back to Syria with limited information on conditions inside the country.

Refoulement, the return of refugees to places where their lives, physical integrity, or freedom would be threatened, occurs not only when a refugee is directly rejected or expelled, but also when indirect pressure is so intense that it leads people to believe they have no option but to return to a country where they face a serious risk of harm.

While parts of Syria have not seen active conflict hostilities since 2018, Syria is not safe. The UN agency mandated to provide international protection and humanitarian assistance to refugees, UNHCR, maintains that Syria is unsafe and that it will not facilitate mass returns in the absence of key protection conditions. It states that it will however assist individual refugees who decide to voluntarily return by themselves. An EU Parliamentary Resolution in March 2021 also reminded member states that Syria is not safe for refugee return.

This report, based on 65 interviews with Syrian refugees who returned to Syria from Jordan and Lebanon or their family members, shows why Syria is not safe for return. It documents the grave abuses and the harsh economic realities they face upon return and describes why some refugees are deciding to return despite these difficulties. It finds that returnees face many of the same violations that caused their flight from Syria. These include persecution and abuses, such as arbitrary arrests, unlawful detention, torture, extra-judicial killings, kidnappings, and widespread bribery and extortion, at the hands of the Syrian security agencies and government-affiliated militias. It examines the practice of so-called “security clearances” and “reconciliation agreements” – frequently used by the Syrian government to vet returnees and people crossing checkpoints in Syria – and demonstrates how neither process protects people from being targeted by the Syrian government's security apparatus. It also looks at property rights violations and other economic hardships that have made a sustainable return impossible for many.

Refugee returnees who did not face threats to their life or physical integrity lived in fear of the government's targeting of civilians perceived to be affiliated or sympathetic to the opposition or who have expressed dissent. Human Rights Watch's interviews with returning refugees affirmed the view of a leading expert on Syria that “nearly everyone who returns will face some form of interrogation, whether it's a cup of tea with the security agencies or a full-blown torture session, they want to know why people left.” The Syrian Human Rights Network estimates that nearly 150,000 have been arbitrarily arrested and detained and nearly 15,000 have died due to torture between March 2011 and March 2021, the majority at the hands of Syrian government forces.

Syria's economy and infrastructure have also been devastated by ten years of conflict and sanctions. The World Bank estimates that the Syrian economy has shrunk by more than 60 percent since 2010. The Syrian pound has crashed, trading at approximately 3,460 Syrian pounds to the dollar as of October 2021,[1] compared to 50 Syrian pounds to the dollar, pre-war, resulting in a 6,820 percent inflation rate increase on consumer goods. As of February 2021, at least 12.4 million Syrians were food insecure, according to the World Food Programme (WFP), an alarming increase of 3.1 million in one year. The World Health Organization estimates that more than half the population is in dire need of health assistance and half a million children are malnourished. People with disabilities – usually 25 percent of a country's population – are more likely to experience poverty. Most returnees interviewed by Human Rights Watch experienced extreme economic hardship, unable to afford basic food items because of the inflation of the Syrian pound and a widespread lack of livelihood opportunities. Most also found their homes either totally or partially destroyed and were unable to afford the costs of renovation. The Syrian government provided no assistance in repairing homes.

Despite these ongoing violations and the devastating economic and humanitarian conditions inside Syria, countries in the region and beyond continue to promote a narrative of post-conflict returns. Denmark has set a dangerous precedent from within the European Union, by removing the “temporary protection” status of individuals from Damascus or Damascus Countryside. Denmark has stripped these individuals of temporary protection and therefore the legal right to reside in Denmark and forced them to live in return centers or return to Syria “voluntarily.”

In Lebanon, the authorities have pursued an aggressive returns agenda, regularly introducing new decrees and regulations designed to make Syrian refugees’ lives difficult, and ultimately to pressure them to leave. They have forced Syrian refugees to dismantle their concrete shelters, imposed curfews and evicted refugees from some municipalities, obstructed the renewal of residency permits, and summarily deported Syrian refugees they deemed to have irregularly entered Lebanon after April 2019.

While Jordan has not publicly pushed for large-scale organized repatriations, it has over the years of increasingly protracted displacement implemented policies such as summary deportations and denial of access to important categories of employment. While Jordan does not impose a formal re-entry ban on Syrian refugees, refugees nearly uniformly told Human Rights Watch that Jordanian border guards said they could not re-enter Jordan for three to five years. This denies returnees the right to claim asylum if, having returned to Syria, they again face persecution.

Human Rights Watch recommends an immediate moratorium on all forced returns of Syrians and habitual Palestinian residents of Syria to all parts of Syria from all countries. While evidence of widespread and ongoing violence active hostilities might have decreased in recent years, the situation is fluid and relative periods of stability fail to meet basic conditions for safe, dignified, and durable return. Moreover, the same government is in power that committed crimes against humanity, persecuted those that expressed dissent, and caused millions to flee. Widespread human rights abuses continue and refugees who return often face the same persecution from which they fled.

With no reliable information networks on which Syrian refugees can make fully informed decisions about return and with international humanitarian agencies lacking adequate access and therefore unable to monitor voluntary repatriation and reintegration in Syria, Human Rights Watch calls on all countries hosting Syrian refugees to adhere to the position that Syria is unsafe for returns. International donor governments should use their leverage against such practices as summary deportations and forced returns of Syrian refugees to Syria, which amount to a breach of nonrefoulement obligations.

International donor governments should help sustain this position and fully fund humanitarian assistance programs particularly inside Lebanon and Jordan and other neighboring countries.

For their part, Lebanon and Jordan should lift all restrictions on Syrian refugees re-entering their countries if they were not able to re-establish themselves inside Syria, or to avail themselves of the protection of the Syrian government. Lebanon should abolish the May 2019 Higher Defense Council decision which provides for the summary deportation of all Syrian refugees who re-enter irregularly after April 2019, and Jordan should stop imposing arbitrary or de facto re-entry bans on Syrian refugees and clarify that Syrians can return to Jordan, and the process for doing so. Denmark should repeal its decision to remove temporary protection for Syrian refugees from Damascus and Damascus Countryside, and European Member States should not introduce any similar legislation.

Methodology This report is based on interviews with 30 Syrian refugees who returned from Jordan to Syria and 24 Syrian refugees who returned from Lebanon to Syria between 2017 and 2021. Interviews were also conducted with nine relatives of Syrian refugees who returned to Syria during the same time period, two of whom were living in Lebanon and seven in Jordan. Moreover, two interviews were also conducted with Syrian refugees planning to return to Syria from Jordan. Twenty-seven out of these 65 interviews were women. These 65 interviews were conducted between January and July 2021.

Human Rights Watch interviewed the refugees who returned from Jordan to Syria by telephone. Human Rights Watch interviewed the refugees who returned from Lebanon to Syria and subsequently returned to Lebanon by telephone or in person after they returned to Lebanon. The areas inside Syria that the refugees returned to include Damascus, Damascus countryside, including eastern Ghouta, Hama, Daraa governorate, and Homs city.

Human Rights Watch also interviewed three lawyers from Syria, Jordan, and Lebanon and four researchers and experts on Syria, as well as nongovernmental organizations, and UN and humanitarian agencies in Jordan and Lebanon.

Interviews were conducted in private settings – either completely alone or with the interviewee’s family members present – with assurances of confidentiality. The researcher informed all interviewees about the purpose and voluntary nature of the interviews, and the ways in which Human Rights Watch would use the information. All were told they could decline to answer questions or could end the interview at any time. The researcher told interview subjects they would receive no payment, service, or other personal benefit for the interviews. Interviews with refugees inside Syria all took place in Daraa.

Transport costs for those inside Daraa who traveled to a safe location to conduct the interview were covered to a maximum limit of US\$10. The researcher for this project used an Arabic interpreter.

Human Rights Watch also reviewed reports related to Syrian refugee returns, and analyzed relevant national and international laws, decrees, regulations and memorandums of understanding.

To protect confidentiality, pseudonyms are used for all Syrian interviewees.

Human Rights Watch wrote to the Lebanese General Directorate of General Security, the Jordanian Ministry of Interior, the Jordanian Ministry of Planning, the Jordanian Ministry of Foreign Affairs, the Syrian Ministry of Foreign Affairs, and the Syrian Ministry of Interior.

The Lebanese General Security Directorate responded to Human Rights Watch's letter in October 2021, and their response letter is included at the end of this report as Annex I.

Background The Syrian Conflict What started in 2011 as a peaceful uprising in Syria against a government with an abysmal human rights record turned into an armed conflict. In the decade since, the conflict has killed hundreds of thousands and displaced millions more. Parties to the Syrian conflict, especially the Syrian government, have committed egregious violations of human rights and international humanitarian law – from arbitrary detentions and torture to property confiscation, indiscriminate strikes, and the use of prohibited weapons. Some of these abuses were committed as part of a widespread and systematic attack against the civilian population and thus constitute crimes against humanity.[2]

In 2018, the landscape of the conflict changed drastically as the Syrian government, with the support of its Russian ally, retook most of the territory that had been held by anti-government armed groups. Using unlawful tactics that in some cases amounted to war crimes and may amount to crimes against humanity, the Syrian-Russian military alliance solidified government control in most areas through local so-called “reconciliation” agreements, which resulted in the mass evacuation of civilians, as well as members of non-state armed groups opposed to the government.[3]

At this writing, only parts of northeast and northwest Syria remain under the control of non-government parties.

Despite the significant decrease in active hostilities, Syrian civilians continue to face a myriad of challenges. The Syrian government continues to abuse its citizens' rights while the conduct of hostilities has destroyed most of the country's infrastructure, including partially or completely destroying two-thirds of Syria's medical and educational facilities and 27 percent of the country's housing, according to a 2017 World Bank study of eight governorates.[4]

The Syrian economy went into freefall for much of 2020, with the unprecedented depreciation of the national currency, the imposition of further international sanctions, and crises in neighboring countries, primarily Lebanon, where Syrian business people relied on access to Lebanese banks and could no longer do so after October 2019 when these banks imposed capital controls during Lebanon's economic crisis.[5] For ordinary Syrians, this translated into an inability to procure food, essential medicines, and other basic necessities. At the time of writing, according to the World Food Programme, more than 12.4 million Syrians have become food insecure and over 80 percent of Syrians live below the poverty line.[6]

The Syrian Refugee Crisis After a decade-long civil war, Syrian refugees continue to be the world's largest refugee population according to UNHCR,[7] comprising approximately 25 percent of refugees globally. Syrian refugees have sought asylum in 127 countries, but Syria's neighboring nations continue to host the majority spread out over Turkey, Lebanon, Jordan, Iraq, and Egypt.[8] Turkey hosts the highest number of Syrian refugees, but Lebanon and Jordan host the highest ratio of refugees per capita of any countries in the world. According to recent UNHCR figures, Lebanon hosts nearly 900,000 registered Syrian refugees, and the government estimates another 500,000 live in the country informally. [9] Jordan is home to more than 650,000 registered Syrian refugees.[10] Both countries initially welcomed Syrian refugees and essentially maintained an open border policy (except for Palestinian refugees fleeing Syria) from 2011 to 2014. Since then, both have progressively adopted more restrictive policies.[11]

Lebanon Lebanon's sectarian state structure and related sensitivity to sectarian demographic balances, some Lebanese political parties' alliances with Syrian authorities, and Lebanese authorities' ongoing discriminatory treatment of Palestinian refugees all taint Lebanese authorities' perception and treatment of Syrian refugees. Lebanon already hosts a large community of Palestinian refugees, who numbering between 174,000 (according to the Lebanese Palestinian Dialogue Committee) and 480,000 (according to UNHCR/UNRWA), who have been in Lebanon for more than 70 years and who face restrictions that affect their basic rights.[12] Lebanon treats Syrian refugees as “guests,” largely denying them the right to legal residency and severely limiting their access to employment.[13] Syrian refugees struggle to access quality education and health care and often live in unsafe and informal housing cut off from the main electricity and water and sanitation networks. Lebanon has not allowed the opening of formal refugee camps in the country.[14] According to

the latest findings of the 2020 Vulnerability Assessment of Syrian Refugees in Lebanon, only 20 percent of Syrian refugees have legal residency, making the majority of refugees vulnerable to harassment, arrest, and detention, particularly at checkpoints.[15]

Lebanon refuses to recognize Syrians as refugees and uses the generic words for “displaced” people in Arabic, *naziheen*, rather than the word for refugee, *laja’een*. Lebanon is not a party to the 1951 Refugee Convention and does not adhere to a unified or centralized policy toward Syrian refugees, so municipalities and local authorities are free to adopt differing policies and strategies. The result has led to a host of coercive regulations and ad-hoc practices designed to ensure Syrian refugees do not integrate and eventually feel like they have no choice but to return to Syria. This coercive approach has intensified in recent years, as has the rhetoric of government leaders and political figures on returns.[16]

Syrian refugees are subjected to arbitrary raids, ad-hoc curfews, checkpoints which apply only to them, and arrest and detention for not having legal residency.[17] In April 2018, Human Rights Watch documented how some municipalities forcibly evicted thousands of Syrian refugees from their homes and expelled them from their localities.[18]

In May 2019, the Higher Defense Council, Lebanon’s highest security coordination body, adopted a series of measures intended to increase pressure on Syrian refugees to return, including forced demolition of refugee shelters and a crackdown on Syrians working without authorization.[19] In the summer of 2019, the Lebanese Armed Forces forced Syrian refugees living in semi-permanent shelters on agricultural land to dismantle their own shelters’ concrete walls and hard roofs and replace them with flimsy materials, or face army demolition of their homes.[20] The forced shelter dismantlement significantly reduced the adequacy of refugee housing to withstand harsh weather conditions, particularly in the Aarsal region, where winters and summers are harsh.

Lebanon’s response to the Covid-19 pandemic also put refugees at risk. In April 2020, Human Rights Watch found that at least 21 Lebanese municipalities had introduced discriminatory restrictions on Syrian refugees that do not apply to Lebanese residents as part of their efforts to control the spread of Covid-19, violating Syrians’ rights and undermining the country’s public health response.[21]

Although the Lebanese government continues to publicly state its commitment to the principle of nonrefoulement, it has deported thousands of Syrians in recent years. In May 2019, the Higher Defense Council announced that all Syrians who entered Lebanon irregularly after April 24, 2019 would be deported and directly handed over to the Syrian authorities.[22] In a letter to Human Rights Watch, the General Security Directorate said it had “returned” 6,345 Syrians between April 25, 2019 and September 19, 2021 in implementation of the Higher Defense Council’s decision. Human Rights Watch documented that at least three Syrians deported by Lebanon were arrested in Syria.[23]

Recently, Lebanese leaders have ramped up their anti-refugee rhetoric and promotion of refugee returns.[24] In July 2020, the government issued a new “return plan” declaring that parts of Syria are safe and that refugees should go back. [25] Lebanon attended a controversial Russian-backed conference on refugee returns in Damascus in November 2020, which UNHCR and EU countries declined to attend, citing it as “premature.”[26]

In the last two years, Lebanon endured multiple crises, including a massive explosion in Beirut’s port, an economic collapse with debilitating inflation, rising political instability, and the Covid-19 pandemic.[27] The Lebanese authorities’ corruption and failure to address these crises have resulted in a drastic deterioration of rights.[28] The economic crisis and Covid-19 pandemic have significantly compromised the ability of hospitals to provide lifesaving care. Electricity blackouts are becoming common, sometimes lasting up to 22 hours per day. In this increasingly insecure reality, Syrian refugees have been severely impacted, with 89 percent living in extreme poverty and relying on credit lines and borrowing money and food to survive.[29]

Although Lebanon is not a party to the 1951 Refugee Convention, the prohibition of refoulement, which is the return of refugees in any manner whatsoever to places where their lives or freedom would be threatened, has become a norm of customary international law which Lebanon is bound to respect. UNHCR says that refoulement occurs not only when a government directly rejects or expels a refugee, but also when indirect pressure is so intense that it leads people to believe they have no option, but to return to a country where they face a serious risk of harm.[30]

Jordan Jordan, like Lebanon has not ratified the 1951 Refugee Convention, but in 1998 entered into a Memorandum of Understanding with UNHCR that removed its geographic and time limitations on refugee protection in the country and protects refugees against refoulement.[31] Also like Lebanon, it opened its borders to Syrian refugees in 2011 with some exceptions, but after mid-2013 Jordanian authorities began to restrict the flow of Syrian refugees into the country by closing informal border crossings near population centers and forcing them to cross further and further into the eastern desert.[32] A suicide attack against a Jordanian army post at Rukban reportedly carried out by the self-proclaimed Islamic State led to the closure of Rukban, the final open border crossing located near the Iraqi border.[33]

While Jordan should be lauded for a more formalized approach to Syrian refugees than most of its neighbors, which included transferring all Syrian refugees arriving through border crossings to refugee camps where they could register with UNHCR and receive asylum seeker certificates, its policy of excluding certain categories of refugees breached nonrefoulement obligations: it denied entry to four highly vulnerable groups: Palestinians living in Syria; all single men of military age; Iraqi refugees living in Syria; and any undocumented persons, despite the widespread bombing in Syria that not only destroyed homes and properties, but documents as well.[34]

In order to leave the refugee camps, Jordan put in place a sponsorship program whereby a Jordanian relative could “bail out” a Syrian refugee.[35] In the beginning this policy was followed in a relatively relaxed manner and those who did not have a sponsor were still able to live outside the camps and access services. In 2015, the government canceled the sponsorship program and introduced an “urban verification exercise” which required all Syrian refugees to register their biometric information in order to obtain a new biometric service card. The cards were made available to all Syrians who left the camps without being legally “bailed out” prior to July 14, 2014, but the cards were virtually unobtainable for tens of thousands of Syrians who left refugee camps after that date.[36] As a result, Syrians who left the camps informally after that date could not obtain the documents required to access humanitarian assistance, subsidized health care, and enroll their children in schools.[37] In 2017, Jordanian authorities extended the cutoff date to March 8, 2015, allowing thousands of additional Syrians to obtain service cards. In 2016, Human Rights Watch documented how “since July 2014, Jordanian security forces have arrested and involuntarily relocated refugees without UNHCR asylum seeker certificates or MOI service cards to refugee camps.”[38]

While Jordanian authorities continued to implement the Jordan Compact 2016 agreement between the Jordanian government and donor countries, which aimed to improve the livelihoods of Syrian refugees by granting new legal work opportunities and improving the education sector, most professions (including medicine, education, and engineering) remained closed to non-Jordanians, and many Syrians continued to work in the informal sector without labor protections.[39]

Recent evidence suggests the employment situation for Syrian refugees was better at the beginning of 2020 compared with 2016.[40] However, many Syrians lost their jobs and others have been subjected to reductions in their salaries during the Covid-19 pandemic. The effects of the pandemic in Jordan have undone the progress of previous years, with indicators in some sectors, like food security, now equating to those of 2014.[41] According to UNHCR’s Regional Refugee & Resilience Plan (3RP) for 2021 and 2022, “only 2% of refugee households can meet their essential food needs without any negative coping strategies, which include cutting down on meals, pulling children out of school, early marriage and sending family members to beg.”[42]

The Decision to Return to Syria Reasons for Refugee Returns Despite the coercive conditions for refugees in Lebanon, and the increased cost of living for refugees in Jordan, protection monitoring and return-intentions data collected by humanitarian NGOs and UNHCR consistently demonstrate that refugees across Egypt, Iraq, Jordan, and Lebanon cite safety and security in their home country as the top consideration preventing them from return.

At least 282,283 Syrian refugees returned from Egypt, Iraq, Jordan, Lebanon, and Turkey in a self-organized way (so-called “spontaneous returns”) between 2016 and May 2021.[43] Interviewees from Lebanon and Jordan gave various reasons for making the decision to return to Syria, including a lack of livelihood opportunities, especially during the Covid-19 pandemic, difficulties accessing health care in Lebanon and Jordan, a desire to reclaim their land and homes in Syria, and a belief that the security situation had improved in their area of return.

In March 2021, UNHCR’s Sixth Regional Survey on Syrian Refugees’ Perceptions and Intentions on Return to Syria found that nearly 90 percent of Syrian refugees surveyed could not meet their basic needs in host countries. Refugees who had returned told Human Rights Watch that the economic declines in both Lebanon and Jordan contributed to their decision to leave. A lack of work opportunities in both countries, exacerbated by the Covid-19 pandemic, increased their economic vulnerability and pushed many back to Syria. Refugees in Lebanon, already economically marginalized, were severely impacted by the Covid-19 pandemic’s disastrous impact on the economy.[44] Similarly in Jordan, interviewees described how lockdowns undermined their ability to make a living.

Adnan, a 36-year-old man from Nafaa in Daraa, described how the Covid-19 pandemic impacted his decision to return:

Life in Jordan was good. I could work easily... I was working and I was able to send money to my family... And then Covid-19 started. There were so many lockdowns. I didn’t have enough food and support for my family. I talked to my parents, and I said I wanted to go back. My family encouraged me to go back. My work permit [in Jordan] only allowed me to work as a barber and I couldn’t do that work at that time.[45] Yasser, a 32-year-old man from Homs, described how his inability to continue paying rent in Lebanon influenced his decision to return to Syria:

We decided to leave because we were living in the [informal] camps in Lebanon in Bar Elias...and [the landlord] wanted

rent in dollars. We couldn't afford this, so we decided to leave. I wanted my kids in school and I wanted to register them [in Syria] and to live in my house again.[46]

Many refugees told Human Rights Watch they wanted to return to reclaim their homes and live on their land again, a desire underpinned by the right to return.[47] "We wanted to get our house back," said Ghada, a 43-year-old woman from Eastern Ghouta. "Because people told us it was safe there, we wanted to try and secure our lands." [48]

Others said they could not afford the health care they needed in Lebanon or Jordan and returned in the hope of accessing cheaper health care in Syria. UNHCR subsidizes the costs of basic medical care for Syrian refugees in Lebanon and Jordan, but they rarely cover treatment for palliative care or chronic conditions.[49] Layla, a 65-year-old woman from Hama who returned to Lebanon in 2019 after going back to Syria, said:

We went back then to Syria because...it was very hard to obtain all the things we needed here in Lebanon: we needed medical treatment, and the medicine [in Lebanon] is expensive... I couldn't afford to have a separate house here in Lebanon and my son couldn't find a job, and the house is so small, I didn't want to be a burden on my son and his wife. [50]

Research has repeatedly found that Syrian refugees live in precarious conditions, and face barriers in access to adequate health care, sometimes including their inability to afford care they need.[51] This amounts to a failure by host countries protect the right to the highest attainable standard of health for refugees. Host countries' failure to ensure that refugees have access to the health care services to which they are entitled compounds their medical conditions. When discrimination or other factors such as fear of excessive costs impede care, including Covid-19 testing, treatment, or prevention services, refugees and migrants tend to be diagnosed later and only treated well into the development of illness; when they are sicker, care is more expensive, and treatment tends to be less effective. It can, as the cases documented in this report will illustrate, create incentives for them to return to Syria, where they may not be safe.

Citizens and permanent residents reliant on the public health systems in Lebanon and Jordan may experience similar health access problems. Many face resource and capacity constraints in public sector care, long wait times, and lack of essential medicines. However, refugees experience specific abuses in addition to the systemic failures that affect all patients, compounding the marginalization they already face.

Maysa, a 76-year-old woman from Damascus Countryside, also explained how living conditions in Lebanon convinced her to go back to Syria:

The situation was very bad in Lebanon, my husband couldn't find work. The house rent was around US\$200 per month. At the time, that was 300,000 Lebanese pounds. The room rent was high, we don't have furniture or equipment. We couldn't afford medicine. So, my husband convinced me to go back to Syria.[52]

Hassan, a 61-year-old man from Homs on kidney dialysis, made the decision to leave Lebanon after his wife could no longer earn money to support him after she was denied legal residency by the General Security Organization (GSO) in Lebanon, even though both he and his wife had been sponsored by a Lebanese national for many years:

In 2018, I was accepted by the GSO for my legal residency, but my wife was not. We went to GSO to ask why, and they said our sponsor is in debt and has legal issues. They asked my wife to change the sponsor, but the process would take two months. They said she needed to leave the country and re-enter... When I got sick and couldn't work and my wife needed to stop working to support me...we decided to go to Syria.[53]

UNHCR continues to maintain the position that it is not safe to return to Syria and it is neither facilitating nor promoting returns.[54] In February 2018, UNHCR laid out the necessary conditions for the return of refugees to Syria:

The government/actors in control of the return area provide genuine guarantees that returnees will not face harassment, discrimination, arbitrary detention, physical threat or prosecution on account of originating from an area previously or currently under de facto control of another party to the conflict; for having left Syria illegally; for having lodged an asylum claim abroad, or; on account of any (individual or family) diversity characteristic.[55] In March 2021, UNHCR urged host countries to maintain asylum for Syrian refugees:

UNHCR considers that changes in the objective circumstances in Syria, including relative security improvements in parts of the territory, are not of a fundamental, stable and durable character so as to warrant cessation of refugee status on the basis of Article 1C(5) of the 1951 Convention.[56]

UNHCR surveys indicate that most Syrian refugees continue to hope to return to Syria one day, even if not in the near term.[57] While data on refugees' intentions currently demonstrate that most refugees intend to stay in Lebanon or Jordan for the foreseeable future, this decision is primarily due to the barriers to return currently in place in Syria, and not

because they do not want to return to their country.[58]

Misinformation on Conditions in Syria Misinformation on the reality of life inside Syria influenced the decisions of many of the refugees that Human Rights Watch interviewed to return. In 2018, the General Security Organization (GSO), the Lebanese security agency responsible for the entry and exit of foreigners, began facilitating returns for refugees to Syria. As part of the process, the GSO obtained a “security clearance” from the Syrian authorities for any refugee who wished to sign up for a return movement. Yasser, 32, from Homs believed this would guarantee his safety on return to Syria. “I had been promised by the Lebanese GSO that no one would be harmed when returning,” he said. “They said the security clearance had been done, so it would be safe for me on return.” Instead, Yasser was detained by the Syrian Political Security Agency just a day after his return and endured four months of arbitrary detention and brutal torture.[59]

“We can’t trust the Lebanese or Syrian security agencies,” a Syrian lawyer told Human Rights Watch. He said both countries’ security agencies “behave the same way.” The lawyer said that Lebanon’s GSO should coordinate security clearances with Syria’s office of Immigration and Passport Control, but instead “they [GSO] do it [the security clearance] with a few of the intelligence agencies, not always all of them, and they also clear people when they are actually wanted. On purpose.”[60]

Interviewees also told Human Rights Watch they relied on information from the media and from family and friends who had already returned, but refugees regularly told Human Rights Watch that the descriptions often did not match the reality. Obtaining accurate information on conditions inside Syria is exceedingly difficult. Returnees told Human Rights Watch that information on safety and security risks is very hard to obtain, as family members and friends inside Syria do not want to disclose sensitive information over the telephone. To this end, people rely on word of mouth, social media, and television news items to reach an assessment which often turns out to be incorrect. Many people told Human Rights Watch they were not prepared for the level of economic difficulties they faced in Syria, nor the physical destruction of their home and area.

Humanitarian-led protection monitoring inside Syria is also extremely limited. Syrian government-imposed access constraints have prevented UNHCR from implementing the kind of returns monitoring mechanism that operate in other humanitarian situations.[61] The government has also imposed limitations on the types of protection work that could be undertaken, including the types of questions that humanitarian agencies can ask returnees. A fear of government surveillance and a lack of stable internet connection due to electricity cuts, means that many returnees do not or cannot report the truth of their situation when they are back in Syria.

Iyad, a 30-year-old returnee from Damascus Countryside, commented on how after he returned from Syria to Lebanon, other Syrian refugees rushed to ask him questions about life inside Syria:

I would advise no one to go back, they don’t understand what they would face. More and more people understand that the situation is so bad in Syria – especially the economic situation. They get information from others who return. When I came back – many people visited me to ask whether to go back and I advised everyone not to go back. I explained how hard it was.[62]

The Process of Return Refugees told Human Rights Watch they returned to Syria using both formal and informal routes. Both Lebanon and Jordan impose re-entry restrictions on Syrian refugees. The blanket imposition of re-entry restrictions and de-facto bans on Syrian returnees who cannot re-establish themselves inside Syria is tantamount to a breach of nonrefoulement obligations. Given the more porous nature of the border, the majority of refugees from Lebanon returned to Syria using smuggling routes, while those interviewed by Human Rights Watch who returned from Jordan uniformly used the formal borders.

In order to return officially to Syria either by air or land, refugees are required to produce a valid passport, travel document (“laissez passer”), or accepted form of identification to Syrian border authorities.[63]

Lebanon There are generally three formal routes that Syrian refugees can use to return to Syria: individual returns through legal land border crossings or via the airport; GSO-organized returns; and Hezbollah-facilitated returns which are coordinated with the GSO.[64] Most refugees do not have legal residency and therefore resort to informal pathways.

As mentioned above, legal exit from Lebanon requires a regularized status, which 80 percent of refugees over the age of 15 lack.[65] In July 2018, the GSO issued an internal memo which sets out the exit formalities of Syrians who overstayed their residency permits, including those who first entered the country irregularly. In most cases, Syrians are required to visit a GSO center to pay a fine and/or regularize their status, but may still be issued a re-entry ban.[66] Despite the existence of mechanisms to regularize their status, most of the refugees Human Rights Watch spoke to preferred to use smuggling routes to exit Lebanon and avoid the official border crossings because they could not afford the fees to regularize their status, their fear of GSO officers given the mistreatment that many Syrians are subjected to at the hands of

GSO, or not wanting to have a “do not enter stamp” which may be issued on their passport for between one and five years, preventing their re-entry.

In May 2019, Lebanon decided to deport anyone who enters or re-enters Lebanon after April 2019 via informal routes, even if they previously resided in Lebanon.

Jordan All interviewees who left Jordan for Syria did so formally and through the formal border crossing at Jaber/Naseeb, which reopened in October 2018 after the Syrian government captured Daraa and the southern border.[67] The majority visited the Syrian embassy in Amman before returning to Syria in order to update their documentation, including renewing their passports, obtaining a travel document, or updating their civil documentation, such as birth, death, and marriage certificates. When leaving Jordan, nearly all refugees said that Jordanian border guards told them they would not be allowed to re-enter Jordan for a five-year period and the border guards took their iris scan to register their exit from the country. Several interviewees were not told about a re-entry ban and did not have their iris scan registered and told Human Rights Watch this is because they had entered Jordan legally and therefore could re-enter legally.

Despite the almost uniform re-entry ban verbally issued to interviewees at the Syria-Jordan land border, a Jordanian lawyer with expertise in the matter told Human Rights Watch there is no formal Jordanian re-entry ban that restricts Syrian refugees’ re-entry to Syria.[68] However, individuals may face restrictions at the border if there is a “security-related reason” or a problem with their documentation such as falsified civil documentation certificates or forgeries, and this may result in a temporary ban on re-entry into the country.[69] The lawyer explained that there is no written law, regulation, or instruction imposing a general ban on the entry of Syrians into Jordan, instead, and depending on the circumstances, the authorities may issue a statement announcing that the border has been closed for a certain time period.[70]

Human Rights Abuses upon Return Refugees returning from Lebanon and Jordan told Human Rights Watch that the Syrian government or its affiliated militias subjected them or their family members to arbitrary arrest, detention, torture and inhuman and degrading treatment, kidnappings, and extrajudicial killings after their return to Syria. Human Rights Watch documented 21 cases of arrest and arbitrary detention, 13 cases of torture, 3 kidnappings, 5 extrajudicial killings, 17 enforced disappearances and 1 case of alleged sexual violence. A further 28 interviewees who returned to Daraa described living in an insecure environment characterized by arrests at checkpoints, kidnappings, racketeering, bribery and extortion, assassinations, and pervasive lawlessness and lack of accountability.

These findings are consistent with those of other human rights organizations, journalists, and the Syria UN Commission of Inquiry, which have all documented arbitrary arrests, detention, torture and ill-treatment, involuntary or enforced disappearances, and summary executions inside Syria. The Commission has documented abuses committed inside Syria which amount to the crimes against humanity of extermination, murder, rape, or other forms of sexual violence, torture, and imprisonment in the context of its widespread and systematic detentions.[71] The Commission has also documented violations that appear to amount to the war crimes of murder, cruel treatment, torture, rape, sexual violence, and outrages upon personal dignity.[72]

Ten years into the conflict, Syrian security forces continue to arbitrarily detain, disappear, and mistreat people across the country, including returnees and individuals in retaken areas.[73] In its March 2021 report, the Independent International Commission of Inquiry on the Syrian Arab Republic, the Commission stated:

Violations and abuses have been perpetrated with such consistency, particularly by the Government of the Syrian Arab Republic, and have been reported so widely by the Commission of Inquiry and others that it is impossible to claim that they were committed without the knowledge of the relevant chains of command.[74] Over time, armed groups also adopted detention-related practices in the areas under their control that were strikingly similar to those of government and pro-government forces.[75] Enforced disappearance and incommunicado detention, torture, inhuman or degrading treatment, sexual violence, and death in detention have been documented in detention facilities operated by all parties across the country.[76]

Refugees interviewed by Human Rights Watch were viewed with suspicion by the Syrian authorities for leaving Syria, and faced similar threats and abuses on their return, including to their life and liberty. The abuses, laid out in more detail below, show that there remains a clear and credible threat of persecution to individuals who return to Syria.

Arbitrary Arrest and Detention Arbitrary arrest and detention have been a cornerstone of the Syrian government’s system of repressive control since before the 2011 conflict, and as Human Rights Watch has previously documented, has often led to torture and death.[77] The Syrian Network for Human Rights estimates that nearly 150,000 people were arbitrarily arrested and detained in Syria and nearly 15,000 died from torture from March 2011 to June 2021, the majority at the hands of Syrian government forces.[78] According to the Independent International Commission of Inquiry on the Syrian Arab Republic, “Arbitrary arrests and detention in Syria take many forms, often targeting civilians perceived to be either

supporting a party to the conflict, or insufficiently loyal to another.”[79] In March 2021, UNHCR identified a list of risk profiles for Syrians including “persons opposing, or perceived to be opposing, the government” and “draft evaders and deserters from the Syrian Armed Forces,”[80] and went on to state:

Across government-held areas, returnees are reported to be among those subjected to harassment, arbitrary arrest, enforced disappearance, torture and other forms of ill-treatment, as well as property confiscation, including on account of individuals’ perceived anti-government opinion. Men of military age are also at risk of being arrested for the purpose of forced conscription upon return.[81] In a February 2020 report, the International Crisis Group (ICG) commented on the unpredictability of current threats:

...The regime’s concept of who is an opponent is not always clear or – more dangerously – can change over time, there is no certainty about who is safe from arrest. While before the 2011 uprising the “red lines” of the politically permissible were knowable for most Syrians, eight years into the conflict very little can be taken for granted.[82]

“Nearly everyone who returns will face some form of interrogation,” said Suhail al-Ghazi Syrian researcher and expert on return dynamics. “Whether it’s a cup of tea with the security agencies or a full-blown torture session, they want to know why people left.”[83]

Twenty-one interviewees or their family members told Human Rights Watch they were arbitrarily arrested and detained when they returned from Lebanon or Jordan to Syria. The majority were arrested at checkpoints controlled by a range of military factions and security agencies, including: the Fourth Armored Division (the “Fourth Division”), an elite division of the Syrian Armed Forces under the command of President Assad’s brother, Maher al-Assad; Military Intelligence; the Army; and Air Force Intelligence. All returnees from Jordan used formal border crossings and were either arrested immediately on their return from Jordan, at the initial checkpoints between the two countries at Jaber in Jordan and Naseeb in Syria, en route from the border checkpoint to their hometowns, or sometimes – from a few days to a few months – after settling back into their lives in Syria. Those returning from Lebanon interviewed by Human Rights Watch all used smuggling routes, apart from three who used the GSO-facilitated returns process, or the July 2017 organized return facilitated by an agreement brokered by the Lebanese Shia group Hezbollah.[84]

Interviewees told Human Rights Watch that people are required to present their ID at the many government-controlled checkpoints that demarcate neighborhoods across government-controlled areas of the country. Checkpoints are located at most entrances to cities and towns and on major highways (highways to and from Lebanon, Damascus airport, and the M5 motorway, which runs from the border with Jordan through Daraa, Damascus, Homs, Hama, and Aleppo to the border with Turkey). Retaken areas have an especially high density of checkpoints.[85] Interviewees told Human Rights Watch that people passing through checkpoints may be asked to show their ID card, their reconciliation card (for those from retaken areas), and telephone to check the caller history. Nasser, a 29-year-old man who returned from Irbid in Jordan to Daraa al-Balad at the end of 2019, said that all the access routes to the city Daraa al-Balad have checkpoints and that “they are very hard to cross.”[86] In the summer of 2021, the Syrian government imposed a siege on Daraa al-Balad which was lifted two and a half months later, on September 9.[87]

“There are checkpoints all around the entrance to the town but not inside the town,” said Jawad, a 49-year-old man from Tel Shihab in Daraa who left Irbid in Jordan in August 2020. “There are a lot of arrests in the checkpoints. The checkpoints always check the youth.”[88]

Salam, a 26-year-old man from al-Jeza in Daraa, described how his brother, Karim, returned from Jordan in April 2020 because of the lack of work opportunities in Irbid, a city in the north of Jordan near the Syrian border. Salam obtained a security clearance for Karim from the “National Security Agency” office in Daraa that stated Karim was not wanted by any government security agency.[89] One month after returning to al-Jeza, Karim went to Damascus, carrying his reconciliation document, to purchase items he needed to open a restaurant in his hometown. He was arrested on the outskirts of Daraa at the Manket al-Hatab checkpoint, jointly controlled by Military Intelligence and the Fourth Division:

He was arrested at this checkpoint because when he was in Jordan he used to send money back to support his family via an exchange office in Daraa. The head of this exchange office became a member of the Fourth Division when the regime entered Daraa and gave all the names of people sending money to Daraa [from Jordan] to the Fourth Division. My brother was accused of sending money to support terrorism.[90]

Desperate to find out the whereabouts of his brother, Salam paid US\$8,000 in March 2021 to a senior ranking official who informed Salam that Karim had died in detention in Military Intelligence Branch 235 in Damascus (known as the “Palestine Branch”).[91]

In September 2020, Abdul, a 39-year-old man from Khael in Daraa, returned from Ramtha in Jordan, as he had heard the war in his hometown was over and he wanted to see his family and secure his lands again.[92] After a month, he went to

Damascus with a friend, curious to see his country's capital city again. At the same Market al-Hatab checkpoint, soldiers from the Fourth Division arrested and detained him after they checked his ID. They took him to a Military Intelligence detention center in Sweida where he was tortured. He was eventually taken to Branch 291 (Military Intelligence) detention center in Damascus where he was also subjected to torture, deprived of adequate food and water, kept in extremely crowded and unsanitary cell conditions, and accused of financing terrorism. He was released after four months.

Under international law, detention is arbitrary when the detaining authority violates basic rights of due process, including for a prompt hearing before a judge. Principle 11 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that a detainee must be "given an effective opportunity to be heard promptly by a judicial or other authority," and that a judicial or other authority should be empowered to review the decision to continue detention. Detention is also arbitrary if it lacks a clear basis in domestic law or if the person is detained for exercising a basic right such as free assembly.

A Note on Detention Sites According to the former detainees interviewed by Human Rights Watch, the security forces conducting the arrests did not provide any legal justification for their arrest and did not tell the detainees where they were being taken. Interviewees told Human Rights Watch they would find out the location of their detention by asking fellow detainees.

Since the beginning of the Syrian conflict, the Syrian government's intelligence agencies have subjected tens of thousands of individuals to arbitrary arrest and unlawful detention using an extensive network of the detention facilities. The whereabouts of most of them remains unknown and unacknowledged by the state. Syria's intelligence agencies have historically operated independently from each other with no clear boundaries to their areas of jurisdiction.[93] The intelligence apparatus has a long history of detaining people without arrest warrants and denying detainees other due process safeguards such as the opportunity to judicially review the detention.

In charge of Syria's network of detention facilities are the country's four main intelligence agencies, commonly referred to collectively as the mukhabarat:

The Department of Military Intelligence (Shu'bat al-Mukhabarat al-'Askariyya);

The Political Security Directorate (Idarat al-Amn al-Siyasi);

The General Intelligence Directorate (Idarat al-Mukhabarat al-'amma); and

The Air Force Intelligence Directorate (Idarat al-Mukhabarat al-Jawiyya).[94]

Each of these four agencies maintains central branches in Damascus as well as regional, city, and local branches across the country. In virtually all these branches there are detention facilities of varying size. The intelligence agencies' prisons are located in the basements of their buildings. In addition to these unofficial basement prisons, they also have other secret detention sites. There are no names on these buildings and they do not have an accessible database of prisoners.[95]

Military service The evasion of conscription is one of the primary reasons men of draft age have fled Syria. It is also one of the primary reasons they cannot return.[96]

While evasion of military service is not a ground for refugee status per se, it can be the basis for an asylum claim if the government imputes to the draft evader a political opinion for which it would persecute that person, if the military in which a draftee would be compelled to serve has systematically committed war crimes, crimes against humanity, or other serious violations of international humanitarian or international human rights law, or if the asylum seeker is a conscientious objector and there is no meaningful alternative to compulsory military service for conscientious objectors. [97] While Syria has intermittently declared amnesties for military service evaders to encourage returns, returnees have "found themselves back on conscription lists in as little as seven days, after the government exploited a loophole in the decree," according to an article by Ahmad Araman and Shaza Loutfi in the Forced Migration Review, rendering the amnesty provisions meaningless.[98]

Twenty-one interviewees told Human Rights Watch they are wanted by Military Intelligence for desertion and military service and could face arrest and detention at any time. Article 40 of the 1973 Constitution of Syria states, "Military service is compulsory and regulated by law." [99] Men between the ages of 18 to 42 are required to serve, and women may enlist voluntarily.[100]

Mona, a 25-year-old woman from Sayida Zeinab in Damascus, explained how her husband deserted the Army in 2015 and the family sought refuge in Lebanon.[101] When her daughter developed cancer and she could not afford the costs of surgery in Lebanon, Mona and her husband decided to travel back to Syria in 2018 to try to find cheaper hospital care:

Somebody must have told the Army that we were back. At the beginning of 2018 the Military Intelligence came and arrested my husband. They told us...they were taking him because he had deserted the Army in 2015. He was imprisoned for nine months in al-Balona in Homs. He did the reconciliation and agreed to re-enter the Army and then he was released. When he was released, I knew he had been beaten in prison, but my husband didn't want to give details as he was scared. After he left the prison, he was serving in the Army and would come back to us for some short leave days. This went on for maybe one or two years.

He was tortured during these years ... and we saw this on his body. We asked him about the torture, but he denied it because he had been threatened not to talk about his experience. He refused to answer when I asked him about the marks on his body. There were a lot of marks [bruises] on his body, red and blue... He also had burns on his body. The Army gave him little food and he lost weight. He was not allowed to take a bath during the time he was in the Army and in the military prison. He had lice and scabies. He was only allowed to go to the toilet once a day. It is all because he deserted the Army previously.[102]

Exemptions from military service are permitted for certain individuals, including those who are the only male child in their families, those deemed unfit for health reasons, and those who are residing abroad and who have paid an exemption fee.[103] Students can defer recruitment temporarily. Shadi, a 31-year-old man with a physical disability from Busra al-Harir in Daraa, was arbitrarily arrested and detained at a checkpoint on his way from Daraa to Damascus to obtain the formalized exemption from military service as a result of a leg amputation following an airstrike in his hometown of Busra al-Harir in Daraa in April 2013 after which he sought refuge in Jordan. After seven "relatively good" years in Jordan, Shadi traveled back to Syria in November 2020 with his family during the Covid-19 pandemic:

I had to go to the military hospital number 601 in Damascus. I directly took a taxi to Damascus. I went through a lot of checkpoints. One was the Fourth Division; they investigated me and humiliated me but eventually they released me after I gave them 5,000 Syrian pounds [equivalent of US\$2].

The next checkpoint was Manket al-Hatab [jointly controlled by Military Intelligence and the Fourth Division]. They searched me and did a security clearance and took my ID and the officer told me I had to do military service. I said I knew this and that I was on the way to the military hospital to sort this situation out. He started to mock me by saying, "Who ate your leg?" and "You are a terrorist." I tried to explain, instead they beat me. I showed them the exemption [a pass he had received from the military branch office in Daraa] but they ignored it. Two officers kicked me and used my crutch to beat me. They forced me to crawl on the floor to their car and arrested me.

When I got in the car, they beat me and took me through Sweida Road to the Military Intelligence center in Kafr Souseh in Damascus...I was interrogated every day. They asked me silly questions like what I was eating in Jordan. I kept saying if they didn't want anything from me, they should give me back my document and I could go to the military hospital. After one week they started to electric shock the stump of my amputated leg.[104] After two and a half of months of torture in detention, Shadi said he was released onto a street in Kafr Souseh and made his way back to Daraa with help from strangers.

Torture in detention Most former detainees interviewed told Human Rights Watch they had been subjected to physical and mental abuse, that appeared to amount to torture and inhuman and degrading treatment during their detention and had witnessed the torture of others.[105] Most interviewees said they had been subjected to several forms of torture, from beatings with metal rods or wooden sticks to electric shocks, often inflicted with escalating levels of pain. At times detainees were forced to remain naked or in their underwear while they were tortured. Several former detainees told Human Rights Watch they had witnessed people dying from torture in detention.

After Abdul from Khaal in Daraa was arrested at Manket al-Hatab checkpoint (described above on page 30), he was taken to a military security detention center in Sweida, where he said he was beaten every day for the next three weeks:

The first day I was put in a wheel – dulab – I stayed like this for two continuous days, day and night. After that I met with the investigator. He was torturing me and interrogating me for eight days. He accused me of funding the Free Syrian Army and the opposition... I don't have enough money for bread, how I can fund the opposition?

After 10 days they stopped interrogating but they kept beating me. I was beaten every day three or four times... I was beaten with sticks, the back of their weapons, water pipes... I was forced to sign documents and I don't know what was written on them [as I was blindfolded].[106]

After 21 days in Sweida, Abdul was taken blindfolded to Branch 291 in Damascus, where his torture became more extreme:

I was terrified. The detainees were like skeletons. ... I was put in the shabeh.[107] They started to beat me on my chest and broke three bones on my chest. I fainted. On the second day I wasn't taken to be beaten but on the third day I was taken to

be tortured using electricity. They didn't stop again until I fainted. They hung me on the wall and threw water on me. They put a clip on me and one on a lamp. They started the electricity and said it wouldn't stop until the lamp exploded.

This went on for 10 days. I did not rest at any time. I would wake up and hear the screams of other people being tortured. I wasn't asked any questions, they harassed me, teased me. It was like we were toys for the Military Intelligence guys. They just made fun of us. After 10 days they stopped torturing me. I was forced to clean the bathrooms. This went on for four months. I was beaten from time to time with the back of the weapons. The situation was awful. We didn't eat every day. We had half a loaf of bread every two days. Even the water from the bathrooms we were not allowed to drink when we wanted to.[108]

One day in April 2021, the Branch 291 guards told Abdul he was to be hanged, but instead they took him in a car to the Hamidye market in Damascus and threw him onto the street:

People were looking at me as if they recognized I was a detainee that was just released. People felt sorry for me and offered me help. I couldn't even remember my name and I was in shock. People took a picture of me and put it on social media — I don't know where — so my family could find me. My family found me and the people who helped me drove me to Daraa. I don't remember much about that day, just that when the sun rose, it was a miracle.[109]

Detainees are routinely tortured to extract confessions or forced to sign or fingerprint declarations that they are not allowed to read.[110] Several interviewees told Human Rights Watch they were given documents to sign during their abusive interrogations. Yasser, the 32-year-old man who returned to Syria through the Lebanese GSO returns process, described how the Political Security section in Homs tortured him to extract a confession:

The officers forced me to take off all my clothes and forced me into a cell, one meter by one meter. I was inside this cell for three days. I know because they brought me food three times, once per day. After three days, I was blindfolded and taken for investigation. They didn't start with questions. They cuffed my hands behind me and started beating me and using electric cables on me. They broke the bone in my shoulder. My hand was swollen; I couldn't move it, they kept cuffing me anyway. I was shocked with electricity until I fainted. I was totally naked still. They put water on me to wake me up.[111]

Yasser said the interrogations started several days later. The interrogators started by trying to force him to admit to being a terrorist. "I first tried to be honest and said I would never harm anyone, that I was innocent," he said. "I was so scared, but after all this torture," he said, "I agreed to everything they accused me of. They gave me the words, and then I repeated it. They brought me five papers to sign. I couldn't even glance at them, and I couldn't concentrate on them. I just signed the papers." [112]

Amina, a 31-year-old woman from Qalamoun in Syria, returned to Syria from Lebanon at the beginning of 2018 because her mother was sick in Syria and her husband abused her.[113] Prior to fleeing Syria, Amina had supported the Free Syrian Army by cooking for them. Upon her return to Syria, she said, a neighbor denounced her. One morning at 5 a.m., men in military uniform broke into her home and took her to a detention center in Mezzeh in Damascus. She was put into a one-meter-by-two-meter room with 13 other women, so overcrowded they had to take turns to lie down to sleep. She was beaten in detention and witnessed the rape of another woman:

We got so sick and we had lice. There was one toilet in the room. Every time they brought food, they would insult us calling us a "whore" or a "bitch."... The way they treated me was a bit different. I was pregnant the whole time I was in prison, maybe that is why I wasn't too badly treated. My charges were only cooking for the Free [Syrian] Army. Some women were charged with kidnapping [military] officers and they went through a lot. For example, they would throw water on them and shock them with electricity. One young woman ... was tied up and raped every day. For me they would use their hands to take off my hijab and pull my hair. They would slap me and punch me in the stomach.[114]

Amina was imprisoned for six months. She said she was consumed with self-hatred after her release and could not bear to think about remaining in Syria. Amina returned to Lebanon with her children in April 2020.

Shadi from Busra al-Harir in Daraa governorate told Human Rights Watch that he was forced to watch the torture of other detainees. He also witnessed one death in detention in January 2021:

They took me to a watch an investigation of a 60-year-old man. They ran electricity through his body. He tried to push himself off the floor to stop the electricity flow, but he burned his hands. They beat him until he forgot what his name was... They interrogated another man in front of me. He was 80 years old and he had diabetes and they electrocuted him. He was blinded. He died in our cell a few days later. We begged [the prison guards] to take the dead man but they waited three days before they took his body out.[115]

The ban against torture is one of the most absolute prohibitions in international human rights law. No exceptional circumstances can justify torture. Syria is a party to key international treaties that ban torture under all circumstances,

even during recognized states of emergency, and that require investigation and prosecution of those responsible for torture.[116] When committed as part of a widespread or systematic attack against the civilian population, torture constitutes a crime against humanity under customary international law and the Rome Statute of the International Criminal Court.[117]

Enforced disappearances Most of the detention cases documented by Human Rights Watch in this report can be characterized as enforced disappearances. In international law this is when state agents or other persons acting with the support of the state detain someone and then refuse to acknowledge the detention or conceal the fate or whereabouts of the detained person.[118]

In most of the cases documented by Human Rights Watch, the detainees' families had no information about their fate or whereabouts for weeks or, in some cases, months following the arrest, despite their inquiries with various intelligence agencies. The authorities did not allow detainees to have any contact with the outside world and left their families wondering whether their detained relatives were alive or dead. Information was only forthcoming when surreptitious payments were made to senior ranking officials; a family member received an updated family booklet with the death of the detainee recorded; or the individual was released from detention.

Zubeida, a 20-year-old woman from Qalamoun, returned to Syria from Aarsal in Lebanon with her husband in July 2017 as part of an agreement brokered by the Lebanese Shi'ite group Hezbollah.[119] After two months in Syria, she traveled with her husband and child to visit her in-laws in an area called al-Jarjir in Damascus governorate:

On our way to the town there was a checkpoint controlled by the Fourth Division. They took my husband... He said to me, "Don't worry, I'll be back in a few days." ...The second day the army came to our house and asked, "Where is your husband?" I said, "You took him." They said, "No, we didn't." I explained about the checkpoint, but they kept asking about my husband. For months, we tried to find out about my husband. After nine months or maybe one year, we heard he was in Saydnaya prison, but we aren't sure.[120]

Halima from Homs told Human Rights Watch that her husband returned to Syria in February 2019 after he could not find sufficient work opportunities in Lebanon.[121] After returning to their mostly destroyed and looted home in Eastern Ghouta, Halima's husband disappeared after being stopped at a checkpoint he needed to pass into order to reach his house. In January 2020, Halima received an updated copy of her family booklet from the government which stated that her husband had died in Homs in June 2019.[122]

Widespread or systematic enforced disappearances, carried out as part of a state policy, constitute a crime against humanity.[123] Human Rights Watch has previously documented Syrian authorities' systematic use of enforced disappearances, which frequently result in torture, death, and the absence of any information about the victim.[124]

Detention with Ransom Demands Human Rights Watch documented three detentions, accompanied by ransom demands of returnees perpetrated by Syrian security forces or affiliated militias.

Tariq, a 36-year-old returnee from Nafaa town in Daraa, traveled back from Jordan in August 2020 and was arrested immediately after the initial border checkpoint at the Naseeb border crossing between Jordan and Syria at a joint Army and Air Force Intelligence checkpoint.[125] He was taken to an undisclosed location where members of what he believed was the Syrian Army or an affiliated militia demanded a ransom from his father:

I was stopped at an Army and Air Force [Intelligence] checkpoint and they asked me for 5,000 Syrian pounds. I gave them my money. They made the taxi I was in go ahead for two kilometers where we met a big car with a lot of military-looking people with guns. I didn't know if they were from the Army or militia, but they had a picture of Assad on the car and the [Syrian] flag. They stopped the car, and took my passport, money, and phone and told the taxi driver to go. They put me in their car...

I didn't realize it was a kidnapping until they started talking to my family... They asked my father for US\$30,000 and they gave him 10 days to get the money.... My father could only gather \$15,000... He said [to the kidnappers], "If you ask for more, I will tell the government." They laughed at this, and told my father, "We are the government, we are everything here." My father explained he had no more money and eventually they accepted [the \$15,000]. I didn't know where I was. It was 10 days, from August 13 to 23, 2020. The money was transferred to a bank account.[126]

Spotlight on Daraa Daraa occupies a special place in Syria's recent turbulent history as the site of the first – brutally suppressed – protests in March 2011 that ignited the uprising in the country. Daraa remained under opposition control until 2018, when the Syrian-Russian military alliance launched a devastating air bombardment campaign that displaced more than 270,000 civilians.[127] Unlike other areas retaken by the Syrian government, in these areas, there was a proliferation of Russian-mediated reconciliation agreements, and guaranteed deals between anti-government

commanders and the Syrian government. These deals allowed most anti-government fighters to remain with their light arms, provided a vetting process to clear people of charges by the intelligence branches, and deferred conscription for six months for those still required to serve in the military. In return, people who chose to remain had to sign a document indicating they would not be involved in anti-government activities.

Former residents and experts said the result of these deals was that Daraa governorate was divided up by various security forces, including the Army and the National Defense Forces, various intelligence branches, and a newly created Fifth Division which consists of former members of the Free Syrian Army.

Interviewees told Human Rights Watch that following the Russian-backed ceasefire agreement in 2018, and despite fighters with the opposition “settling their status” with the government or being allowed safe passage to Idlib as part of that agreement, targeting of opposition groups and individuals continued and a general destabilization remained. Interviewees from Daraa told Human Rights Watch that members of the Syrian security forces, pro-government militia, and opposition groups were involved in targeted killings and kidnappings, and that life in Daraa is characterized by an extreme sense of insecurity and fear, with restrictions on movements after sunset. Rashad, a 32-year-old man from Um al-Mayaden in Daraa, returned in February 2020 from Jordan as he wanted to see his family again:

The security situation is so bad. Every morning there is news of assassinations and kidnappings. We see corpses on the street, and no one knows who the family is to let them know their relative is dead. We stay in our houses in the evenings, we are all scared. There is no curfew, but we are scared to go outside. The checkpoint on the border of the town is for the Military Intelligence. [The officers] do security clearances if people want to leave and enter the area and they harass us. When people started to come back to the town—IDPs and refugees—the Military Intelligence officers at the checkpoint would take bribes to allow people to come into the town. The town is controlled by the regime. I can move relatively freely in and out of the town because I have this document that says I do not need to serve [in the military] whereas other people who need to serve must avoid the checkpoints.[128]

“We don’t know who carries out the assassinations, but we know they are with the regime,” said Adnan, a 59-year-old man from al-Mzairib in Daraa who left Jordan in January 2019. “They are targeting members of the Free [Syrian] Army. They come on motorbikes and do the assassinations with their face covered and then flee.”[129]

Hoda, a 50-year-old widow from Um al-Mayadin in Daraa, returned from Jordan to Syria with her son’s family in July 2020, as her son could no longer afford to support his family living in Jordan.[130] Her son had worked with the Free Syrian Army for two months in 2013 before he sought refuge with his mother in Jordan:

When we [Hoda and her son and his family] arrived in Daraa, our house was ruined. We stayed in my uncle’s house for around two-to-three months... In December 2020 it was very cold. My son was sitting in the front door with his cousins. I invited them inside to warm up. They joked and teased me. While I was making the tea, I heard the sound of a bullet. I went to see what happened. I found my son lying on the ground dead. His cousins said it was [members of the] Military Intelligence agency who had come and shot him. He was 30 when he was killed. I didn’t see anything, but after the funeral, our neighbor came to our house and told me it was Military Intelligence and it wasn’t just my son, but a lot of men with the Free [Syrian] Army were killed by the Military Intelligence. It was two men on a motorcycle that assassinated him. My neighbor and my son’s cousins told me this. They were wearing black masks. He was shot twice in the head, four times in his chest, and twice in his right knee. The men didn’t say anything while he was shot. They came quickly and escaped quickly.[131]

On June 24, 2020, the Syrian government and its Russian ally imposed a siege on the city of Daraa al-Balad, blocking the entry of food and other basic necessities and intermittently shutting off electricity and water. The government also cut off main roads connecting areas controlled by anti-government groups with the rest of Daraa governorate. The siege was lifted on September 9, 2021. The security situation in the governorate remains unstable. Reconciliation, Security Clearances, and “Wanted” Lists Returnees described a range of vetting processes they were required to undertake before and after their return to Syria, including “reconciling” with the government, checking their names against “wanted” lists, and being subjected to a security clearance. While seemingly separate processes, returnees told Human Rights Watch that it was not always clear that a distinction existed among them.

Despite most interviewees undertaking one or all of these processes, they still faced persecution and other human rights violations on their return to Syria.

Reconciliation: Those who wish to return to Syria, particularly those returning from opposition or former opposition areas, or who left the country without official documents or permission, must “settle their status” and sign a so-called “reconciliation” document, which, according to a report by the Syrian Association for Citizen’s Dignity, speaks of “addressing the situation of Syrians who left the country illegally, due to the current circumstances and...settling their military conscription and other security issues, regardless of the circumstances that compelled them to leave.”[132]

UNHCR has further explained that “settling one’s status” (taswiyat al-wada) involves a vetting process by the security agencies that reviews “the individuals’ previous opposition activities such as participation in anti-government protests, humanitarian activities, fighting with anti-government armed groups, or other activities considered by the government as ‘terrorism.’”[133] UNHCR adds that returnees seeking to settle their status are required to pledge to abstain from any opposition activities in the future.[134]

Suhail al-Ghazi, a Syrian researcher, told Human Rights Watch that while the reconciliation process was originally meant for those returning to retaken areas, the reality is that most returnees are forced to settle their status and provide personal information to the government:

If the person says, “I left illegally,” [the Syrian authorities] immediately say, “You need to settle your status and do the reconciliation.” If the person says, “I left legally with my passport,” they will mostly say, “You still have to settle your status and do a reconciliation.” It doesn’t matter anymore if you are going back to a retaken area or a reconciled area.[135]

All interviewees who returned from Jordan to Syria using the formal border crossings at Jaber/Naseeb had to settle their status through a reconciliation document – terms they used interchangeably – at the Syrian Embassy in Amman. Most male interviewees who returned through Jaber/Naseeb had to “reconcile” (settle their status) with the government both at the Syrian border checkpoint and at the embassy. Only one woman who crossed through these checkpoints was also asked to reconcile.

Security clearances and “wanted” lists: A security clearance is essentially a background check through which the Syrian authorities check a person’s name to see if they are considered a security threat or on any security agency’s “wanted” list. Individuals can also organize their own security check, by paying a middleman — essentially a broker — to check a name against a list. Suhail al-Ghazi, told Human Rights Watch:

The [person] will send a photo of their ID and the broker will check the name. It is a kind of security clearance process; this broker takes money for the service. The broker is doing work for the regime. And the broker then says, “You need to pay money to clear your name. I will be able to protect you. If [the authorities] do anything to you, I will get you out. But this does not guarantee an individual will not face a security interrogation.”[136]

“The security clearance is extra-legal, and most people just pay someone to check for their names on a list,” said Walid al-Nofal, an independent reporter. “There is no centralized database for ‘wanted’ lists; if you do one security clearance, it will not necessarily include all agencies. Some people did a clearance and then people make reports about them, and they get arrested.”[137]

A Syrian lawyer based in Daraa confirmed the extra-legal nature of both the security clearance and the reconciliation process, saying that they violate the Syrian Constitution. He attributed this to its political roots:

The reconciliation started as a treaty between the regime and the opposition inside Syria. It was backed by the Russians, but the Russians escaped from what they promised. The reconciliation is to stop the security agencies chasing people for what they did before 2018, but what happened is that the regime kept searching for people and investigating them. The Russians did not hold the regime accountable for the way in which it continued to pursue people who had “reconciled.”[138]

In July 2018, the head of Air Force Intelligence, Jamil Hassan, stated in a private meeting reported on by an opposition-affiliated news outlet that there were 3 million names on Syria’s wanted lists, representing 12.5 percent of the pre-war population.[139] In addition to those wanted for military conscription, wanted lists are said to include people believed to have been involved in opposition-related activities, which range from protesting to working in media or nongovernmental organizations (NGOs), and human rights activists and local administrative officials under opposition control.

Yasmina, a 40-year-old woman from Busra al-Harir in Daraa, told Human Rights Watch that she could only return to Syria with her children and without her husband because despite having completed his military service he had his name checked on the “wanted lists” and found out he is wanted by the Syrian military.[140]

Suhail al-Ghazi told Human Rights Watch that while there may be a centralized database of wanted lists, different intelligence branches maintain their own lists. “Since 2011 there are computers at checkpoints where [the checkpoint security officers] type in the name of the person and they arrest them if the name appears.”[141]

“Contrary to official statements welcoming refugees’ return,” UNHCR said in its March 2021 update, “government officials are reported to have made public threats against refugees, indicating that those perceived to have been disloyal to the government are not welcome.”[142]

All refugees returning from Jordan to Syria that Human Rights Watch interviewed said they had to undertake a security clearance at the Syrian embassy in Amman. One interviewee from Lebanon completed a “security clearance” organized through the General Security Organization (GSO)-facilitated returns process before returning. The rest of those interviewed from Lebanon used smuggling routes to return to Syria.

Interviewees told Human Rights Watch that before returning to Syria, they checked their names against wanted lists in their area of origin. Despite undertaking these myriad vetting processes, returnees faced violations and persecution on return to Syria.

Hassan, a 61-year-old man from Homs who is on dialysis for his kidneys, decided to return from Lebanon after his wife was refused residency through a sponsor. She left before him in May 2019 and checked his name against the wanted lists:

My wife went to Syria in May 2019 and she asked about me with the Syrian security agencies. And all of them said there is no record and that I could come back safely. In December 2019, I left [at the official Lebanese border crossing point, Masnaa] and arrived at the Syrian border entry point. Immediately, the Syrian border guards took me to a small room, and said I am wanted by the Palestine security branch.[143]

Hassan said the Syrian border guards took his ID, shoes, and money, left him in a one-by-one meter room without a chair for six hours, and told him he would be taken away to be tortured. “I told them I was sick... I requested a chair, but they refused. I fainted after six hours.” Hassan was eventually allowed to leave the Syrian border checkpoint after paying a bribe to the Syrian border guards and return to Lebanon. He now lives alone in Tripoli, without legal residency, while his wife and daughter live in Syria.[144]

There is no clear, legal procedure for Syrian refugees to check their “wanted” status inside Syria or to obtain a reliable security clearance through the authorities. The reconciliation process has snowballed from its original purpose of permitting opposition fighters to settle their status with the government to another bureaucratic and insidious process for the Syrian government to collect information on its citizens as a means of intimidation, repression of dissent, and control. Despite assurances to the contrary, none of these extra-legal processes protect a returnee from persecution.

Survival Inside Syria The foundation of international refugee law is the principle of nonrefoulement: that no person can be returned to a place where their life or freedom would be threatened on account of their beliefs or identity. International human rights law provides broader protections against forced return to places where returnees would face threats to life, freedom, or physical integrity. Human Rights Watch documented economic and humanitarian conditions, including widespread property destruction inside Syria, that in aggregate can threaten returnees’ rights to life, physical integrity, and dignity. In addition to protecting Syrians from being returned to face violence, torture, and persecution, Human Rights Watch calls on all countries hosting Syrians to halt all forced returns to Syria because of the inhuman and degrading conditions returnees also will likely face that can threaten their rights to life, freedom, and physical integrity.

Property destruction

In January 2021, the country director of the Danish Refugee Council, Victor Velasco, reflected on the scale of physical destruction in Syria, saying, “I have worked in the humanitarian sector in more than 20 countries, and I have never seen anything like this.”[145] The large-scale destruction is in large part the result of thousands of unlawful and indiscriminate strikes, including on civilian infrastructure protected under law, by Syrian government forces, with the support of their allies, Russia and Iran. Similarly, the US-led anti-ISIS global coalition has also conducted many strikes in northeast Syria, including indiscriminate and apparently unlawful attacks that killed civilians.

UNHCR stated in its March 2021 update that “the large-scale damage and destruction of cities, towns and neighborhoods in retaken areas, and lack of reconstruction, have been identified as a further obstacle to returns, with some areas remaining largely depopulated.”[146] Areas that were under opposition control have been specifically targeted for violations of land and property rights, according to a policy briefing by Pax for Peace in March 2020. That briefing cited expropriation of property through legal measures as being among the means the authorities use to violate housing, land, and property rights.[147]

In addition to the widespread destruction of homes and infrastructure, Human Rights Watch has previously documented that the Syrian government passed laws and policies to confiscate property without due process or compensation, further preventing refugees from returning. These include Law 10 of 2018, which ostensibly allows the government to seize property and develop it, and the Counterterrorism Law of 2012, which the government has used to punish entire families by arbitrarily placing them on a list of alleged terrorists and freezing their assets.[148] In January 2021, the Commission of Inquiry on the Syrian Arab Republic reported:

At least 40 laws relating to housing, land and property have been passed since 2011, indicating a systematic push to

reorganize the management of property rights in the Syrian Arab Republic, while raising concerns regarding the ability of all Syrians with property interests, in particular the displaced and refugee populations, to secure their rights.[149]

In the same report, the Commission noted that 11.5 million people had been displaced by the conflict and cited several sources on the extent of property damage:

In its most recent public update, in 2016, the United Nations Human Settlements Programme (UN-Habitat) placed the number of damaged housing units in Syrian cities at 760,000. In 2017, the World Bank estimated that 7 percent of the housing stock had been destroyed and 20 percent damaged, and, in a survey conducted in 2019 of conflict-induced damage covering 16 cities and towns, more than 125,000 damaged or destroyed buildings were identified.[150]

Out of the 65 returnees from Lebanon and Jordan interviewed by Human Rights Watch, 39 found their homes back in Syria partially or completely destroyed or looted, with household items from furniture to kitchen appliances, electric wires to plumbing pipes, stolen. Many could not afford the costs of renovation and were forced to live in relatives' homes while they tried to rebuild their properties. Most people interviewed by Human Rights Watch could not afford to renovate all their property and confined the works to one or two rooms and lived in these limited rebuilt spaces. All said that the Syrian government did not provide any support.

When Yasser traveled back to Homs in December 2019, he found his house completely destroyed:

I was terrified that first night. The house was ruined. We had no electricity and at night we heard people driving by and shooting in the air to terrify the people. There was hardly anyone in our town. Our house was totally destroyed. No rooms had survived. We stayed outside, there was nowhere for us to stay inside.[151]

When Yunis, a 30-year-old doctor, could not find a medical job in either Jordan or Lebanon, he returned to his hometown in Syria, Daraa al-Balad, to offer his services there. He was not prepared for the devastation upon his return:

I couldn't believe the area when I arrived. It was totally ruined. You couldn't live there. I entered an area called al-Wadi. The people were depressed and exhausted. I started crying. The media didn't portray it like this. When the taxi stopped in the road, I didn't know how to go to my house. I had to call my father to come and pick me up as I couldn't recognize the way even though I had lived there for 20 years.[152]

Qadir, a 57-year-old man from Busra al-Harir in Daraa, decided to return from Ramtha in Jordan to Syria because he could no longer afford the cost of living in Jordan. Before the war he had enjoyed a decent standard of living in Syria as a car salesman. When he returned, he could not live in either of the two houses he owned before the war:

Our two houses were destroyed and looted. The Air Force intelligence and the al-Nimr militia [Tiger Forces] stole everything from our houses. These were the forces that entered the area [in Daraa]. Even the doors and windows were taken. Now we live in a rented house. We do not feel secure.[153]

Halima's husband returned to Ghouta alone in February 2019. The authorities prevented him from reclaiming his house and forced him to make an application through an intelligence agency and back-pay all the utility bills. "He needed to back-pay all the bills of the house," she said, "even though we weren't there for years and it had been used by other people." [154]

Halima's husband was later arrested at a checkpoint and died in detention.

The "Pinheiro Principles," a widely agreed-upon set of United Nations' principles on housing and property restitution for refugees and displaced people, are premised on the idea that "people displaced by forces beyond their control should never face the prospect of losing their housing, land or property rights simply because they were violently forced to leave or otherwise fled an insecure situation in search of protection." [155] While non-binding, the Pinheiro Principles underpin the right to housing and property restitution as "a core remedy to displacement." They encompass additional protections that apply in this situation, including protection from discrimination toward returnees and a requirement that legislation covering housing, land, and restitution is not discriminatory and is transparent and consistent. The Pinheiro Principles also ensure the equal right of men and women, and the equal right of boys and girls, to housing. If a refugee or displaced person is unlawfully or arbitrarily denied their property, the Pinheiro Principles hold they are entitled to submit a claim for restitution from an independent and impartial body.

Principle 12 of the Pinheiro Principles states that "states should establish and support equitable, timely, independent, transparent and non-discriminatory procedures, institutions and mechanisms to assess and enforce housing, land and property restitution claims," and:

Where there has been a general breakdown in the rule of law, or where States are unable to implement the procedures,

institutions and mechanisms necessary to facilitate the housing, land and property restitution process in a just and timely manner, States should request the technical assistance and cooperation of relevant international agencies in order to establish provisional regimes for providing refugees and displaced persons with the procedures, institutions and mechanisms necessary to ensure effective restitution remedies.[156]

In line with the Pinheiro Principles and international human rights law, the Syrian government should set up a land and property restitution mechanism that provides for full and fair restitution of property or compensation for all residents impacted by land and property issues. The land and property restitution mechanism should be objective, clear, accessible, and transparent and not discriminate on the basis a person's displacement either as a refugee or internally, or according to their age, socio-economic status, gender, disability, political views, nationality, or religion. The right to housing and property restitution should not be made conditional on the physical return of someone who has been displaced from their home or place of habitual residence.

Economic devastation According to a March 2021 Norwegian Refugee Council (NRC) report, nearly 20 percent of recently displaced Syrian IDPs cited economic deterioration as a significant push factor in their displacement. NRC noted that 32 percent of those who were displaced in January 2021 said it was due to lack of access to basic services and 28 percent said it was due to economic deterioration.[157]

As of February 2021, at least 12.4 million Syrians, out of an estimated population of around 16 million, were food insecure, according to the World Food Programme (WFP), an alarming increase of 3.1 million in one year.[158] The UN Food and Agriculture Organization (FAO) and WFP estimate that 46 percent of Syrian households have cut down on their daily food rations, and 38 percent of adults have reduced their consumption to ensure that children have enough to eat.[159] WFP reported in October 2020 that "internally displaced people and returnees...reported worse food security levels than less vulnerable groups in Syria." [160]

In March 2021, Human Rights Watch reported that a deepening economic crisis, coupled with the significant destruction of infrastructure over a decade of conflict had led to severe wheat shortages.[161] The Syrian government's failure to fairly and adequately address a bread crisis brought on by a decade of armed conflict is forcing millions of Syrians to go hungry.

Many of those interviewed for this report faced devastating economic circumstances on their return to Syria and struggled to meet their most basic needs and access services. Karida, a 32-year-old woman from western Ghouta who returned from Lebanon to Syria at the end of 2019 with her family, told Human Rights Watch that her family could not pay for rent or for utilities to heat her house, and reached the point where they could no longer afford bread:

We were eventually evicted because we couldn't pay the rent. We moved into my grandmother's house, but still we couldn't survive. We had no food and could not afford transport. Everything closed at 4 p.m. I was scared to go out after that. There was no electricity. We couldn't find bread to eat. There were queues for bread... It was 1,000 Syrian pounds (US\$1.58[162]), which is more than my husband gets in a day for work. I asked my husband to look to rent a house outside Daraya, but the rent was too high (about 150,000 Syrian pounds or US\$237)... I was saying to my husband, "Why did you bring us here, there is nothing here."... There was nothing for the children, no support, and no education.[163]

Karida eventually returned to Lebanon with her children in 2020 as she could not afford to re-establish a life of dignity in Syria and wanted to ensure an education for her children.

Sahar, a 47-year-old woman from Tariq al-Sad in Daraa, said she returned from Jordan to her home in Syria with her husband to be next to her son's grave. But she said that upon her return to her home in Tariq al-sad, an opposition area, "I couldn't recognize the area, I couldn't renovate my house because it was totally destroyed." She moved into her brother's house but has not been able to make ends meet:

Our lives are like death, although death might be better. There is no fuel, no electricity, no essential things for livelihood, we don't get anything without suffering. The most heartbreaking thing I witness are mothers who can't find milk for their children, and they can't breastfeed because they are not well-nourished.[164]

Sahar said that people are living in makeshift tents stretched across their ruined houses and use scraps of plastic and wood to heat their tents. She said that breathing toxic smoke makes the children sick. "When the kids suffocate from the smell of the fire," she said, "there are no hospitals in the area." She said the only hospitals are in government-controlled areas.[165]

Human Rights Watch interviewed Maysa, a 76-year-old woman from Damascus Countryside, together with her daughter Safa. Maysa returned to Syria from Lebanon in 2018, and explained how terrible the situation was on their return:

[Maysa]: We went back to our home village [in Damascus Countryside]. The situation was terrifying. It was completely ruined. There was no electricity. The transport was like 70 years ago... The houses were ruined. People were trying to renovate their homes... We didn't have real windows and doors. It was so cold. People were freezing in their homes. There

was no electricity; it came for one hour and then cut off for six.

[Safa]: My mother is very old. My brother has a psychosocial disability, he couldn't work. I couldn't make bread at home. The bread was so expensive. The [cooking] gas came every four months... We were getting food baskets of oil, rice, spaghetti, butter, bulgar, seeds, salt, and sugar once every three months. It was not sufficient. It was enough for one month. We don't know the name of the organization that was giving the basket.[166] Maysa and Safa returned to Lebanon at the end of 2020 because they could not afford the cost of living inside Syria.

Rasha, a 57-year-old woman also from Damascus Countryside, returned to her hometown in 2018, as she had heard that the situation had improved inside Syria, and she was struggling to survive in Lebanon. She found a far worse situation upon her return:

We had heard the situation [in Damascus Countryside] was better, but the situation was terrible. It was hard because we stayed at my son-in-law's house in Deir ez-Zour and felt we were a heavy burden. We couldn't stay at our house because it was ruined. There were a lot of walls broken. We tried to renovate the house, but we couldn't. There was no electricity. We were boiling water to drink. There were no shops. No pharmacies. No bakeries. The bread was bad. Even if we found dough, it was bad and at a very high price. My husband and daughter had to go to Damascus to get medicine for my sons. They had to wait for hours in the day for the buses. It was impossible to find work in Damascus because there was no transport to go there, just one bus.[167]

Bribery and Extortion Members of the Syrian security agencies in government-controlled areas demand bribes in exchange for safe passage through government-controlled checkpoints. A February 2020 International Crisis Group (ICG) report noted that "militia fighters manning checkpoints positioned on strategic roads levy illegal fees on travelers and transporters of goods, and exact bribes from young men on the threat of conscription or arrest." [168] Interviewees told Human Rights Watch they paid bribes ranging from 500 to 10,000 Syrian pounds (at US \$0.40 to US \$7.96 at the official exchange rate and US \$0.14 to \$2.90 at the unofficial exchange rate) with the average being approximately 5,000 Syrian pounds (at US \$3.98 at the official exchange rate and US \$1.44 at the unofficial exchange rate).[169] Interviewees told Human Rights Watch that they were often asked to pay a "sweetener" to pass through the checkpoint with relative ease.

Dawud, a 49-year-old man from Damascus, returned to Syria to try to rebuild a life for himself and to prepare for the return of his family, who waited in Lebanon while he returned in September 2019.

When I had to pass through checkpoints, they [the security officers at the checkpoint] would ask for bribes to pass, for example, between 1,000 and 2,000 Syrian pounds, which doesn't seem much, but I had to pass through so many. There are a lot of checkpoints... The difficulty was that I didn't work in the same place and I had to go many different places. I had to pay the checkpoints all the time... Sometimes they let people go at the checkpoint but sometimes they arrest people and take them away and no one knows where they are.[170]

Human Rights Watch found that bribes were commonly levied at checkpoints on the road from the Jordan-Syria border crossing to Daraa. There are approximately five checkpoints controlled by various security agencies on this road. Refugees returning from Lebanon avoided these checkpoints by paying smugglers to circumvent them.

Jawad, a 49-year-old man from Tel Shihab in Daraa, returned with his family to Daraa from Irbid in Jordan in August 2020. His children worked to help support the family in Jordan and he wanted to send them back to school in Syria. He had heard the situation had calmed and that there were no more live clashes:

Our way back to Daraa was not straightforward. Every checkpoint [from Nasib checkpoint to Daraa] wanted money from us, between 500 and 10,000 Syrian pounds. The checkpoints belonged to the Military Security, Air Force Security, Political Security, and the Fourth Division. We were insulted with [security agency officers] saying that the country is only for people who love Assad. We were cursed. They said, "If you don't pay, we will harm you and your family." One military man put his hand in my pocket and took all my money. The most savage checkpoint was the Fourth Division. They forced us to give the most money. The military man who took money from my pocket was from the Fourth Division.[171]

In addition to the unofficial and illegal bribes extorted at checkpoints, the Syrian government insists that each Syrian national entering Syria must exchange US\$100 for Syrian pounds at the official rate.[172] The policy was put in place in July 2020, ostensibly to help the government replenish its foreign currency reserves amid an unprecedented economic crisis.[173] But in reality, it has only added another obstacle to prevent Syrians from returning.[174]

The policy was partially overturned in early April 2021 to exempt displaced people.[175] Human Rights Watch also documented instances where returnees were forced to hand over US\$100 per individual when they crossed the Nasib border crossing and did not receive the equivalent in Syrian pounds back. Rashad, a 41-year-old man from Tafas in Daraa who returned to Syria from Amman in Jordan with his wife and three children in September 2020, said that Syrian border

guards demanded US\$500 from him at the Nasib crossing. “This was not to exchange [for Syrian pounds] but just for them, but I didn’t mind as long as they let me enter Syria.”[176]

Payment for Information about Missing Loved Ones Interviewees consistently told Human Rights Watch that they had to pay vast sums of money to government officials, including judges and high-ranking security officers, to obtain information about family members in detention. In April 2021, Syria Untold, an independent digital media outlet, investigated the practice of extorting the families of detainees arrested and detained by members of the security services and its forces:

After the arrest and the family’s realization their relative is not coming home, they have two options. The first is to pay members of the security services, whether directly or indirectly, in order to get information about their relative or relatives. The second is to wait for another detainee to get out of prison, so that they might tell the family the whereabouts and condition of their loved ones.[177]

A Syrian lawyer confirmed this practice: “Most of the people are paying all they have to get information. The information people get from the [Syrian] sergeants are for sure not accurate. For example, people are told their family member is dead and then they find out this is not the case; and the reverse also happens.”[178]

Salam told Human Rights Watch that he paid senior members of various security agencies to find out information about his brother Karim. His father sold his farmlands so the family could afford the demands for payment in exchange for information:

We would meet [the senior Syrian security officers] in public places and we would pay money. Always in dollars. We sold two of our farmlands to pay. One time they asked us for US\$2,000, but then [the senior security officer] stopped giving us information and said, “Stop talking to me or we will put you in jail with your son.” Finally, an official told us our brother was in the Palestine Branch [Branch 235]. He wanted \$8,000 and he would tell us if [my brother] was alive or not. My father sold another farm, for \$8,000 and paid this man and after one week the man came and handed over my brother’s ID, watch, and ring to the family and told us Karim was dead.[179]

Yasser’s mother paid tens of thousands of dollars to senior security officials and members of the legal profession to try to secure her son’s release from detention. “The total amount [my mother paid] is US\$70,000,” Yasser said. “She paid so many people, security agencies, the lawyers. My mother felt like she ‘re-bought’ her son.” Yasser said he appeared before the Counter-Terrorism Court in Damascus and his mother handed her lawyer \$45,000 after he told her the judges had demanded this sum. A Syrian lawyer told Human Rights Watch that the Counter-Terrorism Court created in 2012 is notorious for accepting and demanding payments of money to secure the release of a detainee.[180]

“No Refugee Should Go Back” Human Rights Watch asked all interviewees how they felt about their decision to leave Lebanon and Jordan and what they would say to refugees contemplating a return to Syria. Several of their responses are recorded below.

Halim, 38-year-old man from Qunaitra who went back to Syria in the autumn of 2018:

No refugee should go back to Syria. The situation is so bad. You do a reconciliation but [the Syrian government] aren’t committed to it. If [the Syrian security forces] want somebody, they will arrest them. Or kill them. No one will be safe in Syria until they stop the security agencies from terrorizing people.[181] Halima, 45-year-old woman from Homs whose husband went back to Syria in February 2019:

I never ever want to go back to Syria. Even if I had to live in a tent on the road here [in Lebanon]. It is so dangerous inside Syria. I have neighbors and friends who talk about the situation there. There is no means for people to live, no security, no safety. The safety situation is the most important. I have kids. I wouldn’t ever put them in danger and send them back. [182]

Amina, a 31-year-old woman from Qalamoun who went back to Syria at the beginning of 2018:

I get this question about going back [to Syria] from people who are thinking to go back. I tell them of my experience and what I saw. I would tell them it is impossible. If you ever say anything bad about Assad, the security knows. Before I used to say things against Assad, but now I don’t. Somehow, they find out, they know.[183] Abdul, 39, from Khaal in Daraa who returned to Syria in September 2020:

In the first month [after being tortured in detention] I couldn’t walk properly. The bones are still broken but the doctor is helping me... I can’t work and can’t go out alone... I will never leave my town now. I am scared of anything with a green color because it looks like the military uniforms [Military Intelligence officers] wore when they arrested and tortured me. I was in detention for six months. The terrorism I experienced in the jail is still with me now. I agreed to do this [interview] because I want people to know what happened to me when I returned to Syria.[184] Recommendations

To the Government of Syria Ensure that no refugees are targeted for their perceived or actual previous affiliation with opposition forces, or for having left the country during the conflict.

Set up a fair mechanism that provides full restitution or compensation for losses or damage of housing, property, and land because of the conflict.

Allow regular and unimpeded access for the UNHCR and other humanitarian agencies to all areas of Syria.

Stop immediately all arbitrary and unlawful security vetting procedures on refugees returning to Syria.

Appropriately discipline all members of the security forces who extort bribes at checkpoints; conduct random checks to ensure the practice of demanding bribes at checkpoints is abolished.

Immediately halt the practice of enforced disappearance, arbitrary arrest and detention, particularly at checkpoints, and the use of torture.

Release all arbitrarily detained persons, including persons detained solely for their political beliefs, and publish lists of all individuals currently in formal and informal Syrian detention centers.

Provide immediate and unhindered access for recognized international monitors of detention conditions to all detention facilities, official and unofficial, without prior notification.

Provide detainees with adequate and accessible food, water, sanitation, hygiene, and healthcare, in accordance with the United Nations Standard Minimum Rules on the Treatment of Prisoners.

Suspend members of the security forces against whom there are credible allegations of human rights abuses, pending investigations.

Publish lists of all detainees who died in Syrian government detention facilities and prisons, including in security branches operated by Syrian intelligence agencies and issue death certificates for all detainees known to have died in custody.

To the Jordanian Ministry of Interior Respect the principle of nonrefoulement and abolish the practice of arbitrary or de facto re-entry restrictions for Syrian refugees who first entered Jordan irregularly.

Ensure that Jordanian officials and/or UNHCR fully and accurately inform any Syrian seeking voluntary repatriation about conditions in areas of return. Information provided should include levels of violence and respect for human rights, economic conditions, and access to humanitarian and reconstruction and reintegration goods and services. Jordanian officials should clarify where international humanitarian agencies are unable to facilitate reintegration or to provide a full understanding of conditions in the specific areas of return to which the refugee is intending to return.

Expand the range of sectors in which non-Jordanians can work in Jordan.

Do not participate in, contribute to, or initiate any activity designed to push for early returns to Syria in the absence of consultation with the Syrian refugee community and independent and concrete guarantees of safe, informed, and dignified returns inside Syria.

Ratify the 1951 Refugee Convention and its 1967 Protocol.

To the Lebanese Government and related Ministries Rescind the May 2019 Higher Defense Council's decision regarding the deportation of Syrian refugees who enter the country unofficially, and respect the principle of nonrefoulement. This includes not deporting individual Syrian refugees without giving them a meaningful opportunity to challenge the evidence against them and argue their case for protection, including by giving them the opportunity to obtain legal representation.

Place a moratorium on all GSO-facilitated returns in view of the problematic nature of the so-called "security clearance" procedure.

Ensure that Lebanese officials accurately inform any Syrian seeking voluntary repatriation about conditions in areas of return and refer individuals to UNHCR. Information provided should include levels of violence and respect for human rights, economic conditions, and access to humanitarian and reconstruction and reintegration goods and services. Lebanese officials should clarify where international humanitarian agencies are unable to facilitate reintegration or to provide a full understanding of conditions in the specific areas of return to which the refugee is intending to return.

Allow UNHCR to resume registering Syrian refugees to better manage their needs in Lebanon, as well as to prepare for

safe and dignified return to Syria when conditions are conducive for return.

Extend a fee waiver for all Syrian refugees that have accrued overstay and residency renewal fees.

Allow Syrians who do not currently have legal residency to regularize their status.

End the practice of detaining refugees merely because their residency documents have expired or because they don't have legal status.

Expand the range of sectors in which Syrian refugees are permitted to work.

Do not participate in, contribute to, or initiate any activity designed to push for early returns to Syria in the absence of consultation with the Syrian refugee community and independent and concrete guarantees of safe, informed, and dignified returns inside Syria. Ratify the 1951 Refugee Convention and its 1967 Protocol.

To the United Nations High Commissioner for Refugees (UNHCR) Continue not to promote or facilitate voluntary repatriation of Syrian refugees from Jordan, Lebanon, and other host countries so long as conditions for safe and dignified return are not in place and sustainable.

Provide Syrians inquiring about voluntary repatriation with up-to-date and accurate information related to the specific areas to which the person seeks to return. Clarify where UNHCR does not have sufficient information to make an adequate determination regarding conditions in a specific area of return. Monitor and report on conditions faced by Syrian voluntary returnees and deportees from Jordan and Lebanon. Indicate publicly where UNHCR is unable to monitor conditions faced by voluntary returnees, and the reasons behind these difficulties. Ensure that there is an independent protection and monitoring mechanism in Syria through which humanitarian organizations are able to monitor and report on human rights violations that returnees face.

Continue to request full and unfettered access to monitor returnee conditions and be transparent about the challenges in achieving such access. Redouble efforts to impress upon donor and resettlement governments the protection imperative of providing adequate humanitarian assistance and resettlement places for Syrian refugees in Lebanon and Jordan.

Continue to use the UNHCR 2018 Protection Thresholds and Parameters for Refugee Return to Syria as a baseline to assess conditions for return to Syria.

Ensure Syrian refugees in Lebanon and Jordan have access to adequate and affordable medical treatment for chronic health conditions so that older refugees are not forced to return to Syria because of unmet health needs.

To Donor Governments Ensure that any funds provided for programs aimed at rebuilding and rehabilitating areas retaken by the government meet certain standards, including that their funds do not contribute to the abuse of rights of Syrians, that funds do not go to entities or actors responsible for human rights violations and violations of international humanitarian law, and that their funding is based on independent and full needs assessments, that beneficiary lists remain confidential, and that donors and their implementing partners have full, unimpeded, and regular access to all areas. Ensure that humanitarian programming in both Syria and host countries does not pre-emptively focus on returns preparedness when conditions for voluntary, safe, and dignified returns are not met, apart from improving protection and legal programming designed to inform Syrian refugees of conditions inside Syria and respond to civil documentation needs.

Provide generous financial and other support to Jordan and Lebanon to enable them to provide safe and decent asylum space for Syrian refugees and asylum seekers.

Fully fund UN humanitarian appeals to help meet the needs of all Syrian refugees in Lebanon and Jordan regardless of their legal residency status in the country.

Fully fund UN humanitarian responses to meet the health needs of all Syrian refugees in Lebanon and Jordan, including those with chronic health conditions and including psychosocial – mental health – services.

Recognizing that crises and conflicts have gendered and disproportionate impacts on refugee women and girls, ensure that humanitarian responses for these groups are designed consultatively and through evidence-based assessments.

Press the governments of Lebanon and Jordan to push both countries to adopt measures that respect refugee rights and abide by the principle of nonrefoulement and abolish all practices designed to deregister refugees or coerce them to return to Syria.

To All Syrian Refugee Host Countries Institute an immediate moratorium on all forced returns to Syria and repeal any

legislation that facilitates the summary deportation of Syrian refugees, including Palestinian refugees from Syria, consistent with UNHCR's position that Syria is not safe to return to and that cessation of active conflict in parts of Syria cannot be used as a reason to remove protection status from Syrian refugees.

Do not engage or otherwise legitimize Syria's problematic and unlawful security vetting processes for returnees.

Continue to generously provide protection space for Syrian refugees and, where possible, provide pathways to permanent residence for those with no prospects to repatriate. Ensure pathways to legal residency for Syrian refugees are available and accessible and fee waivers are implemented.

Denmark should repeal its decision to remove temporary protection for Syrian refugees from Damascus and Damascus Countryside and European Member States or its immigration bodies should not introduce any similar legislation or decisions.

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Yemen

'A major setback': UN ends Yemen war crimes probe (Al Jazeera)

October 7, 2021

Rights groups criticise the move with Dutch ambassador Peter Bekker saying the Council 'has failed the people of Yemen'.

The UN Human Rights Council voted to end the mandate of experts investigating war crimes in Yemen in a blow to Western nations who wanted the probe to continue.

The 47-member council voted against renewing the mandate of the Group of Eminent International and Regional Experts on Yemen (GEE) on Thursday, which in August 2018 reported evidence of possible war crimes committed by all sides, including a military coalition led by Saudi Arabia.

Saudi Arabia has been in the past accused of attempting to shut down the investigation, with Human Rights Watch in September 2018 saying Riyadh was making a "blatant attempt to avoid scrutiny" of its conduct in Yemen.

The Human Rights Council in 2017 agreed to send a group of "eminent experts" to Yemen to investigate abuse nearly two years after the Saudi-led coalition launched a devastating military offensive in support of internationally recognised President Abd-Rabbu Mansour Hadi, who was toppled by the Houthi rebels.

The Saudi-led coalition has been accused of bombing schools, hospitals and other civilian targets while the Houthi rebels, who control much of northern Yemen, were also accused of major violations.

Catherine Shakdam, former Security Council consultant on Yemen, told Al Jazeera that the vote was not a surprise.

However, she added, "A lot of people will be disappointed because it is a failure on the part of the UN, but from a political perspective ... finding a real solution to the ongoing crisis in Yemen, pointing fingers may not be the right way to reaching a peaceful resolution to the conflict."

First draft resolution rejected

This is the first time the United Nations' top rights body has ever rejected a draft resolution since its foundation in 2006, a spokesman for the council told AFP.

The draft resolution seeking to extend the GEE's mandate for a further two years was brought forward by several European nations and Canada.

Some 21 countries voted against the draft resolution, 18 voted in favour, seven abstained and Ukraine did not register a vote at all.

Those voting in favour included Argentina, Brazil, the United Kingdom, France, Germany, Italy, Mexico and South Korea.

The countries voting against included Bangladesh, China, Cuba, India, Indonesia, Libya, Pakistan, the Philippines and Russia.

Japan was among the abstentions.

Saudi lobby

The Cairo Institute for Human Rights Studies (CIHRS) said the vote amounted to “a blatant attempt by Saudi and its allies to ensure blanket impunity for themselves after having been linked to war crimes and other grave violations of international law in the country”.

Rights activists said this week that Saudi Arabia lobbied heavily against the Western resolution.

The kingdom is not a voting member of the UN Human Rights Council and its delegation did not respond to Reuters’ requests for comment.

During the debate, Bahraini ambassador Yusuf Abdulkarim Bucheeri said that the international group of investigators had “contributed to misinformation on the ground” in Yemen.

‘Grave failure’

Yemen’s grinding conflict has killed tens of thousands and displaced millions, resulting in what the UN calls the world’s worst humanitarian crisis.

About 80 percent of Yemen’s 30 million people are dependent on aid.

The conflict erupted in 2014 when Houthi rebels seized the capital Sanaa, prompting a Saudi-led military coalition to intervene the following year in support of the government.

Jeremie Smith, director of the CIHRS Geneva office, said: “Today’s vote represents a grave failure – one that will inevitably lead to more violence and suffering in Yemen.

“States who voted against the renewal or abstained have chosen to appease Saudi Arabia instead of protecting the lives of millions.”

Dutch ambassador Peter Bekker said the vote was a major setback. “I cannot help but feel that this Council has failed the people of Yemen,” he told delegates.

“With this vote, the Council has effectively ended its reporting mandate, it has cut this lifeline of the Yemeni people to the international community.”

Speaking earlier before the council, UN human rights chief Michelle Bachelet said there was no peace in sight in Yemen.

“Parties to the conflict have continued to act with little regard to their obligations under international human rights and humanitarian law,” she said.

“Numerous attacks targeting or disproportionately impacting civilians or civilian objects during the past year may amount to war crimes.

“Parties to the conflict also continue to commit extrajudicial killings, enforced disappearances, arbitrary detentions, torture, child recruitment and forced displacement, among other violations and abuses of international human rights and humanitarian law.”

She said urgent funding was needed to avert large-scale famine in the impoverished country.

Six killed in Aden car bombing targeting officials, minister says (Reuters) By Reyam Mokhashef
October 10, 2021

A car bomb targeting the governor's convoy shook Yemen's southern port city of Aden on Sunday killing at least six people and wounding seven, the information minister said on Twitter.

Governor Ahmed Lamlas and agriculture minister Salem al-Suqatri, both members of a southern separatist group,

survived a "terrorist assassination attempt", the state news agency said.

Killed in the attack were the governor's press secretary and his photographer, the head of his security detail and a fourth companion as well as a civilian bystander, a local government source said.

A body covered with a blanket lay on the street next to a charred vehicle in al-Tawahi district, which houses the headquarters of the separatist Southern Transitional Council (STC). Firefighters and police were deployed to the area.

Lamlas is secretary general of the STC, which has vied with the Saudi-backed government for control of Aden and Yemen's wider south. STC has also seen infighting among its ranks. read more There was no immediate claim of responsibility. STC spokesman Ali Al-Kathiri blamed Islamist militant groups.

Information Minister Moammar Al-Eryani said the attack sought to destabilise government-held areas and stressed the need to fully implement a Saudi-brokered pact aimed at ending a power struggle in the south.

The government and the STC are nominal allies under a coalition led by Saudi Arabia which has been battling the Iran-aligned Houthi movement.

Tensions have simmered following a deal which saw a new cabinet formed including STC members. A planned redeployment of troops from both sides outside Aden has yet to materialise.

Instability in the south complicates United Nations-led peace efforts to end the war in Yemen which has killed tens of thousands of people and left 80% of the population needing help.

The coalition intervened in Yemen in March 2015 after the Houthis ousted the government from the capital Sanaa, forcing it to rebase in the south. The Houthis hold most of the north.

Officials in Yemen: Houthi blockade restricts aid, movement (Associated Press) By Ahmed Al-Haj and Samy Magdy
October 17, 2021

Yemen's rebels continued their weekslong blockade of a district in the central province of Marib, cutting off humanitarian aid and halting movement of its 37,000 people, officials and U.N. aid workers said Sunday.

The Iran-backed Houthi rebels have advanced in the district of Abdiya south of the city of Marib in recent weeks, forcing troops of the internationally recognized government to retreat, military officials from both sides said.

The Houthis "are committing genocide" in Abdiya, preventing food, medicine and other basic needs from reaching the district, said Marib provincial Gov. Sheikh Sultan al-Aradah.

The attack on Abdiya is part of the Houthis' offensive to capture the government-held city of Marib, which the rebels have been trying to seize for years. They intensified their offensive in February, apparently emboldened by a decision by President Joe Biden's administration to end U.S. support to the Saudi-led coalition. However, they've faced stiff resistance from government and tribal forces aided by the coalition.

Yemen has been engulfed in a civil war since 2014, when the Houthis captured the capital, Sanaa, and forced President Abed Rabbo Mansour Hadi and his internationally recognized government to flee to the south, and then later to Saudi Arabia. A Saudi-led coalition entered the war the next year to try restore the government to power. The war has deteriorated largely into a stalemate and spawned the world's worst humanitarian crisis.

Thousands of fighters, mostly Houthis, have been killed in clashes and airstrikes around the city of Marib. The Houthis usually attack with waves of fighters charging government lines, thereby becoming easy targets in the open desert for coalition warplanes.

Children recruited by the Houthis are among those killed in the fighting. Placards with photos of child soldiers are commonplace on the streets in rebel-held areas including the capital, Sanaa.

Dozens of civilians, including women and children as young as two years old, have also been killed in Houthi attacks on Marib city. using ballistic missiles and explosive-laden drones.

The rebels want to wrestle the energy-rich Marib from the government to complete their control of Yemen's north, a move that would strengthen their position in any future negotiations to end the devastating conflict. They have so far defied repeated international calls for a nationwide cease-fire and engagement in negotiations to settle the conflict. Two U.N. aid

workers said the Houthis have blocked humanitarian aid to the district and restricted people's movement there for around three weeks. They said several thousand people have been displaced amid indiscriminate shelling and missile attacks on residential buildings and infrastructure in Abdiya.

The blockade also prevented the transfer of wounded and other patients out of the district, the workers said, speaking on condition of anonymity because they weren't authorized to brief media.

On Friday, a ballistic missile hit the Ali Abdel-Mughni Hospital, the main health facility in Abdiya that provides urgent medical care to the district's people, said the Doctors Without Borders humanitarian organization.

The rebels entered the district's center but fierce fighting has remained in several areas amid heavy coalition airstrikes, said military officials from both sides, who spoke on condition of anonymity because they were not authorized to brief media.

The Saudi-led coalition said it launched dozens of airstrikes on the Houthis to stop their advances in the district.

In a phone call Saturday with Tim Lenderking, the U.S. special envoy for Yemen, al-Aradah called for the international community to make "bold decisions to designate this militia as a terrorist group and prosecute its leaders as war criminals."

Mohammed Abdel-Salam, the rebels' chief negotiator and spokesman, claimed the rebels were battling militants linked to al-Qaida and the Islamic State group. He also claimed that humanitarian corridors were available in Abdiya "but the U.N. is not serious in finding humanitarian solutions."

Abdel-Salam didn't offer evidence supporting his claim and didn't respond to phone calls seeking comment.

U.S. State Department spokesman Ned Price on Saturday condemned the Houthis' escalation in Marib, which he said "demonstrates a flagrant disregard for the safety of civilians."

10,000 children killed or wounded in Yemen's war: UNICEF (Al Jazeera)

October 19, 2021

At least 10,000 children have been killed or injured in Yemen in violence linked to years of war in the impoverished country, the United Nations children's agency said on Tuesday.

"The Yemen conflict has just hit another shameful milestone: 10,000 children have been killed or maimed since fighting started in March 2015. That's the equivalent of four children every day," UNICEF spokesman James Elder told a UN briefing in Geneva, where he urged an end to the fighting.

The figure only included child victims whose fates were known to the organisation and there were countless others, Elder said.

He added the verified tally collected by the UN provided what is surely an undercount of the real toll because many more child deaths and injuries go unrecorded.

"UNICEF urgently needs more than \$235m to continue its life-saving work in Yemen till mid-2022," Elder said.

"Otherwise, the agency will be forced to scale down or stop its vital assistance for vulnerable children. Funding is critical. We can draw a clear line between donor support and lives saved. But even with increased support, the war must come to an end."

The UN has long considered Yemen as home to the world's worst humanitarian crisis.

The country on the Arabian Peninsula faces the combined troubles of protracted conflict, economic devastation, and crumbling social and health services, as well as underfunded UN assistance programmes.

Funding needed

The UNICEF spokesman warned at current funding levels, and without an end to fighting, UNICEF could not reach all the children in the country.

"There is no other way to say this, without more international support, more children – those who bear no responsibility for this crisis – will die," he said.

“Four out of every five children need humanitarian assistance. That’s more than 11 million children.”

The Yemeni civil war began in 2014 when Iran-backed Houthi rebels seized the capital Sanaa, prompting Saudi-led forces to intervene to prop up the government the following year.

Tens of thousands of people have died and millions more have been displaced.

In addition, “400,000 children suffer from severe acute malnutrition. More than two million children are out-of-school. Another four million are at risk of dropping out,” said Elder.

Lawyers to submit Yemen war crimes dossier to UK police (The Guardian)

October 20, 2021

Key figures in Saudi Arabia and UAE accused of crimes against humanity include investors in Britain

A group of human rights lawyers will on Wednesday file a legal complaint in the UK accusing key figures in Saudi Arabia and the United Arab Emirates of being involved in war crimes relating to the war in Yemen.

They plan to submit a dossier to British police and prosecutors alleging that about 20 members of the political and military elite of the two Gulf nations are guilty of crimes against humanity, and call for their immediate arrest should they enter the UK.

The full list of those accused was not released by the group of lawyers, Guernica 37, but it is understood they include Saudi Crown Prince Mohammed bin Salman and his Emirati equivalent Mohammed bin Zayed.

Both are considered close political allies of the UK and important investors in the country, with the UAE ruling family owning Manchester City. Earlier this month, Saudi Arabia’s Public Investment Fund (PIF) took control of Premier League rivals Newcastle United in a £305m deal.

Toby Cadman, the barrister leading the complaint, said he hoped the Met police’s war crimes unit would ignore any political pressures from the British government and evaluate the issues fairly. “We are talking about the most heinous crimes and we don’t believe there is any immunity from them.”

A previous human rights complaint from Guernica 37, which was made against Asma al-Assad, the British wife of the Syrian president, is already being examined by British police. Officers are deciding whether to bring terrorism charges and to remove her British citizenship, following allegations relating to Syria’s civil war.

The lawyers have spent nearly a year bringing the fresh case against the Saudi and Emirati leaderships, and will submit a 200-page dossier to the Met and the Crown Prosecution Service, including evidence from the families of civilians killed by airstrikes from the Saudi-led coalition in Yemen.

It will focus on three controversial events, including an airstrike by coalition jets on a school bus in northern Yemen in August 2018, which killed at least 26 children and wounded at least 19 more.

The second incident was the bombing of a funeral in the capital, Sana’a, in October 2016, which is believed to have killed at least 140 people and wounded a further 600. At the time the Saudi-led coalition acknowledged responsibility for the attack.

Finally, evidence will be submitted relating to the alleged torture and murder of civilians in Aden, in southern Yemen, by Colombian mercenaries under the command of a US private military company contracted to the United Arab Emirates.

Cadman said his firm was relying on the principle of universal jurisdiction under UK law, which applies to crimes such as war crimes and torture. “Under UK law there is no requirement for the crimes to be committed on UK territory or there to be UK victims or UK defendants,” he added.

Neither Saudi Arabia nor the UAE are parties to the international criminal court in The Hague, so it is not possible to bring a case there.

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Special Tribunal for Lebanon

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

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Israel and Palestine

Israel/Palestine: Facebook Censors Discussion of Rights Issues (Human Rights Watch)
October 8, 2021

Independent Investigation, Alignment with International Standards Needed (Washington, DC) – Facebook has wrongfully removed and suppressed content by Palestinians and their supporters, including about human rights abuses carried out in Israel and Palestine during the May 2021 hostilities. The company’s acknowledgment of errors and attempts to correct some of them are insufficient and do not address the scale and scope of reported content restrictions, or adequately explain why they occurred in the first place.

Facebook should take up the Facebook Oversight Board’s recommendation on September 14, 2021, to commission an independent investigation into content moderation regarding Israel and Palestine, particularly in relation to any bias or discrimination in its policies, enforcement, or systems, and to publish the investigation’s findings. Facebook has 30 days from the day the decision was issued to respond to the board’s recommendations.

“Facebook has suppressed content posted by Palestinians and their supporters speaking out about human rights issues in Israel and Palestine,” said Deborah Brown, senior digital rights researcher and advocate at Human Rights Watch. “With the space for such advocacy under threat in many parts of the world, Facebook censorship threatens to restrict a critical platform for learning and engaging on these issues.”

An escalation in violence in parts of Israel and the Occupied Palestinian Territory (OPT) during May led people to turn to social media to document, raise awareness, and condemn the latest cycle of human rights abuses. There were efforts to force Palestinians out of their homes, brutal suppression of demonstrators, assaults on places of worship, communal violence, indiscriminate rocket attacks, and airstrikes that killed civilians.

Human Rights Watch documented that Instagram, which is owned by Facebook, removed posts, including reposts of content from mainstream news organizations. In one instance, Instagram removed a screenshot of headlines and photos from three New York Times opinion articles for which the Instagram user added commentary that urged Palestinians to “never concede” their rights. The post did not transform the material in any way that could reasonably be construed as incitement to violence or hatred.

In another instance, Instagram removed a photograph of a building with a caption that read, “This is a photo of my family’s building before it was struck by Israeli missiles on Saturday May 15, 2021. We have three apartments in this building.” The company also removed the reposting of a political cartoon whose message was that Palestinians are oppressed and not fighting a religious war with Israel.

All of these posts were removed for containing “hate speech or symbols” according to Instagram. These removals suggest that Instagram is restricting freedom of expression on matters of public interest. The fact that these three posts were reinstated after complaints suggests that Instagram’s detection or reporting mechanisms are flawed and result in false positives. Even when social media companies reinstate wrongly suppressed material, the error impedes the flow of information concerning human rights at critical moments, Human Rights Watch said.

Users and digital rights organizations also reported hundreds of deleted posts, suspended or restricted accounts, disabled

groups, reduced visibility, lower engagement with content, and blocked hashtags. Human Rights Watch reviewed screenshots from people who were sharing content about the escalating violence and who reported restrictions on their accounts, including not being able to post content, livestream videos on Instagram, post videos on Facebook, or even like a post.

Human Rights Watch was not able to verify or determine that each case constituted an unjustified restriction due to lack of access to the underlying data needed for verification, and because Facebook refused to comment on specific details of various cases and accounts citing privacy obligations. The range and volume of restrictions reported warrant an independent investigation.

The Oversight Board recommended that Facebook engage an external, independent entity to conduct a thorough examination to determine whether Facebook has applied its content moderation in Arabic and Hebrew without bias, and that the report and its conclusions should be made public. This recommendation echoes multiple calls from human rights and digital rights organizations for a public audit.

In addition to removing content based on its own policies, Facebook often does so at the behest of governments. The Israeli government has been aggressive in seeking to remove content from social media. The Israeli Cyber Unit, based within the State Attorney's Office, flags and submits requests to social media companies to "voluntarily" remove content. Instead of going through the legal process of filing a court order based on Israeli criminal law to take down online content, the Cyber Unit makes appeals directly to platforms based on their own terms of service. A 2018 report by Israel's State Attorney's office notes an extremely high compliance rate with these voluntary requests, 90 percent across all platforms.

Human Rights Watch is not aware that Facebook has ever disputed this claim. In a letter to Human Rights Watch, the company stated that it has "one single global process for handling government requests for content removal." Facebook also provided a link to its process for assessing content that violates local law, but that does not address voluntary requests from governments to remove content based on the company's terms of service.

Noting the role of governments in content removal, the Oversight Board recommended that Facebook make this process transparent and distinguish between government requests that led to global removals based on violations of the company's Community Standards and requests that led to removal or geo-blocking based on violations of local law. Facebook should implement this recommendation, and in particular disclose the number and nature of requests for content removal by the Israeli Government's Cyber Unit and how it responded to them, Human Rights Watch said.

Protecting free expression on issues related to Israel and Palestine is especially important in light of shrinking space for discussion. In addition to Israeli authorities, Palestinian authorities in the West Bank and Gaza have systematically clamped down on free expression, while in several other countries, including the US and Germany, steps have been taken to restrict the space for some forms of pro-Palestine advocacy.

Human Rights Watch wrote to Facebook in June 2021 to seek the company's comment and to inquire about temporary measures and longstanding practices around the moderation of content concerning Israel and Palestine. The company responded by acknowledging that it had already apologized for "the impact these actions have had on their community in Israel and Palestine and on those speaking about Palestinian matters globally," and provided further information on its policies and practices. However, the company did not answer any of the specific questions from Human Rights Watch or meaningfully address any of the issues raised.

"Facebook provides a particularly critical platform in the Israeli and Palestinian context, where Israeli authorities are committing crimes against humanity of apartheid and persecution against millions, and Palestinians and Israelis have committed war crimes," Brown said. "Instead of respecting people's right to speak out, Facebook is silencing many people arbitrarily and without explanation, replicating online some of the same power imbalances and rights abuses we see on the ground."

Removal and Suppression of Human Rights and Other Content

In May, the escalating tensions between Israel and Palestinians culminated in 11 days of fighting between Israeli forces and Palestinian armed groups based in the Gaza Strip. From May 6 to 19, 7amleh, the Arab Center for the Advancement of Social Media (pronounced, "hamla" in Arabic, meaning "campaign"), reported documenting "a dramatic increase of censorship of Palestinian political speech online."

In the two-week period alone, 7amleh said it documented 500 cases of what it described as content being taken down, accounts closed, hashtags hidden, the reach of specific content reduced, archived content deleted, and access to accounts restricted. Facebook and Instagram accounted for 85 percent of those restrictions.

The digital rights group Sada Social says it documented more than 700 instances of social media networks restricting

access to or removing Palestinian content in May alone. On May 7, a group of 30 human rights and digital rights organizations denounced social media companies for “systematically silencing users protesting and documenting the evictions of Palestinian families from their homes in the neighborhood of Sheikh Jarrah in Jerusalem.”

In addition to removing content, Facebook affixed a sensitive warning label to some posts requiring users to click through a screen that says that the content might be “upsetting.” Human Rights Watch found evidence that Facebook affixed such warnings to posts that raised awareness about human rights issues without exposing the viewer to upsetting content such as graphic violence or racial epithets.

For example, on May 24, Instagram affixed such a label to multiple stories posted by Mohammed el-Kurd, a Palestinian activist and resident of Sheikh Jarrah, including a story that contained a reposted image from another user’s Instagram feed of an Israeli police truck and another truck with Hebrew writing on it. The image raised awareness about a high court ruling and the presence of border police officers in the Sheikh Jarrah neighborhood. As of September 30 this image remains on the other user’s Instagram feed, without a sensitive warning label.

In a July letter to Human Rights Watch, Facebook said that it uses warnings to accommodate for “different sensitivities about graphic and violent content” among people who use their platforms. For that reason, they add a warning label to “incredibly graphic or violent content so that it is not available to people under the age of 18,” and so that users are “aware of the graphic or violent nature of the content before they click to see it.” The post in question does not include content that could be considered “graphic or violent,” based on Facebook’s standard.

Facebook said that “some labels would apply to entire carousels of images even if only one is violating.” Hiding content behind a label that prevents it from being viewed by default restricts access to that content. This may be an appropriate step for certain types of graphic and violent content, but labeling all photos when only a subset of them deserves a label is an arbitrary restriction on expression, Human Rights Watch said. Human Rights Watch cannot confirm what other images were in the carousel.

According to 7amleh, 46 percent of content that it documented as taken down from Instagram occurred without the company providing the user a prior warning or notice. In an additional 20 percent of the cases, Instagram notified the user but did not provide a specific justification for restricting the content.

Human Rights Watch also reviewed screenshots from social media users who reported that their posts had less engagement and fewer views from other users than they typically do, or that content from their accounts was not showing up in feeds of other users, a sign that Facebook and Instagram may have made adjustments to their recommendation algorithm to demote certain content.

The Oversight Board investigated one instance of content concerning the escalation in violence in May being removed and, on September 15, issued a decision finding that Facebook acted wrongfully. The user had on May 10 shared a news article reporting on a threat by Izz al-Din al-Qassam Brigades, the military wing of the Palestinian group Hamas, to fire rockets in response to a flare-up in Israel’s repression of Palestinians in occupied East Jerusalem. The Board recognized that re-publication of a news item on a matter of urgent public concern is protected expression and that removing the post restricted such expression without reducing offline harm.

The Board acknowledged receiving public comments from various parties alleging that Facebook has disproportionately removed or demoted content from Palestinian users and content in Arabic, especially in comparison to its treatment of posts threatening anti-Arab or anti-Palestinian violence within Israel. The Board also said it received public comments alleging that Facebook had not done enough to remove content that incites violence against Israeli civilians.

Designating Organizations as “Dangerous:” A Danger to Free Expression

In some cases, Facebook removed the content under its Dangerous Individuals and Organizations Community Standard, which does “not allow organizations or individuals that proclaim a violent mission or are engaged in violence to have a presence on Facebook.” This was the basis for removing the post with a news article about the Izz al-Din al-Qassam Brigades. The Oversight Board criticized the “vagueness” of this policy in its decision.

Facebook relies on the list of organizations that the US has designated as a “foreign terrorist organization,” among other lists. That list includes political movements that also have armed wings, such as the Popular Front for the Liberation of Palestine and Hamas. By deferring to the broad and sweeping US designations, Facebook prohibits leaders, founders, or prominent members of major Palestinian political movements from using its platform. It does this even though, as far as is publicly known, US law does not prohibit groups on the list from using free and freely available platforms like Facebook, and does not consider allowing groups on the list to use platforms tantamount to “providing material support” in violation of US law.

Facebook's policy also calls for removing praise or support for major Palestinian political movements, even when those expressions of support contain no explicit advocacy of violence.

Facebook should make its list of Dangerous Individuals and Organizations public. It should ensure that the related policy and enforcement do not restrict protected expression, including about terrorism, human rights abuses, and political movements, consistent with international human rights standards, in line with the Oversight Board's recommendations. In particular, it should clarify which of the organizations banned by Israeli authorities are included under its Dangerous Individuals and Organizations policy.

Reliance on Automation

The audit to determine whether Facebook's content moderation has been applied without bias should include an examination of the use of automated content moderation. According to Facebook's periodic transparency reporting on how it enforces its policies, for the period of April to June 2021, Facebook and Instagram indicated that through the use of its automated tools it had detected 99.7 percent of the content it deemed to potentially violate its Dangerous Individuals and Organizations policy before a human flagged it. For hate speech, the percentage is 97.6 percent for Facebook and 95.1 percent for Instagram for the same period.

Automated content moderation is notoriously poor at interpreting contextual factors that can be key to determining whether a post constitutes support for or glorification of terrorism. This can lead to overbroad limits on speech and inaccurate labeling of speakers as violent, criminal, or abusive. Automated content moderation of content that platforms consider to be "terrorist and violent extremist" has in other contexts led to the removal of evidence of war crimes and human rights atrocities from social media platforms, in some cases before investigators know that the potential evidence exists.

Processes intended to remove extremist content, in particular the use of automated tools, have sometimes perversely led to removing speech opposed to terrorism, including satire, journalistic material, and other content that would, under rights-respecting legal frameworks, be considered protected speech. For example, Facebook's algorithms reportedly misinterpreted a post from an independent journalist who once headed the BBC's Arabic News service that condemned Osama bin Laden as constituting support for him. As a result, the journalist was blocked from livestreaming a video of himself shortly before a public appearance. This kind of automatic content removal hampers journalism and other writing, and jeopardizes the future ability of judicial mechanisms to provide remedy for victims and accountability for perpetrators of serious crimes.

The audit of Facebook's practices should investigate the role that designating a group as terrorist plays in automated content moderation. In one incident, Instagram restricted the hashtag #AlAqsa (#الاقصى or #الأقصى) and removed posts about Israeli police violence at the al-Aqsa mosque in Jerusalem, before Facebook acknowledged an error and reportedly reinstated some of the content.

Buzzfeed News reported that an internal Facebook post noted that the content had been taken down because al-Aqsa "is also the name of an organization sanctioned by the United States Government," Al-Aqsa Martyrs' Brigades. Human Rights Watch reviewed four screenshots that documented that Instagram had limited posts using the #AlAqsa hashtag and posts about Palestinian demonstrations at al-Aqsa. Israeli forces responded to demonstrations at the al-Aqsa mosque by firing teargas, stun grenades, and rubber-coated steel bullets, including inside the mosque. The Israeli response left 1,000 Palestinians injured between May 7 and May 10. At least 32 Israeli officers were also injured.

The use of automated tools to moderate content has accelerated due to the ever-expanding growth of user-generated content online. It is important for companies like Facebook to recognize the limitations of such tools and increase their investment in people to review content to avoid, or at least more quickly correct, enforcement errors, in particular in sensitive situations.

In a letter to Human Rights Watch, Facebook referred to the incident as "an error that temporarily restricted content." The audit should investigate how automation may have played a role in this erroneous enforcement of Facebook policies.

Lack of Transparency Around Government Requests

An independent audit should also evaluate Facebook's relationship with the Israeli government's Cyber Unit, which creates a parallel enforcement system for the government to seek to censor content without official legal orders. While Facebook regularly reports on legal orders, it does not report on government requests based on alleged violations of its community standards.

This process may result in circumventing judicial processes for addressing illegal speech, and government-initiated restrictions on legal speech without informing targeted social media users. The result denies them the due process rights

they would have if the government sought to restrict the content through legal processes. On April 12 the Israeli Supreme Court rejected a petition filed by Adalah and the Association for Civil Rights in Israel seeking to stop the Cyber Unit's operations.

Facebook declined to answer the Oversight Board's questions about the number of requests the Israeli government made to remove content during the May 2021 hostilities. The company only said, in relation to the case that the Board ruled on, "Facebook has not received a valid legal request from a government authority related to the content the user posted in this case."

Acceding to Israeli governmental requests raises concern, since Israeli authorities criminalize political activity in the West Bank using draconian laws to restrict peaceful speech and to ban more than 430 organizations, including all the major Palestinian political movements, as Human Rights Watch has documented. These sweeping restrictions on civil rights are part of the Israeli government's crimes against humanity of apartheid and persecution against millions of Palestinians.

Technical Glitches Don't Explain the Full Picture

Facebook has acknowledged several issues affecting Palestinians and their content, some of which it attributed to "technical glitches" and human error. However, these explanations do not explain the range of restrictions and suppression of content observed.

In other situations of political crisis or public emergencies, Facebook has announced so-called "break glass" measures. These include restricting the spread of live video on its platforms and adjustments to its algorithms that classify and rank content to reduce the likelihood that users will see content that potentially violates its policies. Facebook has reportedly deployed such measures in Ethiopia, Myanmar, Sri Lanka, and the US. Facebook has not publicly acknowledged any special measures it has taken in the context of content about Israel and Palestine, aside from setting up a "special operations center" to monitor content on its platforms regarding the May 2021 escalation in Israel and Palestine. Human Rights Watch requested information about the "special operations center," but Facebook did not respond.

This latest spate of content takedowns is part of a wider pattern of reported censorship of Palestinians and their supporters by social media companies, which civil society organizations have documented for years. These restrictions highlight the need to commission a comprehensive, independent audit that examines Facebook's underlying policies and enforcement of those policies for bias.

Social Media Companies' Responsibilities

Businesses have a responsibility to respect human rights by identifying and addressing the human rights impacts of their operations, and providing meaningful access to a remedy. For social media companies, this responsibility includes being transparent and accountable in their moderation of content to ensure that decisions to take content down are not overly broad or biased.

The Santa Clara Principles on Transparency and Accountability in Content Moderation provide important guidance for how companies should carry out their responsibilities in upholding freedom of expression. Based on those principles, companies should clearly explain to users why their content or their account has been taken down, including the specific clause of the Community Standards that the content was found to violate.

Companies should also explain how the content was detected, evaluated, and removed – for example, by users, automation, or human content moderators – and provide a meaningful opportunity for timely appeal of any content removal or account suspension. Facebook has endorsed the Santa Clara Principles, but hasn't fully applied them.

Need for an Independent Investigation

Facebook should ensure that investigators closely consult with civil society at the outset of the investigation, so that the investigation reflects the most pressing human rights concerns from those affected by its policies. It should make the outcome of the independent investigation public, as it did with its human rights impact assessment on Myanmar and civil rights audit in the US, and present its findings to Facebook's executive leadership. Facebook should continuously consult with civil society about how its recommendations are being carried out.

Human Rights Watch raised several questions in the letter to Facebook to which the company did not respond. The investigation should address these questions in connection with the May hostilities, and more generally, including:

What changes did Facebook make to its algorithms to demote or reduce the spread of speech that it determined most likely violates policies on hate speech, violence and incitement, or dangerous individuals and organizations?

What automated detection methods were used, including what terms and classifiers were being used to flag content for potential hate speech or violence and incitement allowing them to be flagged automatically for demotion and/or removal?

What error rates for enforcement were deemed to be acceptable?

What policies were applied to content concerning Israel and Palestine that are not public?

Does Facebook have any firewalls in place to prevent undue influence of its public policy staff, including former Israeli and other government officials, over content moderation decisions with regard to Israel and Palestine?

Israel demolishes one of the oldest Muslim graveyards near Al-Aqsa Mosque (Middle East Monitor)

October 11, 2021

The Israeli occupation's Jerusalem Municipality yesterday demolished one of the oldest Muslim graveyards in the occupied holy city, reported Wafa news agency.

The head of the Committee for the Preservation of Islamic Cemeteries in Jerusalem, Mustafa Abu Zahra, said the Jerusalem Municipality's teams, accompanied by a bulldozer, destroyed a grave from the Al Yousifieh Cemetery, and scattered the bones.

He added that among the graves demolished were those of Muslims who were martyred in the conflicts between 1948 and 1967, and that Israel will face legal action in response to the municipality's actions.

According to Wafa, Palestinians who were present in the area blocked the bulldozer from destroying the graves further and forced it out of the area.

Abu Zahra called on all Jerusalemites to "unite in order to protect Jerusalem's landmarks from the Israeli occupation's oppression".

The cemetery, located next to the wall surrounding the Old City, is one of the oldest Muslim graveyards in occupied Jerusalem and is about 4,000 square metres.

The demolition is part of the Israeli occupation authorities' plan to build a "Biblical garden path" inside the cemetery which contains the Tomb of the Unknown Soldier, as well as many ancient and modern graves.

It's a step that has angered many residents of East Jerusalem who have loved ones buried in that cemetery.

Israel quietly advances settlements with little US pushback (Associated Press) By Joseph Krauss

October 15, 2021

JERUSALEM (AP) — Israel is quietly advancing controversial settlement projects in and around Jerusalem without making major announcements that could anger the Biden administration. Critics say the latest moves, while incremental, pave the way for rapid growth once the political climate changes.

On Wednesday, as Foreign Minister Yair Lapid met with U.S. officials in Washington, a local planning committee in Jerusalem approved the expropriation of public land for the especially controversial Givat Hamatos settlement, which would largely cut the city off from Palestinian communities in the southern West Bank.

The same committee advanced plans for the construction of 470 homes in the existing east Jerusalem settlement of Pisgat Zeev. Authorities have scheduled a Dec. 6 hearing for another project in east Jerusalem to build 9,000 settler homes in the Atarot area, according to Ir Amim, an Israeli rights group that closely follows developments in the city.

A military body has meanwhile scheduled two meetings in the coming weeks to discuss a planned settlement of 3,400 homes on a barren hillside outside Jerusalem known as E1. Critics say it would largely bisect the occupied West Bank, making it impossible to establish a viable Palestinian state alongside Israel. A two-state solution is still seen internationally

as the only realistic way to resolve the century-old conflict.

“The fact that simultaneously all of these very controversial plans that have been longstanding international red lines have now been advancing ... is very indicative that the Israeli government intends to advance and ultimately approve these plans,” said Amy Cohen of Ir Amim.

Jerusalem’s deputy mayor Fleur Hassan-Nahoum downplayed the latest developments, noting that Givat Hamatos was approved years ago. “Nothing’s changed over the last few years,” she said. “We are a city and we’re providing for our residents.”

Spokespeople from the defense and housing ministries, which are also involved in approving settlements, declined to comment.

Construction is already underway in Givat Hamatos, where tenders for more than 1,200 homes were announced last November. The other projects are still progressing through a long bureaucratic process, and it could be months or years before shovels break ground.

But critics of the settlements say every step matters.

“The thing with those plans is that in order to make them come true you need to do the whole process,” said Hagit Ofran, of the Israeli anti-settlement monitoring group Peace Now. “Every step on the way is in the control of the government... If they don’t act to stop it, then it happens.”

Every Israeli government since 1967 has expanded settlements in east Jerusalem and the West Bank, territories Israel seized in the Mideast war that year which the Palestinians want for their future state. The Palestinians view the settlements — now housing some 700,000 settlers — as the main obstacle to peace, and most of the international community considers them illegal.

Israel annexed east Jerusalem and considers the entire city to be its capital. It views the West Bank as the biblical and historical heartland of the Jewish people. But it has refrained from annexing the territory because of international pressure and because it is home to more than 2.5 million Palestinians, the absorption of whom could erode Israel’s Jewish majority.

U.S. presidents from both parties opposed the settlements until President Donald Trump broke with that tradition, proposing a Mideast plan in which Israel would keep all of them. The Trump era witnessed explosive growth in settlements, and Trump’s secretary of state, Mike Pompeo, broke with precedent by visiting one last year. Pompeo, a possible Republican presidential hopeful in 2024, was back in Israel this week and paid another supportive visit to a settlement.

President Joe Biden’s administration has criticized settlement construction as an obstacle to eventually reviving the long-moribund peace process but has not demanded a freeze. In 2010, Israel announced a major settlement project during a visit by then-Vice President Biden, aggravating a diplomatic rift that festered throughout President Barack Obama’s presidency.

Biden, who as president is prioritizing other challenges like COVID-19, China and climate change, appears keen to avoid a showdown with Israel, a close U.S. ally.

“We have been clear publicly and in private about where we stand on settlement activity and on annexation,” State Department spokesman Ned Price said Thursday. “We oppose any unilateral steps that put a two-state solution further out reach.”

When asked whether that concern had grown recently, he said it had “remained constant.”

Israel’s political system is dominated by pro-settlement parties and its new prime minister, Naftali Bennett, is opposed to a Palestinian state. But he heads an unwieldy coalition of parties from across the political spectrum — some opposed to settlements — and appears to be seeking middle ground that would sideline the issue at home and abroad.

A senior Israeli official who participated in Lapid’s meetings in Washington said the discussions had focused primarily on Iran and Israel’s relations with its Arab neighbors but acknowledged that the Americans had raised the settlements issue.

However, the Palestinian issue was “not the dominant theme in the region” during the discussion, the official said. The official was not authorized to discuss the details of the private talks and spoke on condition of anonymity.

A State Department readout of Secretary of State Antony Blinken’s meeting with Lapid made no specific reference to

settlements in the one sentence it devoted to the Palestinians.

With U.S. attention focused elsewhere, and the Palestinian leadership divided and increasingly unpopular, Israel faces few if any immediate consequences for expanding settlements.

But critics have long warned that the failure to create a viable Palestinian state will leave millions of Palestinians living under permanent Israeli rule without the same rights as Jews. Two well-known human rights groups say Israel has already become an apartheid state.

“These are all incremental steps in order to create a new reality on the ground, an irreparable reality,” Ir Amim’s Cohen said about the advancement of settlements. “You are foiling any prospect of a two-state framework.”

West Bank: Israeli forces kill 16-year-old Palestinian from Gaza (Middle East Eye) By Mustafa Abu Sneineh

October 15, 2021

Israeli forces killed a teenage Palestinian near the occupied West Bank city of Bethlehem on Thursday night, according to reports in Palestinian media.

A spokesperson said that soldiers opened fire on two Palestinians "who threw incendiary bottles at the tunnel road" connecting illegal settlements in the southern West Bank.

The Jerusalem-based Al-Quds newspaper reported that Amjad Oussama Abu Sultan, a 16-year-old from the Gaza Strip, was killed near a military checkpoint in Beit Jala, a town south of the West Bank, and that Israel is still holding his body.

According to the Israeli army, Abu Sultan was severely injured and later succumbed to his wounds, while a 14-year-old called Mohammed al-Arouj was arrested in the area.

Palestinian media reported that Abu Sultan was killed and al-Arouj arrested during a night raid by the Israeli forces of Bier Ouneh, and that the two teenagers had not thrown Molotov cocktails at Israeli vehicles.

Palestinian political factions Fatah and Hamas condemned the killing of Abu Sultan soon after, calling it "an ugly crime".

Arrests and killings

In September, three Palestinians were killed by Israeli fire in occupied East Jerusalem, the West Bank, and Gaza Strip.

Israeli forces carry out regular night raids to arrest Palestinian political activists in various areas of the West Bank and East Jerusalem.

On Thursday, Israeli forces arrested three Palestinians from Nablus, including Hamed al-Srawi, an officer in the Palestinian Authority's (PA) intelligence services, and Majd Abu Sharar, a captain in the PA's national security agency, according to the Palestinian News Agency, Wafa.

In Hebron, they also arrested six people from the Al-Aroub refugee camp, two from Beit Sahour, two from the town of Qabatyeh, and one person in Ramallah city during a night raid of the al-Tireh neighbourhood. They also detained another person at the Qalandia military checkpoint after shooting at his vehicle.

Wafa reported that several Palestinians were caught in tear gas clouds when Israeli forces shot canisters of the chemical irritant during a raid on Thursday of the Palestinian village of Duma, near Nablus.

Since occupying the West Bank in 1967, Israel has created a web of military checkpoints and highways on Palestinian land to connect illegal settlements, where 440,000 people live under military protection among 3.2 million Palestinians.

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Gulf Region

Drone attacks target Saudi airport in Jazan (Aljazeera)

October 9, 2021

At least 10 people have been reported injured in attacks on an airport in Saudi Arabia's city of Jazan, near the border with Yemen.

Citing a Saudi-led coalition spokesman, SPA said that the first projectile was fired from a drone, shattering the airport's facade windows and causing injuries.

A second explosives-laden drone was intercepted early on Saturday, the coalition added, without giving details on any injuries or damages.

Six Saudis, three Bangladeshi nationals and one Sudanese were among those who were injured in the first attack, according to the Reuters news agency.

At least five of the victims suffered only minor injuries, while the conditions of the five others were not immediately known. No one has claimed immediate responsibility for the attack, but a number of attacks against Saudi targets recently have been blamed on Yemen's Houthi forces. The Houthis are fighting a Saudi-led coalition, which is trying to reinstate the deposed government there.

On Wednesday, four workers were also wounded after the coalition intercepted an explosives-laden drone targeting the kingdom's Abha airport.

On August 31, a drone hit the same airport, wounding eight people and damaging a civilian aircraft.

Nestled in the kingdom's southwestern mountains, Abha is a popular destination for Saudi tourists.

There were no further details on the latest incident.

Saudi Arabia intervened in the Yemen war on behalf of the internationally recognised government in 2015.

The Iran-allied Houthis have repeatedly targeted the kingdom in cross-border attacks.

In August, the rebels escalated those operations, using drones and missiles.

The Saudi Press Agency (SPA) said the attacks on Friday evening targeted the King Abdullah Airport. MWL, Arab States strongly condemns terrorist attack on Jazan airport (Saudi Gazette) October 9, 2021
<https://saudigazette.com.sa/article/611972>

The Muslim World League (MWL) Secretary-General and Chairman of the Association of Muslim Scholars Sheikh Dr. Mohammed Bin Abdulkarim Al-Issa has strongly condemned the terrorist attack with two bomb-laden drones on King Abdullah Airport in Jazan.

The attack was carried out by the terrorist Houthi militia, and resulted in casualties among civilians, travelers and airport employees.

He said in a statement, issued by the MWL General Secretariat, that the continued threat to the safety of civilians, travelers and civilian facilities is a dangerous escalation that is similar to a war crime.

He renewed MWL's full solidarity with Saudi Arabia in the face of these terrorist attacks, and support for the Kingdom in all the measures it takes to preserve its security and the safety of its citizens and residents on its lands.

The Gulf Cooperation Council (GCC) Secretary General Dr. Nayef Falah Mubarak Al-Hajraf condemned terrorist Houthi militia using of a bomb-laden drone in the hostile attack on King Abdullah Airport in Jazan in a systematic deliberate manner, targeting safe civilians and civilian facilities, in flagrant violation of international norms and laws.

He stressed that the Houthi terrorist militia's continuation of its immoral practices of trying to target civilians and civilian objects, as well as targeting a civilian airport, is a war crime.

He reiterated the GCC's solidarity with the Kingdom against everything that targets its security, stability and territorial integrity, stressing the need for the international community to take immediate and decisive measures to stop these aggressive acts targeting vital and civil facilities and the security of the Kingdom.

Meanwhile, the Arab Republic of Egypt has strongly condemned the Houthi militia's continuation of its cowardly terrorist attacks on the territories of Saudi Arabia, the latest of which was the targeting of King Abdullah Airport with two bomb-laden drones, which resulted in the injury of a number of civilians and residents in the Kingdom, as well as some material losses.

In a statement issued Saturday by its Ministry of Foreign Affairs, Egypt confirmed that the repeated targeting of civilian facilities and innocent civilians, including airports in the southern region of the Kingdom, by the Houthi militia is a dangerous escalation and threat to the security and stability of the Kingdom.

It also is a clear violation of the rules of international humanitarian law and a threat to the lives of travelers, the security and safety of civil aviation and the freedom of air navigation. Egypt expressed its full solidarity with Saudi Arabia in the measures it is taking to confront these despicable terrorist attacks.

In Doha, Qatar expressed its strong condemnation and denunciation of the attempt to target King Abdullah Airport in Jazan. In a statement issued Saturday, the Qatari Ministry of Foreign Affairs considered targeting civilian and vital facilities as an act of sabotage that contravenes all international norms and laws.

The ministry reiterated Qatar's firm position rejecting violence, criminal and sabotage acts, and also wished the injured a speedy recovery.

The Jordanian government too denounced the periodic attacks carried by Houthi terrorist militia against the territories of Saudi Arabia, latest of which was the hostile offense against Jazan-based King Abdulla airport, injuring a number of innocents and causing material damage.

In a statement in Amman, Haitham Abulfool, spokesman of the ministry of foreign affairs of Jordan, expressed, in the strongest words, his country's condemnation and denunciation of those repeated terrorist practices, targeting innocent civilians as well as the security and stability of Saudi Arabia.

He confirmed Jordan's firm stance by the side of Saudi Arabia against whatever threatens its security as well as the safety of its people, wishing the injured a speedy recovery.

Pakistan has strongly condemned the attack launched by the Houthi militia with two bomb-laden drones on King Abdullah Airport in Jazan, which resulted in the injury of a number of civilians and damage to property.

The Pakistani Foreign Ministry said in a statement that such attacks not only violate international law, but also threaten the peace and security of Saudi Arabia and the region.

The statement affirmed Pakistan's full support and solidarity with the Kingdom of Saudi Arabia in facing any threat to its security and territorial integrity, wishing a speedy recovery for the injured.

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ASIA

Afghanistan

ICC judges seek UN clarification on Afghanistan rulers (Star Tribune)

October 8, 2021

International Criminal Court judges decided Friday to ask the United Nations Secretary-General for information on who represents Afghanistan at international bodies following the Taliban's sweep to power in August.

The request is intended to clarify the status of Afghanistan's new leadership as judges prepare to rule on a request by the global court's new prosecutor last month for permission to resume an investigation into alleged war crimes and crimes against humanity linked to Afghanistan's conflict since 2002.

In a written ruling, judges said that "for several reasons including the fast pace of relevant developments, and the short time elapsed since they materialized, there is still a large margin of uncertainty as to the legal implications of those events, including for the purposes of international law and international relations."

The judges also asked the court's Assembly of States Parties for the same clarification. Afghanistan is a member, or state party, of the court.

In a statement, the court said that the judges also reminded Prosecutor Karim Khan that he can request authorization to "pursue necessary investigative steps for the purpose of preserving evidence where there is a unique opportunity to obtain important evidence or there is a significant risk that such evidence may not be subsequently available."

Judges authorized an investigation in March last year covering offenses allegedly committed by Afghan government forces, the Taliban, American troops and U.S. foreign intelligence operatives dating back to 2002. The probe was put on the back burner when Afghanistan's government asked to take over the case. The ICC is a court of last resort, set up in 2002 to prosecute alleged atrocities in countries that cannot or will not bring perpetrators to justice — known as the principle of complementarity.

Khan said last month that he plans to focus on crimes committed by the Taliban and the Afghan affiliate of the Islamic State group, adding that he will "deprioritize" other aspects of the investigation — including alleged crimes by Americans. That led to angry reactions from rights groups.

Taliban committing war crimes, kills 13 including 17-year-old girl: report (Christian Post) By Anugrah Kumar
October 10, 2021

The Taliban executed 11 ex-defense personnel and two civilians, including a 17-year-old girl in Afghanistan's Daykundi province, all of whom were from the ethnic Shia minority, according to an investigation by Amnesty International, which says the killings appear to be war crimes. The Taliban killed 11 former members of the Afghan National Defence Security Forces, nine of whom had surrendered, and two civilians in Kahor village of Khidir district on Aug. 30, about two weeks after taking control of Daykundi province, the human rights group says in the investigative report, which is based on eyewitness testimony and photographs and video evidence.

All the victims were from the ethnic Hazara community, a Shia minority in the Sunni majority country.

After the Taliban took control, about 34 ANDSF members, who had government military equipment and weaponry, sought safety in Khidir district and then agreed to surrender. On Aug. 29, the men negotiated to surrender fully to the Taliban.

On Aug. 30, about 300 Taliban fighters arrived in a convoy close to Dahani Qul village, where the ANDSF members were staying, some with family members. As the ANDSF members attempted to leave the area with their families, one vehicle remained stuck close to Kahor village, the report says.

"When the Taliban fighters caught up with them, they opened fire on the crowd and killed the 17-year-old girl, named Masuma. One of the ANDSF members then fired back, killing one Taliban fighter and wounding another.

"The Taliban continued to shoot as the families fled, killing two ANDSF members caught in the crossfire as they were fleeing the scene. After nine more ANDSF members surrendered, the Taliban promptly took them to a nearby river basin and executed them," the report adds. The day after the killings, the Taliban told remaining family members that anyone who had fled should return and surrender within three days. One senior Taliban official warned, "I have killed people for the past 20 years. Killing is easy for me. I can kill again."

Amnesty International's Secretary General Agnès Callamard called the killings "cold-blooded executions," and said they are "further proof that the Taliban are committing the same horrific abuses they were notorious for during their previous rule of Afghanistan."

"They repeatedly violate the rights of those they perceive as their adversaries, even killing those who have already surrendered. The Taliban say they are not targeting former employees of the previous government, but these killings

contradict such claims,” Callamard added. Last month, the International Criminal Court’s prosecutor asked the court to relaunch an inquiry to investigate not only past but also contemporary crimes against humanity committed by the Taliban and supporters of Islamic State in Afghanistan since 2003, The Guardian reported at the time.

A previous ICC inquiry was deferred in April 2020 after the then Afghan government of Ashraf Ghani requested more time to gather evidence in cooperation with ICC lawyers.

“Odious and criminal acts should stop immediately and investigations commence to vindicate the principles that were established 75 years ago at Nuremberg and to honor humanity’s basic responsibility to itself,” ICC Prosecutor Karim Khan was quoted as saying.

The Taliban publicly declared last month that they would carry out executions and other brutal punishments, including amputations, under Islamic Sharia law as part of their rule in Afghanistan.

“Cutting off of hands is very necessary for security,” Mullah Nooruddin Turabi, a member of the Taliban’s interim government and chief enforcer of the group’s strict interpretation of Sharia law, told The Associated Press at the time.

“Everyone criticized us for the punishments in the stadium, but we have never said anything about their laws and their punishments,” he continued. “No one will tell us what our laws should be. We will follow Islam and we will make our laws on the Quran.”

Turabi, who is under U.N. sanctions, also said the new government is considering carrying out such punishments in public.

Following the withdrawal of U.S. troops in Afghanistan, the Taliban quickly seized control of much of the country, eventually taking the capital Kabul in August and forcing the government to flee.

In response to the unexpected speed at which they retook the nation, U.S., British and French troops evacuated tens of thousands of Afghans, Americans, British and Europeans out of the country. It’s been reported that many U.S. and British citizens and U.S. green card holders are still waiting to be evacuated.

The U.S. withdrawal marked the end of the war in Afghanistan, which spanned nearly two decades.

Why aren’t attacks on mosques in Afghanistan a crime against humanity (Jerusalem Post) By Seth J. Frantzman
October 19, 2021

Recent mass murders of Muslims in attacks on mosques in Afghanistan have led to the deaths of hundreds. On October 8, a targeted attack led to the murder of more than 100 Muslims. Then another attack on Friday in Kandahar on October 15 led to the deaths of almost 50 people.

These are targeted attacks, during Friday prayers, designed to commit genocide against Shi’ite Muslims. However, such attacks are generally ignored by the international community. Countries that have backed the kind of extremism that leads to attacks on Shi’ites, such as Pakistan’s support for extremists like the Taliban, generally prefer not to condemn these attacks. Yet the same countries tend to speak out about “Islamophobia” in the West and condemn attacks on mosques in places like New Zealand.

Why aren’t attacks on mosques in Afghanistan considered a crime against humanity? This is one of the enduring questions that linger over how the international community confronts genocide. Targeted attacks against religious and ethnic minorities, which the Hazara Shi’ites are, usually would be defined as genocide. In addition, the kind of ethnic cleansing and discrimination against Hazaras that groups like the Taliban, al-Qaeda and now ISIS have conducted would tend to fit into the definition of genocide.

This begs the question of where the war crimes trials are in The Hague or other locations for members of ISIS and other groups that have targeted religious and ethnic minorities in Afghanistan, Pakistan, Iraq, Syria and many other countries. ISIS, for instance, committed genocide against Yazidis in Iraq, ethnically cleansing half a million of the community and selling women and children into slavery.

What ISIS did was similar to the Holocaust. They rounded up the Yazidis, separated men and women, and sold the women and machine-gunned the men, like the Einsatzgruppen did to Jews in places like Belarus and Ukraine.

Other groups such as Boko Haram have carried out similar crimes in Nigeria, kidnapping women and attacking mosques.

However, there appears to be an international consensus that groups such as Boko Haram, al-Qaeda, ISIS, al-Shabab and the Taliban are never guilty of crimes against humanity, ethnic cleansing or genocide. They are not even put on trial for war crimes.

Various excuses exist for why this is the case. The groups involved are often considered terrorist groups and non-state actors. There are no special tribunals created to prosecute these crimes. These are states which don't have a head of state that can be charged. THIS BLIND SPOT could be rectified since there is nothing that separates the actions of these groups from others who have been investigated for genocide and crimes against humanity. The International Criminal Tribunal for the former Yugoslavia was established by the UNSC in 1993 and had jurisdiction over crimes committed on the territory of the former Yugoslavia since 1991. It investigated grave breaches of the Geneva Conventions, violations of the laws or customs of war, genocide and crimes against humanity. It indicted former heads of state, generals and local militia leaders.

At the end of the day, the reason there is no international tribunal to help protect minorities in Iraq, Syria, Afghanistan or other countries when those people are being preyed upon by groups like ISIS is because there is no interest among large countries to have these kinds of tribunals anymore. The 1990s was an era when the rule of law in the international order was important to US hegemony. The US under George H.W Bush wanted a new world order after the Cold War. The Extraordinary Chambers in the Courts of Cambodia was established in 1997 to investigate the Cambodian genocide. Omar Bashir in Sudan was indicted on warrants in 2009 and 2010.

But these days the world is led by authoritarian regimes that don't care about genocide. These include countries like Turkey and Pakistan that are responsible for fanning the winds of extremism that leads to attacks on Hazara Shi'ites. Most of the 50,000 foreigners who joined ISIS, many of whom engaged in acts of genocide, transited through Turkey to Syria in 2013-2015. Some of them subsequently went back to Turkey and then to Idlib Province. Some of them were found to have taken kidnapped members of the Yazidi minority with them. That would be equivalent to Adolf Eichmann not just fleeing the Nazis, but taking Jews with him to Argentina to continue his abuses.

The attacks on Hazaras in Afghanistan are targeted killings of a minority. These attacks have gone on for decades. While some media excuse and glorify these attacks as "terrorism," the reality is they have no political terrorist purpose to them. They are similar to other ISIS attacks on mosques, churches and places of worship. They are solely a form of killing minorities. There is no other motive that tends to separate these acts from forms of terrorism that may seek a political objective.

Unlike in the case of Afghanistan, the crimes of ISIS have been discussed as genocide, but ISIS members have not been put on trial for genocide. This means there is no legal precedent for the crimes against humanity perpetrated by ISIS. Even high-profile ISIS members who have been captured, such as the so-called "Beatles," who are accused of murdering westerners in 2014, have not been charged with crimes against humanity. They have generally only been charged and renditioned because they targeted Americans. Their crimes against Yazidis have not been prosecuted. That appears similar to charging the Nazis with bombing Coventry or executing Allied troops, but not for the crimes in Auschwitz.

In the final analysis, the recent uptick of attacks on Shi'ites in Afghanistan, timed to coincide with prayers, are not being fully prosecuted because of the countries that have quietly backed the Taliban, many of which also accept religious extremism, and because the international community has walked away from attempts at enforcing international laws.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

**Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)
Cambodia Tribunal Monitor**

**Sole-citizenship mandate for top offices and bill to wind down Khmer Rouge tribunal now under review
(The Phnom Penh Post) By Voun Dara**

October 15, 2021

The draft amendments to several articles of the Constitution that would mandate a single-citizenship for four of the nation's top offices have now reached the expert commission of the National Assembly.

The Kingdom is also working with the UN on a law to exit the Extraordinary Chambers in the Court of Cambodia (ECCC), signalling that work is winding down for the Khmer Rouge tribunal after many years of investigation and prosecution of those most responsible for genocide and crimes against humanity.

The NA said on October 14 that the draft amendments to articles 19, 82, 106, 119 and 137 of the Constitution and articles 3 and 4 of the Additional Constitutional Law tending to ensure the functioning of national institutions had reached the NA's Commission on Legislation and Justice for review.

Afterwards they will be returning the documents to the NA's Standing Committee to continue the legislative process to amend the Constitution.

In a press statement, the NA said the Standing Committee led by NA president Heng Samrin had held a virtual meeting regarding the amendments before referring them to the expert committee.

Prime Minister Hun Sen said on October 11 in his reply to a comment by a Facebook user that it would not take long to pass these amendments because the supporting arguments and other documents had already reached the NA.

"This will be of long-term benefit to the Kingdom. If you really love Cambodia then you should be brave enough to renounce all other foreign citizenships if you are accorded the great honour of serving the nation as its prime minister or the president of the NA, Senate or Constitutional Council.

"The amendment to the Constitution leaves the door open for any of our compatriots who have a collection of two or three or many citizenships to serve the country in any other capacity aside from the four specified.

"Our globetrotting compatriots will not be affected at all – except, perhaps, for one individual whose greatest wish has been his own personal elevation to a top position and especially to the office of prime minister for the past 20 years now," said Hun Sen, apparently referring to former opposition leader Sam Rainsy.

"[Rainsy] tried to land a knockout kick, but he broke his own leg instead. He's got no more displays of kung fu [martial arts] to show us. Not even proper fighting words! Unless you count 'goodbye prime minister' as verbal martial prowess," he said.

Separately, Cambodia and the UN are working on legislation that would draw the ECCC's work to a close and withdraw Cambodia from its jurisdiction.

The Council of Ministers on October 8 approved the draft law that would wrap up the agreement between the Royal Government of Cambodia and the UN regarding the tribunal held under Cambodian law for crimes committed during the period of the Democratic Kampuchea genocidal regime.

The draft law effecting Cambodia's exit from the ECCC was among the documents advanced to the committees through the legislative process along with the sole-citizenship amendment. It is currently under review by the NA's Commission on Legislation and Justice.

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Bangladesh International Crimes Tribunal

Imran H Sarker: Government patronises communal powers (Dhaka Tribune)
October 20, 2021

'The religious fanatics got the courage to carry out attacks on the minority

communities since the government fosters them,' he said while addressing a protest rally in front of the National Museum at Shahbag on Wednesday

Gonojaoron Mancha spokesperson Imran H Sarker has blamed the government for the recent spate of communal attacks across the country, alleging that it patronised the communal powers at different times.

“The religious fanatics got the courage to carry out attacks on the minority communities since the government fosters them,” he said while addressing a protest rally in front of the National Museum at Shahbag on Wednesday.

Members of left-leaning parties, students, teachers, and cultural activists gathered under the banner of “Bangladesh against communal violence” in condemnation of the recent attacks.

The protesters demanded the arrest of the perpetrators who fueled others and demanded a speedy trial.

They also pressed the seven-point demands which included the cancelation of Islam as the state religion.

Imran said: “The government brought changes into the textbooks, excluding the writings of many Hindu authors. The authorities did this following the demand of the communal powers.”

In 2017, the government faced heavy criticism after publishing textbooks with changes that closely mirror demands made by radical Islamist group Hefazat-e-Islam. At the secondary level, 17 poems and stories were removed from the books with no explanation.

Imran also said: "The ruling party gave nomination to the culprits involved in the communal attacks in Brahmanbaria's Nasirnagar. We cannot differentiate the government from the communal evils.

“This is perhaps the first time after independence that such a series of attacks has been carried out on the religious minorities.”

He added that the government should establish a separate tribunal to try the perpetrators of these crimes and hand out exemplary punishments in order to stop the recurrence of communal attacks.

Meanwhile, central leader of Bangladesh Samajtantrik Dal (Marxist) Manas Nandi, who was also present at the protest, said that the Hindus are now questioning whether this land indeed belongs to them and whether they can live here.

Mosharraf Hossain Nannu, general secretary of United Communist League, said that the country was liberated for a non-communal Bangladesh.

“The Awami League government talks about the spirit of the Liberation War repeatedly but the constitutional rights of the people have been taken away over the last 13 years,” he said. “Commodity prices are rising and there is no accountability anywhere.”

According to Joyjit Datta, organizing secretary of Jagannath Hall unit Chhatra League and spokesperson of the protest, their seven-point demands were cut to three points as the government has already initiated action.

He said that the DU protesters would wait till October 31 to see whether their demands were met.

Their demands include ensuring the highest punishment for the perpetrators, compensation for the victims, repairing the damaged temples, forming a minority protection commission, adequate allocation in the national budget for the religious minorities and turning the Hindu Welfare Trust into a foundation.

The Cries Of Hindus Of Bangladesh (The Nigerian Voice) By Saleem Samad
October 20, 2021

Scores of amateur videos recorded on smartphones were uploaded on Facebook, where cries of panic-stricken Hindu women, girls and children were heard

Cricket star and former captain Mashrafe Bin Mortaza of the Bangladesh team posted a touching reaction on his Facebook account, ruing the mayhem and carnage carried out against the Hindu community in Bangladesh over the last few days.

The ruling Awami League lawmaker Mortaza posted a picture of the burning village in Rangpur, where hooligans torched homes of the Hindu community.

The Facebook post says: “Saw two defeats last night. One was the Bangladesh cricket team’s and that one hurt. The other

one was a defeat for the whole of Bangladesh, which tore my heart to pieces.”

Bangladesh has once again plunged into racial riots during the annual Durga Puja festival since 13 October. The hooligans armed with metal bars, bamboo and batons vandalised, ransacked, desecrated temples and makeshift Durga Puja sites. They torched thousands of homes of the Hindu community and looted business establishments in half of the cities and district towns in the country.

“This isn’t the first time that minorities in Bangladesh have come under attack,” Amnesty International’s South Asia campaigner, Saad Hammadi. “Targeting religious sensitivities to stoke communal tension is one of the worst forms of human rights violation.”

Hindus of Bengal had witnessed the infamous 1946 Noakhali Riot and Kolkata Killings as a prelude to the bloody partition. In 1964 a sectarian violence erupted in Bangladesh on the alleged theft of hair of Muslim’s most revered prophet Muhammad in Kashmir, India.

Of course, the genocidal campaign in 1971 by Pakistan military forces, the second such genocide after the Second World War after that of the Nazis in Germany, also had targeted the Hindus to exterminate them from East Bengal.

Bangladesh Hindu Unity Council @UnityCouncilBD tweeted: “We want the right to practice our religion. We want protection in our temples. We want [the] protection of Hindu women. We want the right to live in peace in our homeland Bangladesh.”

Rana Dasgupta, a lawyer and general secretary of Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC) said “It is unfortunate that a majority of the grassroots leaders of the ruling Awami League were also seen with the rioters.”

The Unity Council lamented at a press meet in Chattagram port city said they have lost faith in the political leadership for their failure to protect the vandalism and discretion of Hindu temples and makeshift Durga Puja altar.

Well, the rioting occurred when the civil and police administration apparently did not swing into action, Dasgupta lamented. Scores of amateur videos recorded on smartphones were uploaded on Facebook, where cries of panic-stricken Hindu women, girls and children were heard.

Most eyewitnesses in social media claimed that the attire of the hooligans was in shirt and trousers, not wearing caps, sporting beard in kurta and pyjama, traditionally worn by Islamists or Madrassah students.

Months after the brutal birth of Bangladesh, the first Durga Puja festival in 1972 was attacked in capital Dhaka, Chittagong and elsewhere and police pointed fingers towards the defeated henchmen of Pakistan military forces.

Everybody believed the story. When intermittent incidents occurred almost every year, civil society, human rights groups and media paused briefly to review what went wrong with the vision of secularism and pluralism.

An estimated 3 million people were victims of racial cleansing and another 10 million people were forced to become ‘war refugees’ and took shelter in neighbouring states of India.

It was a nightmare for the Delhi government to manage the crisis. Plus hundreds of officers and soldiers revolted and joined the Mukti Bahini along with tens of thousands of barefoot guerrillas were recruited from among the students and farmers to resist the marauding Pakistan military.

The bloody war was fought and won to establish an independent Bangladesh based on secularism, pluralism and democracy.

In the fifth year of independence, the architect of Bangladesh Sheikh Mujibur Rahman was assassinated in a military putsch and thus the nation plunged into perpetual darkness.

Revival of Islamism surfaced and local henchmen indicted for crime against humanity and waging war against Bangladesh were released after the “Collaborators [of Pakistan] Act, 1972” was scrapped by a military dictator General Ziaur Rahman, a liberation war hero.

Parties propagating religion was banned in the 1972 constitution. The military junta amended the law and allowed Islamist parties to function. Promptly the Jamaat-e-Islami, an active collaborator of the Pakistan military surfaced after long hibernation with new vigour and resurgence of political Islam.

In 2001 the Islamist party joined the electoral alliance with the rightist party Bangladesh Nationalist Party (BNP) led by Khaleda Zia.

Hours after the result of the unofficial elections were announced, the hooligans unleashed a countrywide reign of terror against Hindus, as well as opposition Awami League supporters. Thousands were maimed and police refused to register cases against the perpetrators.

In 1992, violence was unleashed against the Hindus by Islamists in protest against the demolition of the controversial Babri Masjid. The sectarian violence continued from December 1992 till March 1993. The 12th-century heritage Dhakeshwari temple was attacked during the racial riots.

For 20 years, the persecuted Hindus, Christians, Buddhists and Adivasis did not receive justice, not to speak of compensation.

Also, the Ahmadiyya sect of Muslims was not spared by Islamists. The ruling party remain silent and believes the Islamist version that the Ahmadiyya's are heretic. On every Friday Jumma prayer, the Islamist march in front of the Ahmadiyya mosque chanting slogan to ban the heretics and shut down their mosque.

Nevertheless, the ripple effect has begun. And protests are being held in all educational campuses, cities major intersections and in front of the press clubs all over the country.

The 1971 liberation war veteran Sachin Karmakar, a retired Mukti Bahini commented that the successive governments in a bid to win the heart of the Islamists on their side have dug canals and invited crocodiles for the protection of their thrones. Now the hungry crocodiles are chasing us as their prey?

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War Crimes Investigation in Myanmar

NUG Urges Boycott of Myanmar Coup Leader Family Business (Irrawaddy)

October 19, 2021

Myanmar's parallel National Unity Government (NUG) has urged the public to refuse to work for businesses run by the family of coup leader Senior General Min Aung Hlaing. The NUG's Ministry of Commerce declared in an October 18 statement that 15 companies owned by the junta chief's family should be boycotted as they are supporting violence against civilians.

Anyone who doesn't abide by the NUG's statement risks being listed as a collaborator with the military regime, as Snr. Gen. Min Aung Hlaing is benefiting personally from the companies. Citing an investigation by the NUG's Economic Intelligence Unit, Daw Khin Ma Ma Myo, the NUG's Minister of Commerce, said that "Min Aung Hlaing, the perpetrator of the state rebellion and war crimes, is abusing the military's power and running many businesses for the benefit of his family."

His family's companies include medical supplies, hospitals, construction, hotels, transportation, film production and entertainment, insurance, telecommunications, an art gallery, restaurants and a gym, according to the Ministry of Commerce's statement.

The Myanmar military also owns two conglomerates – Myanmar Economic Holdings Limited and Myanmar Economic Corporation – which operate in almost all sectors of the economy.

Daw Khin Ma Ma Myo told The Irrawaddy that people supporting the pro-democracy movement are already boycotting military-affiliated businesses. However, some people are still working with military-backed companies, which allows the junta to raise funds to continue their lethal crackdowns on civilians.

"We have to uproot the culture of having military-owned businesses and companies owned by military leaders' families," she said.

“If you don’t want to be on the list of people supporting violence, this is the time to retreat. We urge the public to refuse to use the services these companies provide and not to act as proxy directors or owners or allow their names to be used to register military-backed companies,” added Daw Khin Ma Ma Myo.

The NUG said that people who did collaborate with the businesses, whether as partners, directors, board members, shareholders, staff and legal advisers, risked being punished by the law.

“Action will be taken in accordance with international law and procedures,” the NUG said in its statement.

Of the 15 businesses listed by the NUG, the Mytel Group Company, part-owned by the military, and the Seventh Sense entertainment company, led by the coup leader’s daughter, were listed as ‘suspended’ when their status was checked October 19 on the Directorate of Investment and Company Registration (DICA) website. Information on some of the other companies listed by the NUG was also unavailable on the DICA website, the source of company information under the ousted National League for Democracy government.

The list of companies affiliated to Snr. Gnr. Min Aung Hlaing and his family, as issued by the NUG, is as follows.

1. A and M Mahar Foods and Medical Products Company 2. Sky One Construction Company 3. The Yangon Restaurant, Yangon Gallery for art exhibitions 4. Everfit Company Limited, gym and fitness in Yangon 5. Seventh Sense Company Limited, film production and entertainment 6. Stellar Seven Entertainment Company (Limited) 7. Azura Beach Resort in Chaung Tha, Ayeyarwady Region 8. Aung Myint Moh Min Insurance Company Limited 9. Mytel Telecom Company 10. Bone Myat Pyae Sone Trading Company (Limited) 11. Kan Thar Yar Hospital 12. JOOX MYANMAR Music platform 13. Pullman Hotel in Mandalay 14. Nyein Chan Pyae Soe Bus Terminal 15. Moe Kaung Yadanar Mother and Child Care Hospital.

ASEAN Downgrades Myanmar Presence in Summit in Major Rebuke (Organization for World Peace) By Gabriella Contadino

October 19, 2021

In their most pointed dismissal of Myanmar’s military junta yet, the Association of Southeast Asian Nations (ASEAN) has agreed to exclude Senior General Min Aung Hlaing, from an upcoming summit.

A statement from the current chair of the group, Brunei, explained its decision to exclude the Senior General during an emergency meeting on Friday. Members states shared similar sentiments over the “insufficient progress” achieved in restoring peace to Myanmar. They also echoed mutual “concerns” over the State Administration Council’s (SAC, the official name for the military junta) commitment to establish constructive dialogue with fellow member states. For these reasons, the statement concluded that Min Aung Hlaing should be excluded from the meeting. Instead, a non-political figure from Myanmar would be invited to attend in his place.

The statement of exclusion was precipitated by the cancellation of an ASEAN special envoy visit to Myanmar earlier in the week. The country had approved Brunei Second Foreign Minister Erywan Yusof’s visit, but he canceled after being informed he would not be able to meet with ousted leader Aung San Suu Kyi, among other figures he had requested to convene with. Myanmar military spokesman Zaw Min Tun explained that Erywan could not meet with Suu Kyi due to the criminal charges against her. Suu Kyi faces charges ranging from the violation of import laws to incitation of public unrest and corruption. Both Suu Kyi’s supporters and independent analysts agree that the charges are fabricated and intended to justify the military’s violent seizure of power.

In response to Erywan’s visit cancellation, Myanmar’s foreign ministry released a statement defending Suu Kyi’s ongoing detainment, claiming that “Myanmar has been prioritizing peace and tranquility” and that “some requests which go beyond the permission of existing laws will be difficult to accommodate.”

Worsening violence and increasingly dire economic and humanitarian circumstances have reportedly left several ASEAN representatives frustrated with the lack of progress and perceived lack of cooperation from the junta. The regional union is largely bound by a typically uncompromisable policy of non-interference in the domestic affairs of other member states.

Another central policy demands unanimous consent in decision-making. The decision to exclude Min Aung Hlaing from the upcoming meeting marks a clear break from protocol and further emphasizes the severity of the issue at hand. Experts cite concerns over the potential for the national conflict in Myanmar to spread to the rest of the region as a major factor behind the group’s decision to deviate from the aforementioned agreements.

Democratically elected leader and internationally renowned activist Aung San Suu Kyi, along with other prominent figures of Myanmar’s National League for Democracy (NLD), was forcibly removed from power in a military coup last February.

The Tatmadaw (official name of Myanmar’s armed forces) accused Suu Kyi of stealing the country’s November 2020 election through voter fraud. Suu Kyi and fellow government officials have remained in detention ever since, despite the claims being widely understood as fictitious.

Millions have taken to the streets in protest of the incoming junta, vocal in their opposition to the military coup. In response, the SAC has engaged in a brutal crackdown against dissenters. The Assistance Association for Political Prisoners, the main human rights group tallying deaths and injuries following the coup, estimated at least 1,146 people had been killed by the junta as of September 29th. Furthermore, 8,573 have been arrested, 6,914 are in detention, and 1,989 others have had warrants issued for their arrest.

ASEAN member states have come under significant criticism from civilians on the ground in Myanmar and the larger international community. Member states have been accused of not upholding their commitments to mitigating and addressing the conflict in Myanmar. In April, the regional alliance introduced a “Five-point consensus” detailing a proposed course of action for addressing the conflict. The plan includes “an immediate cessation of violence in Myanmar, constructive dialogue among all parties, the appointment of a special ASEAN envoy to facilitate dialogue, the provision of humanitarian assistance, and a visit by the envoy to Myanmar.”

The consensus fails to condemn the ongoing violence, and demands for releasing political prisoners, including Suu Kyi, are notably absent. David Scott Mathieson, an independent analyst who has been working on conflict, peace, and human rights issues in Myanmar for over 20 years assessed the consensus as not truly reflecting the emotions of people on the ground. He stated that “many Myanmar people perceive ASEAN as buying time for the military, and in effect engagement is recognizing the SAC as legitimate.”

Internal frustrations within ASEAN over the junta’s lack of response to their efforts are not unfounded. The UN High Commissioner for Human Rights, Michelle Bachelet, shared similar sentiments of discontent: “There is no sign of any efforts by the military authorities to stop these violations nor implement previous recommendations to tackle impunity and security sector reform.” However, this does not impair ASEAN’s ability to condemn the SAC’s brutality and illegitimate governance.

The decision to exclude Min Aung Hlaing from the upcoming summit has far-reaching implications. Excluding him is an unprecedented breach of typical ASEAN protocol. The momentum gained in the blatant dismissal of the SAC must be built upon rather than left to fade away. ASEAN’s founding principles of non-intervention in domestic affairs and consensus in decision-making are admirable and important in maintaining regional relationships and stability. However, the ongoing perpetuation of crimes against humanity, widespread civilian suffering, and impending economic collapse demand immediate intervention and unquestionable condemnation of the junta for its ongoing role in perpetrating violence. It’s imperative to maintain a hardline stance against the SAC, advocating for the inclusion of non-political actors or civilian representatives within ASEAN proceedings until Suu Kyi and other political prisoners are released.

In a recent statement, United Nations Secretary-General António Guterres called for an “urgent” response to the violence in Myanmar, citing fears that as time progresses, it will become “increasingly difficult to counter” the junta’s grip on power. As such, ASEAN must revise its engagement tactics with the SAC and the larger international community should continue to express its continued support for civilians in Myanmar, levying targeted sanctions against the junta.

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AMERICAS

North & Central America

The DOJ Is Investigating Americans For War Crimes Allegedly Committed While Fighting With Far-Right Extremists In Ukraine (Buzzfeed) By Christopher Miller

October 8, 2021

One chilly day in February, Craig Lang, a former US Army soldier wanted for allegedly killing a married couple in Florida, pleaded with three stern-faced judges in a Kyiv courtroom to allow him to stay in Ukraine. He first came in 2015 to fight with a far-right paramilitary unit, defending the country from Russia-backed forces. And he believed that if he were extradited back to the US, he could face war crimes charges.

“Any separatist or Russian soldier that I have killed would be a murder charge” in the US, Lang, 31, said in his gruff North Carolina drawl. “Understand that some of my fellow combatants are under investigation by the FBI for war crimes.”

That was a stunning statement. It would be extremely rare for the US government to investigate its own citizens for alleged war crimes committed on foreign soil — no one, experts say, has ever been prosecuted, let alone convicted, under the US War Crimes Act. Lang’s claim, overheard by this BuzzFeed News reporter, could not be corroborated at the time.

But now, BuzzFeed News can reveal that the Department of Justice and the FBI have in fact taken the extraordinary step of investigating a group of seven American fighters, including Lang, under the federal war crimes statute. Authorities suspect that while in eastern Ukraine, Lang and other members of the group allegedly took noncombatants as prisoners, beat them with their fists, kicked them, clobbered them with a sock filled with stones, and held them underwater.

Lang, the DOJ believes, may have even killed some of them before burying their bodies in unmarked graves.

The war crimes investigation was detailed in a DOJ appeal for assistance sent to the Office of the Prosecutor General of Ukraine in 2018 along with two Ukrainian documents responding to the appeal the following year. The documents were leaked to an obscure pro-Russian website. BuzzFeed News reviewed and authenticated the documents and interviewed six people, in Kyiv and stateside, with direct knowledge of the US investigation. They include a top Ukrainian law enforcement official; a former Ukrainian National Police official who was involved in gathering information to fulfill the US appeal; and two other people who have assisted the FBI and spoke on the condition of anonymity due to the sensitivity of the matter.

BuzzFeed News also interviewed Dalton Kennedy of North Carolina and David Kleman of Georgia, both 24, who had interviews with federal agents and provided proof of those encounters. They, along with Quinn Rickert, 27, of Illinois; Santi Pirtle, 30, of California; Brian Boyenger, 33, of North Carolina; and David Plaster, 37, of Missouri were investigated by the DOJ and FBI in the probe. When they arrived in Ukraine, Lang, Rickert, and Pirtle allegedly joined Right Sector, a volunteer far-right nationalist group that formed in November 2013 and later created a paramilitary force to respond to Russia’s invasion of eastern Ukraine in spring 2014. Human rights groups have accused Right Sector fighters of abusing and torturing civilians and combatants.

All the men were connected to Lang, who also briefly served in Ukraine’s military, and privy to his actions in the country. Their alleged roles in the war crimes vary, and BuzzFeed News has found that some were likely not present when they are believed to have taken place.

The DOJ — based on video and photo evidence, as well as interviews with some of Lang’s fellow American fighters — says in the documents that Lang was the main instigator of the alleged torture of detainees in eastern Ukraine. In April, BuzzFeed News detailed how Lang became increasingly radicalized while fighting in Ukraine and had ties to white supremacists. He now resides with his Ukrainian partner and their child in Kyiv. He was detained by Ukrainian border guards in August 2019, wears an ankle monitor, and is banned from leaving the country while he fights extradition to Fort Myers to face trial in the 2018 killings of Deana and Serafin “Danny” Lorenzo in Florida. Authorities allege that Lang and another former Army soldier who fought with Right Sector in Ukraine lured the couple to a meeting to buy guns — but instead ambushed them and robbed them of \$3,000, used to fund Lang’s foreign fighting adventures.

A separate message obtained exclusively by BuzzFeed News suggests the FBI was investigating Lang and the others as early as April 2017, and had already received information on them from search and seizure warrants.

The DOJ appeal doesn’t make clear whether US authorities had interviewed any alleged victims in Ukraine or confirmed that anyone was killed. But based on the evidence gathered, the DOJ appeal says, the Americans “allegedly committed or participated in torture, cruel or inhuman treatment or murder of persons who did not take (or stopped taking) an active part in hostilities and (or) intentionally inflicted grievous bodily harm on them.”

It continues: “Such actions, if committed by US citizens or directed against them, respective to the United States War Crimes Act, are classified as war crimes in the context of the armed conflict in eastern Ukraine.”

Two sources who have aided the DOJ and the Americans under investigation who spoke to BuzzFeed News in the past four

months said that they believe the probe is active. But, to date, no related charges have been filed. Calls and emails sent to the DOJ and FBI officials named in the leaked appeal went unanswered. The US Embassy in Kyiv also declined to comment. The FBI and DOJ spokespeople each said they do not confirm or deny the existence of an ongoing investigation.

During extradition hearings in Kyiv over the past year, Lang has denied involvement in the Florida killings and said federal authorities are going after him because of his political views and extremist ties. Four of the six sources, including Kennedy and Kleman, said they believed the DOJ's focus now is getting Lang extradited to the US, something Irina Venediktova, Ukraine's prosecutor general, told BuzzFeed News this month that she would also like to see happen. "We did our homework [on Lang]," she said, noting that she approved the US request for extradition last year. (The European Court of Human Rights ordered a stay on Lang's extradition until it reviewed his case. The court had not yet made a decision when this article was published.) In May, the US government said during a court hearing that it would waive the death penalty for Lang in order to speed up the process.

Lang didn't respond to a request for comment. His Ukrainian lawyer, Dmytro Morhun, declined to respond directly to the DOJ investigation and claims made against Lang, saying he would only do so if presented with evidence of alleged crimes, not assumptions of law enforcement agencies. He said the US investigation was proof of what he has argued since Lang was detained in Ukraine — that the US efforts to bring him back home were political in nature and are "connected precisely with his participation in the armed forces of Ukraine in the east, while fighting against the Russian aggressor."

In interviews in person and by phone, Kennedy, Kleman, Plaster, and Boyenger confirmed they had fought in Ukraine, but they all denied the allegations that they committed or aided any possible war crimes and said they were never part of Right Sector; the four served with the regular Ukrainian military and provided documentation showing they did. Rickert didn't respond to messages seeking comment, and Pirtle couldn't be reached. But a family member of Pirtle's told BuzzFeed News by phone that Pirtle spoke to the FBI at least twice about his experience once he left Ukraine and returned home to San Jose. The family added that Pirtle is currently serving in the US Army and is based in Louisiana. An Army spokesperson confirmed Pirtle is an active-duty infantryman with no combat deployments who has served since October 2020.

Thousands of foreign fighters have flocked to eastern Ukraine to join a war that Russia incited in spring 2014 — using troops in unmarked uniforms and local separatist proxies — that has killed more than 14,000 people. Venediktova told BuzzFeed News that her office is investigating 250 foreign fighters from 32 countries for war crimes. All of them have fought with Russia-led forces.

Venediktova said that, for now, there are no active investigations into foreign fighters who joined the Ukrainian side. But Gyunduz Mamedov, the deputy prosecutor general of Ukraine, said in an interview in Kyiv in August that after learning of the US war crimes probe in 2019, he considered opening his own into Lang's alleged crimes. "I thought that a proper legal assessment of the situation should be done in Ukraine as well," he said, adding, "My main concern was [Lang's] crimes in Ukraine." Mamedov said he asked US authorities to share the evidence used to build their case against Lang and the other Americans. "Unfortunately," he said, "there has been no response."

Roughly 40 other Americans have fought on the Ukrainian side, according to BuzzFeed News' reporting and expert research. Many are veterans or men who had hoped to join the US military but couldn't, and wanted to help a democratic ally in its fight against Russia's aggressive authoritarianism. Others are opportunists who see a shot at a once-in-a-lifetime adventure and a fresh start. And several are combat enthusiasts who hop from war to war.

But some are far-right extremists who have set their gaze on Ukraine, a place that has become a destination and training ground for such types in the West. As far-right extremism has risen in the US, so has the interest among American white supremacists in militarized right-wing Ukrainian groups that have had success in growing and mainstreaming their organizations and movements. They include violent neo-Nazis like those from the Rise Above Movement who have gone to Ukraine to meet and train with some of the groups — and then export what they learned to the US.

The seven Americans arrived in Ukraine at different times. Plaster, who has familial ties to Ukraine, was in the country before the war broke out. The other six arrived between 2015 and 2016.

Lang touched down in May 2015, after two tours with the US Army in Iraq and Afghanistan. He served in the infantry and was dishonorably discharged in 2014. A string of disturbing personal events the previous year, including an incident in which he allegedly threatened his wife, court documents show, led to their divorce and him losing custody rights and a job.

Ukraine offered adventure and a new start. He joined Right Sector, he said earlier this year, "because I thought they were the most active on the front line." The far-right paramilitary group handed him a loaded AK-47 the moment he arrived, he said.

As one of the first and most visible American fighters in eastern Ukraine — his Facebook page, which has since been removed, showed him firing machine guns and AK-47s in interviews with Ukrainian media, running through trenches, and posing in uniform on the battlefield — he quickly became a key contact for others looking to join the war and Right Sector. The DOJ also believes that Lang used Facebook to actively recruit other Americans to the unit.

Among them were Rickert and Pirtle, who, along with Lang and two Austrian fighters, formed a close-knit, informal group that called itself “Task Force Pluto,” after the Greek god of the underworld. Photographs shot by a German photographer in early 2016 show them cleaning their AK-47 rifles and firing rocket-propelled grenades at the front line together.

While Rickert was once close with Lang, he seems to be one of the government’s prime sources of information and evidence in its war crimes case. Lang, he apparently told investigators, was the Task Force Pluto leader while the group was stationed at a makeshift military base located on the edge of Novohrodivka, an unremarkable coal mining town in the Donetsk region that is under Ukrainian government control.

Rickert, the DOJ document says, told the FBI about several instances of Lang allegedly abusing people at the base in late 2015 or in 2016. In one, Rickert said that Lang went to a nearby village and captured a local man. Rickert claimed that Lang brought the man back to the Right Sector base and “severely beat and tortured” him in a cell and “eventually took him out of the base and killed him.” Rickert told the DOJ that he had video footage of the incident and others.

Rickert also told investigators he witnessed Lang and Benjamin Fischer — an Austrian who, the DOJ notes, fought with Right Sector and has also been accused by his government of war crimes in Ukraine and was briefly detained in 2017 before reportedly being released due to a lack of evidence — committed “numerous killings and tortures” of prisoners. These happened, Rickert said, in a small room at the base in spring 2016. After the torture sessions, Rickert told DOJ, Lang took them outside, killed them, and buried their bodies in a field near the base.

Rickert told the DOJ he also had a video of Lang beating and drowning a woman who Fischer injected with adrenaline to keep her from losing consciousness. According to Rickert, another foreign fighter filmed the incident on video. Fischer’s whereabouts are unknown and he could not be reached for comment.

Pirtle told investigators, according to the DOJ document, that Rickert filmed several of the interrogations and uploaded the videos to his Google accounts, including one in which a man was detained, thrown into a shower stall, and beaten with a sock filled with stones. According to Pirtle, the man was thought to have fought with Russia-backed forces. Pirtle told investigators he saw Lang punch and push the man, demanding his password to a Facebook account because Lang thought that it was holding information on pro-Russian fighters.

Pirtle’s family member said he returned to the US in spring 2016 because he had grown tired of the poor living conditions in eastern Ukraine and was worried about “somebody who did terrible things.” That person, the family member said, was Lang. Pirtle, according to the family member, emailed them explaining that “things are going downhill and he didn’t want any part in it.”

Morhun, Lang’s lawyer, did not directly respond to these or any specific allegations, saying “in order to deny or confirm any accusations, they must be brought,” and since the DOJ has not presented he or Lang with evidence, “we are talking about assumptions, and that makes no sense to comment on.”

The DOJ appears to have obtained and viewed that video and others, writing in the appeal that investigators got a warrant authorizing them to search the Google account and emails apparently belonging to Rickert.

“In the first video, LANG’s voice is heard demanding that the man give his password from a social network account,” the DOJ writes. “After the man refuses to give LANG his password, behind the scenes someone says, ‘You need to beat him.’ LANG hits the man several times with his knee in the abdomen and head, throwing him on the floor, where he writhes in pain.”

A second video, according to the DOJ, “shows a Ukrainian man repeatedly hitting a man with something hard in a sock in his cell. After this beating, a person similar to RICKERT enters the shower and demands the man’s password. After that, you can see how RICKERT punches the man in the back of the head.”

Rickert’s and Pirtle’s accounts to the DOJ, and the agency’s descriptions of the videos, closely align with what BuzzFeed News was told by an American fighter in Ukraine who knew the Task Force Pluto members and described them as having a “fetish for death and torture.” It also aligns with a screenshot of a video viewed by this reporter that shows a man who appeared to be Lang standing over a man seated and bound in a small room. That scene also closely resembles one described by a Vice News journalist who interviewed Lang, Rickert, and Pirtle at the Novohrodivka base in 2016. In that story, a man was detained by Right Sector fighters, held in “a standing-room-only shower stall” with the lights on for a week, and beaten with a sock “stuffed with sharpened rocks.”

The Google account data, the DOJ writes, also uncovered numerous images of Rickert, Lang, Pirtle, and other people handling weapons and explosives in eastern Ukraine, including in “a trench dug for combat.”

The DOJ document doesn’t describe any instances in which Kennedy, Kleman, Boyenger, and Plaster took an active part in the abuse of civilians. Plaster, who now runs an NGO in Kyiv that helps Ukrainian veterans, said he “kept a distance from anyone with radical ideologies” and provided “medical aid and training” to the country’s soldiers during his time on the front line. Boyenger said, “I have always conducted myself with honor and fidelity, as a taxpayer I do expect the government to investigate to the fullest extent any and all allegations of wrongdoing and I look forward to seeing the results of their investigation as much as anyone.”

The DOJ document also says that US authorities believe that Lang and Kennedy, after spending time back in the US, “returned to Ukraine with the intention of planning and participating in an armed attack on the Ukrainian [parliament]” in 2017.

The DOJ says in the document that US authorities in Kyiv received reports around March 14, 2017, that Lang was detained upon his arrival at a Ukrainian airport because authorities “found something similar to a rifle with a silencer and a full box of ammunition” on him.

Kennedy told BuzzFeed News that he never planned any such attack on Ukraine’s parliament building, calling the accusation “bullshit.” He showed BuzzFeed News his passport, which indicated that he wasn’t in Ukraine at the time the DOJ claimed he was there. But Kennedy did say that Lang had told him about being detained at a Ukrainian airport and found to have gun parts in his luggage. Lang didn’t respond to questions about the alleged incident.

“I do believe the FBI is unfairly demonizing and trying to prosecute us for no real reason other than our involvement in Ukraine,” Kennedy told BuzzFeed News.

Kennedy — who also served for a time as a soldier in the Ukrainian armed forces — said Lang convinced him to join Right Sector in April 2016, and that he stayed only for a couple of months. “When I was there nothing like that happened,” Kennedy said of the alleged war crimes. “We didn’t even take any prisoners the whole time I was there.”

The DOJ and FBI investigation marks the first attempt to hold American volunteer soldiers accountable for their alleged actions in Ukraine. Besides going after alleged war criminals, the extraordinary investigation also ticks another box for the DOJ: a case against far-right extremists. The Biden administration has said fighting extremism is a top priority.

At least two of the other men under investigation could be described as far-right extremists: Kennedy, who was briefly in the US Army, told BuzzFeed News in an interview that he’s now “apolitical,” but he was once a member of the American neo-fascist group Patriot Front and photographed making a Nazi salute. Kleman’s social media presence includes a video of him making a Nazi salute, a photo of a Nazi WWII flag, and posts with white supremacist language. He told BuzzFeed News from his home in Boston that he “was never a Nazi” but is “very into Germany.”

The DOJ appeal document was first leaked by an obscure pro-Russian website called UkrLeaks on April 9, after BuzzFeed News published an investigation into Lang’s alleged involvement in the double killing in Florida and the issue of American extremists fighting in Ukraine. UkrLeaks is run by Vasily Prozorov, a Ukrainian who worked from 1999 to 2018 as a consultant in the country’s security service, the SBU, before defecting to Russia. In a Facebook post in March 2019, the SBU claimed he had been fired for his poor job performance and heavy drinking.

Since arriving in Russia, Prozorov has used UkrLeaks and appearances on state television to push some of the Kremlin’s favorite conspiracy theories about Ukraine. But Prozorov had access to sensitive and classified information, and while he seems to have used some of it to smear Ukraine and his former employer, some things he leaked have checked out. For instance, Prozorov has published information about the SBU detaining pro-Russian Ukrainians and holding them in secret detention centers. And although the security service has vehemently denied using such facilities, Ukrainian journalists, international human rights groups, and the United Nations have investigated the claims, interviewed people who were detained, and found the centers to be real.

Prozorov, who fled Ukraine before the DOJ appeal was sent to Kyiv, told BuzzFeed News the appeal and two related Ukrainian documents were given to him by a source in the Ukrainian prosecutor’s office whom he declined to name.

The bar for charging someone under the War Crimes Act is incredibly high, according to Beth Van Schaack, a law professor at Stanford University who previously served as the deputy to the ambassador-at-large for war crimes issues in the State Department’s Office of Global Criminal Justice. “No US citizen has ever been tried or convicted under the country’s war crimes statute” since it became law in 1996, she told BuzzFeed News.

(One US citizen came close: Boston-born Charles Emmanuel, aka Chuckie Taylor, aka Roy Belfast Jr., the son of Charles Taylor, the former President of Liberia. He led the Liberian Anti-Terrorist Unit that tortured and killed civilians opposed to his father's rule. His 2008 US conviction for torture committed in a foreign country was the first of its kind. He was sentenced to 97 years in prison.)

Edgar Chen, a former attorney in the DOJ's Office of Special Investigations, the department's unit tasked with targeting and prosecuting human rights violators and war criminals, told BuzzFeed News that during his nearly 10 years there he wasn't aware of any US citizen being investigated for committing a war crime in circumstances similar to the Ukraine case.

"They're not going to do that unless they think they've got the goods," Chen said, suggesting that the DOJ might see the case against Lang and the other American fighters as its opportunity to finally put the War Crimes Act to use.

One person who has assisted the FBI with the probe told BuzzFeed News that investigators had expressed that very thought to them. Speaking on the condition of anonymity so they could talk about discussions with the federal agents, the person said, "They want to make Craig the first [American] to be tried for war crimes" in the US.

Progressives to Put US War Crimes on Trial and Demand Freedom for Julian Assange (Common Dream)

By Brett Wilkins

October 13, 2021

A group of prominent global progressives on Wednesday announced a return of the Belmarsh Tribunal, where participants will put the United States government on informal trial for war crimes and demand freedom for jailed WikiLeaks founder Julian Assange.

On October 22, Progressive International's Belmarsh Tribunal, named after the notorious London prison where Assange is imprisoned as he faces possible extradition to the United States, "will try the U.S. government for its crimes of the 21st century—from atrocities in Iraq to torture at Guantánamo Bay to a surveillance program."

"We are convening parliamentarians, journalists, lawyers, and investigators to fight for truth and justice against Assange's extradition to the United States," said Progressive International, which held a similar tribunal last year. "In doing so, the Belmarsh Tribunal turns the tables in the extradition hearing against Julian Assange... a case that will shape the future of journalism for decades to come."

Britain's High Court has been considering the Biden administration's appeal in the extradition case against Assange, with a full appellate hearing scheduled for October 27 and 28.

"WikiLeaks exposed the reality of the War on Terror," said Progressive International. "It revealed war crimes in Iraq and Afghanistan, over 300 incidents of torture, and secret killings by the United States armed forces. For exposing the criminality of the War on Terror, the U.S. and its allies have persecuted, imprisoned, and plotted to assassinate Julian Assange."

Last month, Common Dreams reported that in 2017 the Central Intelligence Agency, under then-Director Mike Pompeo, plotted to kidnap—and possibly murder—Assange to avenge WikiLeaks' publication of the "Vault 7" documents exposing CIA cyber warfare and surveillance activities.

The Belmarsh Tribunal is inspired by the Russell Tribunal, a 1966 event organized by philosophers Bertrand Russell and Jean-Paul Sartre to hold the U.S. accountable for its escalating war crimes in Vietnam.

British historian and activist Tariq Ali, one of the original Belmarsh Tribunal members, will participate in this year's event.

Some of the members of the 2021 Belmarsh Tribunal include German Left Party lawmaker Heike Hänsel; Solidarity Party of Afghanistan spokesperson Selay Ghaffar; Greek lawmaker Yanis Varoufakis; former Ecuadorean President Rafael Correa; Italian investigative journalist Stefania Maurizi; ACLU attorney Ben Wizner; and British Labour parliamentarians Apsana Begum, Richard Burgon, Jeremy Corbyn, and John McDonnell.

"At the Belmarsh Tribunal, we will turn the world the right way up," Corbyn tweeted Wednesday, "placing crimes of war, torture, kidnapping, and a litany of other gross human rights abuses on trial."

Canada failed to deal with their WWII Nazis residents - opinion (Jerusalem Post) By Efraim Zuroff

October 18, 2021

The death of former Einsatzgruppe D operative Helmut Oberlander at his home in

Waterloo, Ontario, late last month ignominiously ended one of the most frustrating and infuriating episodes in the belated postwar efforts of English-speaking democracies to take legal action against Nazi war criminals and collaborators who had immigrated to these democracies under false pretenses.

Unlike the situation in Germany and elsewhere in Europe, where the trials of Holocaust perpetrators began relatively shortly after the end of World War II, the English-speaking democracies realized only decades later that all of them – with the exception of South Africa, which was hermetically closed to immigration during the postwar period – had failed miserably in screening refugees from Eastern Europe, thousands of whom had committed Holocaust crimes.

(In other cases, the Western allies knowingly overlooked the Nazi past of German scientists, engineers and technicians who had worked on the production of V-2 rockets, and a number of individuals who were considered as spy potential behind the Iron Curtain.)

Thus initially in the US in the mid-1970s, and several years later, in Canada, Australia, and Great Britain, and even later in New Zealand, the authorities were confronted by this problem.

The US chose to prosecute these individuals for immigration and naturalization violations since they could not put them on trial for their World War II crimes, which were committed outside the US and whose victims were not American citizens.

The punishment in these cases was the loss of citizenship, if it had been obtained, which was true in most cases, and deportation or extradition.

Canada in 1987, Australia in 1989, and Great Britain in 1991 all passed special laws in their parliaments to allow criminal prosecution of World War II crimes.

From the beginning of this process, all three countries faced many obstacles, but the manner in which the issue was dealt with in Canada was particularly flawed, and in that respect Oberlander's death at home in Waterloo was predictable.

The problems already began with the official Canadian inquiry into the issue, the Deschenes Commission, established in 1985. Although the overwhelming majority of the suspected Nazi war criminals who had immigrated to Canada were of Eastern European origin, the commission refused to contact any of the governments of their countries of origin. One of its conclusions was:

“Should the government of Canada not wish, as a matter of policy, to submit the name of the subject to the Yad Vashem archives, to the relevant Eastern bloc government or the appropriate archival center, the file ought to be closed.” Needless to say, that was an excellent way to close the majority of the cases.

The next blow to the Canadian effort was the result of the first case brought by the government to court.

On December 1, 1987, Hungarian gendarmerie Capt. Imre Finta was charged with the ghettoization, under horrible conditions, of 8,617 Jews in the city of Szeged, and their subsequent deportation from the Rokus railway station to the Auschwitz death camp from June 24 to 30, 1944.

Although Finta did not contest the charges, he was acquitted on May 25, 1990 by a Toronto jury on all eight counts of war crimes and crimes against humanity. They accepted his claim that he was merely following “superior orders,” and that in the violently antisemitic atmosphere in Hungary at the time, it was not clear that orders to deport Jews were illegal.

Given the fact that the “superior orders” defense had never been accepted in any Nazi war crimes case, and that the antisemitic laws passed in Hungary were clearly violations of the Hungarian constitution, the 1994 rejection of the government's appeals against the verdict was absolutely shocking.

That decision, however, forced the Canadian government to abandon criminal prosecution; that same year it switched to the American model of prosecution for immigration and naturalization violations.

At that point, the government stripped 10 Canadian residents of their citizenship, among them Oberlander, who had served in Einsatzgruppe D (Einsatzkommando 10A), which murdered tens of thousands of Jews in southern Ukraine, and whose commander, Dr. Otto Ohlendorf, was executed after being convicted at Nuremberg.

Of the 10 individuals who were stripped of their citizenship, only two left Canada voluntarily, while the eight others, including Oberlander, chose to remain in the country and contest the decision.

His case has been like a roller coaster. His citizenship was revoked four times (!), and he succeeded in getting it back the

first three times. When it was revoked for the fourth time, I wrote an op-ed in The Jerusalem Post on July 30, 2017, expressing my doubts whether that step would “mark the beginning of a satisfactory conclusion to this very frustrating and infuriating episode.” Unfortunately, that proved prophetic.

Not a single one of the eight Nazi war criminals who chose to fight against their deportation from Canada was deported from the country. Seven had already previously died in Canada, and now that Oberlander has died in his own home in Waterloo, it's fair to say that the Canadian government has utterly failed to rid Canada of individuals who did not deserve the right to live in peace and tranquility, a privilege they helped deny their innocent victims.

To quote my colleague Michael Levitt, the CEO and president of the Toronto Friends of the Simon Wiesenthal Center for Holocaust Studies, “That he [Oberlander] and so many others complicit in such barbarity could live happily ever after in Canada is a searing indictment of our justice system and the lack of political will to prosecute them. Their continued presence here over the past 75 years is an affront to our values as Canadians.”

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South America

Colombia's defense minister called to Congress over child bombings (Colombia Reports) By Adriaan Alsema
October 8, 2021

Colombia's defense minister will have to explain Congress why four minors and no ELN commander died in a bombardment on a guerrilla camp in September.

Opposition Senator Ivan Cepeda on Thursday revealed that one 13-year-old boy and three 17-year-old girls died in a September 16 bombing that was supposed to kill ELN commander “Fabian.”

“I will summon the defense minister, Diego Molano, to explain the new episode of bombing minors during a political control session in the Senate.” -Senator Ivan Cepeda

Presidential hopeful Camilo Romero of the Green Alliance party demanded the resignation of Defense Minister Diego Molano.

The defense minister blamed the guerrillas for “forcibly recruiting minors and placing them within a military objective.”

Molano was already in a fix over the bombing because he falsely claimed that the commander of the ELN's Western War Front died in the military operation.

Fabian wasn't among the eight people who were killed in the bombardment on an alleged guerrilla camp in Litoral de San Juan, a municipality in the western Choco province.

Nevertheless, Interior Minister Daniel Palacios called the bombing a “surgical operation” of “high precision.”

The ELN commander was captured 11 days after the bombing and died in a Cali hospital on September 28.

The guerrillas confirmed the death of “Fabian,” but challenged Molano's claim that the top commander was injured in the bombardment. The killing of children during a bombing on a guerrilla camp forced the resignation of President Ivan Duque's first defense minister Guillermo Botero in 2019.

Molano defended the latest incident and denied that the deaths of the minors constituted a violation of International Humanitarian Law.

This is a questionable claim, mainly because the Geneva Convention's protocol on the protection of children is open to interpretation, especially when it comes to child soldiers who are 15 and older.

This is complicated further by the fact that there is no evidence to indicate that the minors were child soldiers as they weren't killed in combat, but bombed to death.

Article 77 • Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason. • The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavor to give priority to those who are oldest. • If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war. • If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5. • The death penalty for an offence related to the armed conflict shall not be executed on persons who had not attained the age of eighteen years at the time the offence was committed.

Molano's attempt to lay the blame on the ELN is even more questionable as the guerrillas' alleged recruitment of the 13-year-old boy in no way allows the military to also commit war crimes.

Brazil's Bolsonaro accused of crimes against humanity at ICC for his record on the Amazon (CNN) By Florence Davey-Attlee
October 12, 2021

A group of climate lawyers has urged the International Criminal Court (ICC) to investigate Brazilian President Jair Bolsonaro for his alleged attacks on the Amazon, which they say amount to "crimes against humanity."

Austrian not-for-profit AllRise filed a landmark complaint at the court in the Dutch city of The Hague on Tuesday. It argues that the actions of Bolsonaro and his administration are a "widespread attack on the Amazon, its dependents and its defenders that not only result in the persecution, murder and inhumane suffering in the region, but also upon the global population," the group said in a statement.

The 286-page filing said there were grounds for "an urgent and thorough ICC investigation and prosecution."

It cites "the ongoing widespread attack on the Brazilian Legal Amazon and on its Environmental Dependents and Defenders contrary to Article 7 and Article 25(3)(c) of the Rome Statute."

"This attack, and the multiple crimes that have occurred under its aegis -- which include but are not limited to murder ... persecution ... and other inhumane acts of a similar character ... -- necessitate an urgent and thorough ICC investigation and prosecution," reads the filing.

As well as arguing that crimes against humanity have been committed against individuals who depend on and work to protect the rainforest, the petition says Bolsonaro holds responsibility for future suffering that will happen as a result of his Amazon policies.

"Climate science demonstrates that consequent fatalities, devastation and insecurity will occur on a far greater scale regionally and globally, long into the future, through the attributable links between the rapid acceleration in deforestation, its contribution to climate change, and the frequency and intensification of extreme weather events," reads the filing.

The document, which was handed over to the ICC prosecutor, is supported by the Climate Observatory, a group of 70 Brazilian civil society organizations.

Any individual or group can send information to the office of the ICC prosecutor for review and consideration of an international criminal investigation. According to the ICC's website, it has to date received more than 12,000 such communications.

There is no commitment on a timeline for the ICC to carry out its preliminary examination. CNN has reached out to President Bolsonaro's office for comment but has not yet received a response.

The Sao Paulo-based civil society network Climate Observatory, which is supporting AllRise's complaint, told CNN that Bolsonaro "promotes environmental destruction."

"The Brazilian president is a threat to global efforts to contain global warming. Daily, and deliberately, he promotes environmental destruction and attacks the rights of traditional populations. Bolsonaro must pay for the crimes he commits, and we hope that his punishment will be exemplary," Marcio Astrini, executive secretary of Climate Observatory, told CNN in a statement.

Brazil's Economy Minister Paulo Guedes spoke to CNN's Julia Chatterley about climate change on Tuesday.

"Brazil is entirely involved. We will be in Glasgow [at the COP26 climate change conference] announcing our green growth program. Our entire responsibility, commitment, accountability with responsiveness to the climate change challenge," said Guedes. "We know the future is green, we know the future is digital, and we'll be there. Brazil is a green power."

In September 2020, Bolsonaro boasted that Brazil protects its environment, and argued that the Amazon region is in need of economic development for the welfare of residents. Those claims have been met with skepticism as deforestation and emissions increase in the country.

Brazil is the fifth largest country in the world and a vast 59% of its territory is covered by forest, much of it the Amazon -- which works as an "air conditioner" for the entire planet, influencing global temperature and rainfall patterns, and absorbing carbon dioxide.

Bolsonaro has long painted the environmental concerns expressed by foreign governments, local indigenous groups, and organizations as a prelude to an imagined foreign invasion of the Amazon.

At the United Nations' General Assembly podium in 2020, as flames raged in the Amazon, he claimed foreign agents were overhyping the wildfires in "the most brutal misinformation campaign."

At the same event this year, a quieter Bolsonaro acknowledged "environmental challenges" but boasted that the Amazon region had seen a drop of 32% deforestation in August compared to the prior year, citing numbers from the Brazilian National Institute for Space Research. The number is still nearly double what was registered in August 2018, before the Bolsonaro administration, however.

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Venezuela

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TOPICS

Truth and Reconciliation Commission

Outrage in Nepal as Justice Eludes Civil War Victims (The Organization For World Peace) By Jean-Philippe Stone

October 7, 2021

On October 1st, victims of the Nepalese civil war wrote a letter to UN Secretary-General António Guterres imploring him to remind Nepalese politicians of their duty to amend the Truth and Reconciliation Commission Act, so there is no amnesty for persons guilty of severe human rights abuses, and complete the long-delayed transitional justice process. This plea is a response to a speech given by Narayan Khadka, Nepal's Minister for Foreign Affairs, at the UN General Assembly on September 27th. Khadka declared that the Nepalese government is determined to deliver justice for conflict victims via the TRC and CIEDP (Commission of Investigation on Enforced Disappeared Persons), according to the Kathmandu Post.

Conflict victims and advocacy groups are concerned Khadka will not keep his promise. They warned the Post that “We have heard the same lies again and again over the years.” The civil war, which for a decade pitted Maoist insurgents against the government, killed approximately 13,000 Nepalis and led to the disappearance of 1,300 more. Combatants on both sides committed atrocities, yet the TRC and CIEDP have consistently failed to resolve most of the nearly 63,000 complaints filed by victims. Nepalese police and prosecutors are still refusing to obey numerous Supreme Court injunctions urging them to investigate wartime cases, as noted by Human Rights Watch.

Nepal's National Human Rights Commission, the Advocacy Forum, and Human Rights Watch all agree that the international community should pressure Nepalese authorities to fulfill their obligation to implement effective justice commissions. The United States, which took part in a joint military exercise with Nepali troops last year, according to The Rising Nepal, should cease cooperation with the Nepalese army until all soldiers responsible for war crimes are identified and face trial.

Human Rights Watch attests that since the end of hostilities in 2006, a pervasive unwillingness to address war crimes has entrenched a culture of corruption, impunity, and brutality among Nepalese Police, Armed Police Forces, and the Army. Security forces regularly commit gross human rights violations against Nepal's most vulnerable minorities without fear of retribution or disgrace.

In 2015, Amnesty International uncovered the violent police repression unleashed on the marginalized Tharu community. The “Tikapur massacre” began with thousands of Tharu protestors marching for an autonomous “Tharuhat” region free from centralized state control. A clash with police resulted in the deaths of eight policemen and the Head Constable's eighteen-month-old son. While the violence on the part of the protestors warrants condemnation, so does the police response. In retaliation, Nepalese police terrorized Tharu villages, drunkenly attacked and threatened families, arrested dozens of innocent men and teenagers, and tortured suspects with bamboo sticks and rifle butts. Ram Prasad, a teacher falsely accused of plotting to murder policemen at Tikapur, suffered such severe beatings while in custody that he still requires medication, according to the Nepali Times. The Wire reported that twelve out of eighteen people who died in police custody between June 2015 and June 2020 belonged to Madhesi, Dalit, and Adivasi communities.

Human Rights Watch retrieved multiple eye-witness accounts exposing the security forces' unlawful, discriminatory, and disgraceful conduct towards the Madhesi people during anti-Constitution protests in 2015. Additionally, Nepalese police are often accused of ignoring crimes affecting the Dalit community, according to Development and Cooperation. Activists and journalists struggle to find any policemen facing charges for their misdeeds.

Nepalese politicians also take full advantage of impunity to further their interests. The President, who has the power to pardon criminals on special occasions, can misuse this law to get friends, colleagues, or benefactors out of jail. Immunity for a favored few and draconian punishment for the rest is breeding widespread resentment, according to the Jurist. Trust in state parties and institutions is eroding at an alarming rate. Delivering justice to victims of the civil war and systematically reforming the police could transform Nepalese society. These initiatives have the potential to restore faith in democracy and the rule of law, ensuring the maintenance of peace in Nepal.

European Commission Raps Serbia's 'Weak' War Crimes Case Record (Balkan Insight) October 19, 2021

The Serbian authorities have “a very weak track record in the processing of war crimes cases” and continue to “provide support and public space to convicted war criminals”, according to European Commission's latest report on Serbia's progress towards membership, which was published on Tuesday.

The report notes that Serbia has not cooperated with the International Residual Mechanism for Criminal Tribunals in The Hague to arrest two nationalist Serbian Radical Party politicians who are wanted for trial after being indicted for contempt of the Hague war crimes court by pressuring witnesses during the trial of their leader, Vojislav Seselj

On the issue of cooperation with other ex-Yugoslav states on war crimes prosecutions, the European Commission noted that “Serbia has yet to enforce the final judgment of Bosnia and Herzegovina in the case of [Bosnian Serb general] Novak Djukic”, who fled to Serbia following his conviction for ordering the shelling of the town of Tuzla in 1995, when 71 people were killed.

The Commission also noted that the Serbian government has just adopted a new national strategy for the investigation and prosecution of war crimes, saying that this is “an opportunity to realise commitments to the fight against impunity and reconciliation, notably to increase investigations and indictments in high-level cases and strengthen regional co-operation”.

The report also urged Serbia to “show a genuine commitment for investigating and adjudicating war crimes cases”, and to “prioritise complex cases and those involving senior ranking officials”. Serbia has so far shied away from prosecuting top-level figures for wartime crimes.

Montenegro and Kosovo: few new cases

The view of the burning city of Dubrovnik, Croatia, November 1991. The fires are the result of the air raid and artillery attack of the Yugoslav Federal Army. Photo: EPA/PETER NORTHALL

The European Commission’s progress report urges Montenegro to step up its efforts to fight impunity and demonstrate a more proactive approach in order to effectively investigate, prosecute, try and punish war crimes.

Too few war crimes cases are being prosecuted in the country, the European Commission cautions.

“There are currently five cases in the preliminary phase of investigation [in Montenegro] concerning war crimes committed on the territories of Bosnia and Herzegovina, and of Croatia. One new investigation was opened in 2021, while one was closed for lack of grounds for prosecution,” the report says.

The European Commission meanwhile urges Kosovo to develop a broad strategy for transitional justice including “a comprehensive approach to addressing its past”.

It says that the future of the Truth and Reconciliation Commission initiated several years ago by former President Hashim Thaci, who is now facing war crime charges in The Hague, remains unclear.

The report notes that the Vetevendosje-led government, installed in March this year, has put forward measures to strengthen domestic institutional mechanisms dealing with war crimes by amending the Criminal Procedure Code to allow trials in absentia for war crimes.

However, the Commission says that the implementation of the national strategy on war crimes continues to be hampered by the political context, lack of resources and the lack of international and regional cooperation.

Few new cases have been launched, the report notes: “In the reporting period, the Kosovo Police arrested two persons suspected of war crimes and three new investigations were opened,” it says.

In Bosnia and Herzegovina, the report says that in order to fulfil the national war crimes strategy’s main target of completing all war crimes cases by 2023, the Council of Ministers must establish a supervisory body and ensure sufficient funding without further delay.

The report also says that Bosnia and Herzegovina’s judicial cooperation with other countries in the ex-Yugoslav region on war crime prosecutions remains ineffective.

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Gender-Based Violence

Somalia: Sexual Violence On The Rise (Forbes) By Dr. Ewelina U. Ochab
October 9, 2021

In August 2021, the U.N. Special Representative on Sexual Violence in Conflict, Pramila Patten, and the U.N. Special Representative for Children and Armed Conflict, Virginia Gamba, warned about the alarming increase in sexual violence in Somalia and called upon all perpetrators to cease these violations.

According to two recent reports, the Report of the Secretary-General on Children and Armed Conflict and the Report of the Secretary-General on Sexual Violence in Conflict, 2020 has seen an almost 80% increase in cases of sexual violence in Somalia as compared to 2019. Among the cases, close to two-thirds reported rape, and the remaining cases included attempted rape, forced marriage, sexual harassment and sexual assault.

The United Nations Assistance Mission in Somalia verified cases of conflict-related sexual violence perpetrated against 400 girls, 12 women and 7 boys, primarily attributed to clan militias and Al-Shabaab. The number of cases of sexual violence attributed to Al-Shabaab has doubled. The Islamist militant group continues to use sexual violence and forced marriage against women and girls. The number of acts of violence by clan militia has almost tripled in 2020. Other actors implicated in the crimes were the Somali Police Force (in 16 cases), the Somali National Army (in 25 cases), the Jubbaland security forces (in nine cases) and Puntland forces (in five cases). Unfortunately, the majority of the perpetrators remain unidentified. Impunity for the crimes will only provide fertile ground for further crimes.

The U.N. identified protracted conflict, structural gender inequality and successive humanitarian crises in the country as the main reasons for the ever-growing issue of sexual violence in Somalia. As the U.N. added, “political tensions in the run-up to national elections, inter-communal clashes related to land-based disputes, and a surge in extremist militant group Al-Shabaab’s activities, which intensified during the Covid-19 pandemic.”

While instances of sexual violence in Somalia is on the rise, the Covid-19-related movement restrictions also mean that survivors of such atrocities have limited access to assistance, including basic services. Among others, “a paucity of personal protective equipment for shelter workers impaired their ability to admit survivors of gender-based violence.” Furthermore, some services usually provided remotely, such as psychosocial support, were severely affected by funding shortfalls. Lastly, as reported by the U.N., “judicial services, including the adjudication of sexual violence cases, were temporarily suspended.”

The U.N. Special Representatives have urged the Government of Somalia to take concrete measures to prevent sexual violence against women and children. They further called upon the Government to swiftly adopt a new national action plan on ending sexual violence in conflict.

Somalia is only one example of a country where rape and sexual violence is common. The situation in Somalia is yet another reason why we should work towards comprehensive actions to address sexual violence. In this spirit, Dr Denis Mukwege, Nobel Peace Prize laureate, announced a new initiative, the Red Line Initiative, which aims to strike a red line through sexual violence in conflict. The initiative will strive to create a legally binding international instrument to “evoke a clear moral rejection and international outcry when sexual violence is used as a weapon of war; ensure a more robust and timely response by states in line with their international obligations; and establish clear legal obligations that increase the costs not only for individuals but also for governments if they fail to act.” No State could object to such a proposal without becoming complicit in a crime that has no end.

Colombia is responsible in kidnapping and rape of female journalist, rights court says (The Washington Post) By Samantha Schmidt

October 18, 2021

Jineth Bedoya had planned to spend the morning of May 25, 2000, interviewing a paramilitary leader outside a prison in Bogotá.

Instead, the Colombian journalist was kidnapped at gunpoint and taken to a nearby warehouse, where she was beaten by a group of men who said they had been sent to “clean up the media.” As night fell, the men drove her hours outside of town, gang-raped her and abandoned her on the side of the road.

Bedoya, a reporter for *El Espectador*, a Colombian newspaper, spent the next two decades seeking justice from the Colombian government for the attack, even pursuing her own investigations when the authorities did not do their own. It took 19 years for three paramilitary leaders to be convicted in the journalist’s kidnapping, a case that grew to symbolize a pattern of sexual violence against women during Colombia’s civil war. Authorities have still not identified the intellectual authors behind the attack.

On Monday, the Inter-American Court of Human Rights found the Colombian state responsible for violating Bedoya’s rights, saying it found “serious evidence” of state participation in the attack, which it described as “torture.” The court condemned Colombian officials, saying they delayed the investigation of the kidnapping, did not properly address the threats Bedoya received leading up to the assault and discriminated against the journalist on the basis of her gender.

The announcement marked the first time the human rights court has released a judgment about sexual violence against a female journalist amid Colombia’s armed conflict, the Bogotá-based Foundation for Press Freedom said, calling it a “historic” move.

It “will go down in history as the day when a fight, which began because of an individual crime, led to the vindication of the rights of thousands of female victims and survivors of sexual violence and of women journalists who leave part of their lives in this profession,” Bedoya said in a statement.

For women and children around the world, a double plague: Coronavirus and domestic violence.

The court ordered Colombia to adopt measures including a full investigation of her case and payment of damages. It also ordered the government to create, among other things, a training program for public officials and security forces focused on violence against female journalists, a fund to finance programs aimed at protecting female journalists and a database tracking violence against journalists.

In a March hearing with the court, the Colombian government accepted “international responsibility” for not carrying out a “dignified criminal investigation” of the case and apologized to Bedoya for the harm she experienced.

But representatives of Colombia also withdrew from that same days-long hearing, alleging bias among the judges overseeing the case. The Committee to Protect Journalists denounced the government’s move to “effectively stomp out” of the hearing, calling it a “slap in the face to every Colombian journalist — especially women journalists — fighting impunity.”

The government’s decades-long war — a complex internal conflict involving the left-wing Revolutionary Armed Forces of Colombia, or FARC, right-wing paramilitaries, the U.S.-supported military and drug cartels — left 220,000 people dead and millions displaced.

Throughout the conflict, sexual violence against women was a widespread and systematic “weapon of war,” according to the human rights court’s judgment. But the violence often remained invisible, overshadowed by the country’s other crises. Colombia’s National Center for Historical Memory has registered 15,760 cases of sexual violence from 1958 to 2021.

“It took me many months to stop feeling filthy and many years to allow a man to touch me again. Such a violation is not like a fist or a blow; it is a crime that destroys our lives,” Bedoya wrote in a piece for the Committee to Protect Journalists in 2016. “The second part of the nightmare came as I debated my next reality: Whether to commit suicide or go into exile. In the end, I chose neither. I chose to continue doing journalism in Colombia.”

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Commentary and Perspectives

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WORTH READING

Intelligence Sharing in Multinational Military Operations and Complicity under International Law (International Law Studies)

By Marko Milanovic

October 12, 2021

This article examines the international legal framework applicable to intelligence sharing in multinational military operations, with a particular focus on complicity scenarios. It first provides a theoretical overview of the role of fault in complicity, of how intent and knowledge can be conceptualized, and of the attribution of fault to States. It then looks in detail at the rule codified in Article 16 of the International Law Commission's Articles on State Responsibility, and argues that this rule is best understood as employing multiple modes of fault (direct and indirect intent and wilful blindness). The article also argues that international humanitarian law (IHL) and international human rights law (IHRL) possess their own complicity rules. These regime-specific rules can apply to State assistance to non-state actors and can employ more relaxed modes of fault than Article 16. A State could thus be responsible for facilitating the commission of serious violations of IHL and IHRL through the sharing of intelligence or the provision of other aid if it consciously disregarded a risk that its partner would commit such violations with the aid provided. The article then looks at the role that mitigation measures employed by the assisting State, such as diplomatic assurances, have in assessing its responsibility for complicity, and at whether risks generated by the provision of assistance can lawfully be balanced against the risks generated by suspending assistance. Finally, the article examines two basic scenarios – that of sharing intelligence that facilitates a partner's wrongful act, and that of receiving unlawfully obtained or shared intelligence.

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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**.

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