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German court convicts ISIS bride for ‘crimes against humanity’ in death of 5-year-old Yazidi ‘slave’ (The Washington Post) By Sofia Diogo Mateus and Vanessa Guinan-Bank

October 25, 2021

A Munich court on Monday convicted a woman married to an Islamic State fighter for “crimes against humanity and attempted war crimes” in the aiding and abetting of the murder of a 5-year-old Yazidi girl, sentencing the woman to 10 years in prison.

The court ruled that Jennifer Wenisch, a 30-year-old German citizen, did not intervene to stop the child’s dying of thirst in the desert heat of Iraq. The conviction is believed to be the first in the world related to the Islamic State’s persecution of the Yazidi community.

In 2014, the Islamic State terrorist group took over a region in northern Iraq that was home to the small Yazidi religious group, massacring thousands of Yazidi men and enslaving an estimated 7,000 women and children.

According to German prosecutors, Wenisch and her husband “purchased” the child and her mother as household “slaves” when they lived in the Islamic State-occupied Iraqi city of Fallujah in 2015. After the child became ill and wet her mattress, Wenisch’s husband chained her outside their home as punishment and let the child die of thirst in the desert heat. The child’s mother, who was forced to witness her death, was the trial’s main witness, testifying for over 11 days.

The prosecutor had recommended that Wenisch be imprisoned for life. However, the court found that the accused had only a limited ability to end the enslavement of the woman and her child. Wenisch’s husband, Taha al-Jumailly, is on trial in Frankfurt.

The case is being tried in Germany because its legal system incorporates parts of the principle of universal jurisdiction. Under this legal principle, some crimes — such as genocide and war crimes — are so grave that the normal territorial restraints on prosecutions do not apply.

As part of what is known as “structural investigations,” German authorities have been investigating war crimes against the Yazidi minority in Iraq and Syria for years. Two other trials involving the enslavement of Yazidi women and children are ongoing in Hamburg and Düsseldorf.

In response to a lawmaker’s request last year, the government confirmed that 22 German nationals who “have a connection to ISIS or another terrorist organization” — 19 children and three women — have returned to Germany with help of the German authorities.

Over a hundred German citizens who left the country to join the Islamic State, also known as ISIS, or other terrorist organizations remain in prison camps in Syria and Iraq. They have petitioned the German courts for permission to return.

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AFRICA

NORTH AFRICA

Libya

Thousands of refugees and migrants plead for Libya evacuation (Al Jazeera) By Sally Hayden
October 22, 2021

Appeals at Tripoli sit-in come as more than 5,000 people rounded up this month and put in indefinite detention in already overcrowded centres.

Thousands of refugees and migrants have been camped out in front of a United Nations centre in Tripoli for three weeks, calling for evacuation from Libya in the wake of sweeping raids that saw thousands arrested.

The renewed appeals at the sit-in come even as the UN's refugee agency (UNHCR) said it had suspended work at the centre in the Libyan capital following the latest crackdown.

"No medical treatment. No food. No water. The big problem is toilet," said one Eritrean man who has spent time at the site and did not want to be named. "We hope the UNHCR will take us to a safe country, otherwise whatever we do no one cares about us."

Solidarity protests have been held in several countries, including the United Kingdom, Sweden, Italy and Canada.

"But no solution comes still for them," said an attendee in Sweden's capital, Stockholm, who was evacuated from Libya two years ago. "Still now, they did not get medical care and shelter."

More than 5,000 people have been rounded up by security forces since October 1 and put into indefinite detention. They included

some 540 women, at least 30 of whom were pregnant, according to UN estimates. Many had already spent years between government-associated detention centres and smugglers, and have survived torture and other abuses.

On October 8, at least six people were killed as thousands of detainees left an overcrowded detention centre known as Ghot Shaal, or al-Mabani.

Four days later, the UN said one of the men who was caught during the raids and then got out again – a 25-year-old Sudanese who fled conflict in Darfur – was shot dead by “a group of armed masked men”. Witnesses said his attackers were Libyan security forces.

“We are afraid, we can’t go outside,” an Eritrean, who has been hiding with his family since the raids began, said on a phone call from Tripoli. “Write about us. When it was war, it was better than now. We are more afraid now. We’re afraid to go to prison. We have children and we know the life in the prison.”

He said smugglers are currently charging \$1,500 to \$2,000 per person for an attempt to reach Italy or Malta via the Mediterranean Sea. “Many of us try to cross the sea,” he said, adding that they had lost faith in UNHCR and legal routes to safety. “[They] can’t do anything.”

He said two of his friends managed to escape a neighbourhood raid by the security forces but sustained injuries from whips.

“Many people, we don’t know where they went, they tried to escape from the police,” he said. “We won’t go outside here because a lot of people have died here but we don’t know what to do. If they go into the street you can be kidnapped and told to pay money.”

Spokesman Tarik Argaz said as many as 3,000 people are now waiting outside the UNHCR’s community day centre, but the agency suspended work there shortly after the raids for “security” reasons. Argaz said UNHCR staff are still engaging with refugees in other ways, including by distributing some aid.

“Their situation is precarious and we are extremely concerned about them,” he said. “Many have been affected by the raids, the demolition of their homes and their detention in horrific conditions. Others have joined, hoping to be evacuated. Many are now sleeping out in the cold, in an unsafe environment.”

The refugees and asylum seekers are hoping for evacuation to safe countries in Europe or North America, though the number of spaces offered by states is much lower than the level of need. This year, just 345 people have departed the country through evacuation flights, while in 2020, only 811 left that way.

In recent months, Libyan authorities have prevented evacuation flights from taking off. “This has resulted in more than 1,000 vulnerable refugees and asylum seekers, currently prioritised for humanitarian flights, being unable to reach safety,” Argaz said.

Last week, UNHCR received a “verbal confirmation” that evacuation flights could soon resume, he added, though there is no formal written confirmation. “Our teams are already preparing all necessary logistics to resume evacuations the soonest. However, this may take some time since some of those prioritised for flights are currently in detention, due to the security operations. Others cannot be reached as their homes were demolished, belongings [and] phones taken,” Argaz said.

On Thursday, Libya hosted foreign dignitaries for the Libya Stabilisation Conference, which was held in a bid to drum up support for elections scheduled for December and January.

Libya has long attracted refugees and migrants from across Africa, who flee wars, dictatorships, or crushing poverty and hope to reach Europe by crossing the Mediterranean. In 2017, the European Union pledged tens of millions of dollars towards training and equipping the Libyan coastguard to carry out interceptions along the coast, with the aim of stopping refugees and migrants from making this journey. More than 82,000 men, women and children have been caught at sea since then and been forced back to Libya, usually to indefinite detention.

Earlier this month, a fact-finding mission appointed by the UN Human Rights Council found that “acts of murder, enslavement, torture, imprisonment, rape, persecution and other inhumane acts committed against migrants [in Libya] form part of a systematic and widespread attack directed at this population, in furtherance of a state policy” and may amount to crimes against humanity.

Some people had gone through the same brutal cycle as many as 10 times, the mission’s report said, “paying guards to secure release, sea crossing attempt, an interception and subsequent return to detention in harsh and violent conditions, all while under the absolute control of the authorities, militias and/or criminal networks”.

Those speaking out recently in support of refugees trapped in Libya included prominent US lawmaker Ilhan Omar, who tweeted saying she was “deeply disturbed” by their treatment.

“Instead of welcoming the thousands of refugees fleeing violence and instability, the Libyan coastguard hands migrants over to militias, who systematically torture, rape, abuse and enslave them. Instead of welcoming refugees, the EU has sent \$455 million to Libya since 2015.”

Libyan Government plan needed to end 'dire situation' of asylum seekers, refugees (UN News)

October 22, 2021

The Libyan government must immediately address the dire situation of asylum-seekers and refugees, in a humane manner, consistent with international human rights law, the UN refugee agency (UNHCR) said on Friday.

According to UNHCR, authorities carried out raids and arbitrary arrests this month which targeted areas largely populated by refugees and asylum-seekers.

This resulted in several deaths, thousands detained, and many homeless and destitute.

“We have witnessed a sharp deterioration in the situation facing vulnerable asylum-seekers and refugees in Tripoli”, Vincent Cochetel, UNHCR’s Special Envoy for the Western and Central Mediterranean Situation said. “The Libyan authorities must come up with a proper plan that respects their rights and identifies durable solutions.”

The situation for some 3,000 people currently sheltering outside the Community Day Centre (CDC) in Tripoli, “is very precarious” UNHCR said. Many people have been affected by the raids; their homes have been demolished and they have escaped from detention after suffering terrible conditions.

Others have joined the group hoping to be evacuated, the agency added. “Many have been left homeless and lost all their belongings as a result of the security operation and are now sleeping in the cold and in a very unsafe environment.

“This is utterly unacceptable,” Mr. Cochetel stated.

UNHCR and its partners provided medical assistance and other services at the centre but suspended operations for security and safety reasons. Agency staff are talking with representatives of the protesters outside the CDC, to explain the limited assistance it can offer, including cash and food support.

Last week, the UN human rights office (OHCHR) also issued an alert concerning a number of major incidents in which migrants and asylum seekers had been targeted since the beginning of October.

In a raid by Ministry of Interior personnel on an informal settlement in Gergaresh, about 12 kilometres west of Tripoli, security forces used unnecessary and disproportionate force to detain women, children and men. At least one person died, five were injured, and more than 4,000 were detained.

UNHCR reiterated that it stands ready to support an urgent action plan that could help alleviate the suffering of asylum-seekers and refugees in Libya.

While it welcomed the authorization to restart humanitarian evacuation flights, the agency warned that it was not enough. “This is a positive development for some of the most vulnerable refugees, who have been waiting anxiously for many months to depart.

“Our teams are already working to ensure humanitarian flights can restart as soon as possible,” Mr. Cochetel said.

“But we also need to be realistic: resettlement or evacuation flights will only benefit a limited number of people.” More than 1,000 vulnerable refugees and asylum-seekers are currently prioritised for humanitarian flights and awaiting their resumption, according to UNHCR.

Pope reiterates appeal for protection of migrants in Libya (Vatican New) By Linda Bordoni & Nathan Morley

October 24, 2021

With a powerful appeal to the international community to implement lasting resolutions for the safeguard of lives and the dignity of migrants and refugees, Pope Francis says his thoughts never stray from the predicament of the thousands of men, women and children stranded in Libya as they search to reach Europe in the hope of a better life.

“I express my closeness to the thousands of migrants, refugees and others who are in need of protection in Libya: I never forget you. I hear your cries and I pray for you.”

Addressing the faithful following the Sunday Angelus in St. Peter’s Square, Pope Francis said that “so many of these men, women

and children are subjected to senseless and inhumane violence.”

Once again, he said, “I ask the International Community to keep its promises” and to find concrete and long-term solutions to regulate the migratory flows in Libya and throughout the Mediterranean.”

He noted that the suffering of those who are picked up by Coast Guards and sent back is enormous: “There are real ‘lagers’ there”, he said, referring to the detention centers where migrants and refugees are enclosed.

Human rights observers and those who have managed to leave those centres have repeatedly denounced the conditions in the camps where, they say, disregard for human rights is rife.

“It is necessary to end the practice of returning migrants to countries that are insecure and to give priority to life-saving operations in the sea,” the Pope added, appealing for safe and legal passages for those on the move and for the possibility for them to disembark in safe ports.

He called for legislation that will “guarantee dignified life conditions” that, he said, must provide “an alternative to detention, as well as legal immigration and asylum procedures.”

Pope Francis concluded his appeal, inviting us all to take responsibility for the situation of these brothers and sisters of ours, and asked everyone to pray in silence.

Concern for treatment of migrants in Libya

The UN has said the Libyan government must immediately address the dire situation of asylum-seekers and refugees.

Since the fall of the late leader Muammar Gaddafi a decade ago, Libya has been suffering insecurity and chaos. In the last few years, the North African country has become a preferred point of departure for illegal migrants wanting to cross the Mediterranean into Europe. However, many rescued migrants – picked up from rickety and un-seaworthy boats – end up inside unsanitary and overcrowded reception centres.

According to UNHCR, Libyan authorities have recently conducted raids and arbitrary arrests targeting areas largely populated by refugees and asylum-seekers resulting in several deaths and mass detentions.

Many migrants rescued from the Mediterranean Sea have spoken of being tortured and their families extorted for ransoms while they were held in Libya's government detention facilities. Such accounts come on the heels of a new 32-page UN report which found evidence of possible crimes against humanity committed against migrants intercepted at sea and turned over to Libya. Separately, the United Nations High Commissioner for Refugees said that 198 migrants had been rescued at sea and returned to Libya on Saturday.

US, UN target Libyan over abuse of migrants (France 24)

October 24, 2021

The United States and the United Nations imposed sanctions on a Libyan accused of abuses of migrants amid growing alarm over human trafficking and inhumane conditions in the key gateway to Europe.

The United States said Tuesday it was freezing any assets and criminalizing any transactions with Osama Al Kuni Ibrahim, described as the manager of the Al-Nasr detention center in Zawiyah, some 50 kilometers (30 miles) from the capital Tripoli.

Secretary of State Antony Blinken said that Al Kuni, 45, carried out “horrific abuses” against mostly African migrants including killings and sexual violence.

“Today's action promotes accountability and exposes the mistreatment, exploitation and violence being perpetrated against vulnerable migrants transiting Libya in pursuit of a better life,” Blinken said, calling on Libya's fragile unity government also to take action against Al Kuni.

The action follows a similar designation Monday by the sanctions committee of the UN Security Council which called on all nations to ban Al Kuni from transiting through them and freeze any funds in their territory.

Human traffickers have profited from Libya's chaos since the 2011 overthrow of dictator Moamer Kadhafi, smuggling migrants into the Mediterranean in hopes of reaching Europe.

European nations led by Italy have financed the Libyan coastguard as it seizes migrants but human rights groups say that those sent back are often sent to jails mired in corrupt management and deplorable conditions.

Pope Francis on Sunday urged governments to stop sending people back to Libya, voicing sadness at the "inhumane violence" perpetrated against migrants including children.

Libya's migrants and crimes against humanity (Brookings Institute) By Omer Karasapan
November 2, 2021

The U.N.-brokered process in Libya focused on the withdrawal of foreign mercenaries and parliamentary and presidential elections in December 2021 remains fragile. Still, the High National Elections Committee said that nominations for the presidency would start in November with voting cards distributed within weeks. Much is uncertain, including the powers of the presidency. Aside from token moves, those who remain include mercenaries brought in by Russia, the United Arab Emirates (UAE), and others to support General Haftar's eastern-based Libyan National Army (LNA) and those brought in by Turkey, the main supporter of the Government of National Accord (GNA) in Tripoli. Reconciliation appears far off but there has at least been a respite of over a year from fighting.

These developments must have been welcomed by the over 600,000 migrants in Libya, a destination and transit country for migrants hit hard by the conflict and worsened economic conditions exacerbated by the pandemic. But the situation appears to be worsening for those seeking asylum in Europe through the Mediterranean, and especially sub-Saharan Africans who the U.N. says are uniquely vulnerable, pointing to racism. Many are brutally detained in centers managed by the GNA's Department for Combating Illegal Immigration (DCIM) and secured by militias. Often it is Frontex, the EU border and coast guard agency, who guides the Libyan Coast Guard in illegally pushing back and detaining those seeking asylum in Europe. That cooperation increased after Italy signed a memorandum of understanding in 2017 with the GNA in Tripoli. Conditions in detention centers were already well known; German diplomats compared them to concentration camps.

A recent Amnesty International report speaks of the "hellscape of detention." Medecins Sans Frontieres (MSF) withdrew from two official government detention centers because of violence and inhumane treatment last June. Yet, despite the Geneva Convention and EU legislation prohibiting returning asylum-seekers to unsafe territories and a European Court of Human Rights ruling citing torture and death in Libya, the practice continues.

On October 1, 2021, Ministry of Interior militias ostensibly moved against drug and human traffickers. No such arrests were announced, but over 5,000 migrants, including 540 women—some pregnant—and 215 children were violently detained. According to MSF, "Entire families of migrants and refugees ... have been captured, handcuffed and transported to detentions centers ... people have been hurt and even killed; families split up, homes reduced to piles of rubble."

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CENTRAL AFRICA

Central African Republic

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

UN urges leaders in central Africa to help end conflicts (Associated Press) By Edith M. Lederer
October 20, 2021

The U.N. Security Council urged leaders in central Africa's Great Lakes region Wednesday to seize the momentum of recent positive political developments to make progress toward ending conflicts and the illegal exploitation of gold and other natural resources in eastern Congo.

A presidential statement adopted by the U.N.'s most powerful body cited diplomatic efforts reinvigorated by the presidents of

Congo, Uganda, Rwanda and Burundi that have resulted in improved bilateral cooperation. The council also commended efforts by the African Union and regional groups to support the political process and help solve conflicts in the region.

The Great Lakes region has been a hotbed of political instability and fighting since the 1994 genocide in Rwanda saw more than 500,000 people, most of them from the country's Tutsi minority, slaughtered by a regime of extremists from its Hutu majority. After Tutsi rebels led by Paul Kagame, Rwanda's current president, ended the genocide, extremist Hutus fled into neighboring eastern Congo.

Rwanda, together with neighbor Uganda, twice invaded Congo — in 1994 and 1998. The second invasion sparked a five-year, six-nation war in Congo that killed some 3 million people. Rwanda and Congo normalized relations in 2007, and 11 countries signed a U.N.-drafted peace agreement in 2013 to stabilize Congo and not to interfere in the internal affairs of other countries in the region.

Raychelle Omamo, Kenya's Cabinet secretary for foreign affairs who chaired the council meeting, said that in the Great Lakes region there is now greater regional and bilateral cooperation, the thawing of tensions, "and a movement towards looking at holistic solutions to deal with the challenge of conflict, of poverty and underdevelopment."

"The linkages between natural resources and conflict remains a key challenge for many of the Great Lakes countries," she said,

Huang Xia, the U.N. special envoy for the Great Lakes region, told the council that ministerial consultations and numerous state visits during the past six months "have provided a momentum to bilateral relations" in the region and a revitalization of cooperation in areas such as security, trade, infrastructure, transport, natural resources and energy.

"The bilateral and regional initiatives show that there is an emergence of a community of joint destiny, aware of the value added of dialogue and cooperation as the tools for being good neighbors," he said.

But Huang said that despite these accomplishments, continued activity by armed groups remains the main threat to peace and security in the region.

He singled out renewed attacks in eastern Congo by the ADF rebel group, which originated in Uganda, and by the Red Tabara rebel group against the airport in Burundi's capital in September.

Continuing violence has "very serious consequences" on the fragile humanitarian situation, economic stability and the illegal exploitation of natural resources "that fund their weapons and their recruitment," he said.

João Samuel Caholo, executive secretary of the 12-nation International Conference on the Great Lakes region, said the region "has made progress with regards to peace, stability and development despite the challenges related to heinous criminal activities including illegal exploitation and trade of natural resources" and increased sexual violence by armed groups against women and children, especially in eastern Congo and Central African Republic.

U.N. Assistant Secretary-General Martha Pobeé told the council the U.N. is encouraged by the improvement in bilateral relations between neighboring countries. But she said national and foreign armed group still operate in eastern Congo "and continue to perpetrate deadly attacks against civilians, further deteriorating the already dire humanitarian situation."

"Since the beginning of this year, at least 1,043 civilians have been killed, including 233 women and 52 children," she said.

Pobeé cited a host of underlying causes for conflicts in the region ranging from the presence of foreign armed group and the exploitation of natural resources to land and border disputes, intercommunal tensions, limited state presence in remote areas, persistent inequalities, youth unemployment and poverty.

U.S. Ambassador Linda Thomas-Greenfield said the exploitation of minerals, wildlife and timber by armed groups, corrupt state officials and criminal networks "clearly fuel conflict" in eastern Congo and "help terrorist groups."

She urged regional governments to manage their natural resources responsibly and demand that the private sector comply with international regulations, and she called for greater cooperation across borders to ensure gold and other minerals are sold legally.

"The Great Lakes region has wealth in natural resources and it has talented personnel to fund these efforts on its own, if state actors work together to ensure legal, productive trade that benefits all of the people of the region," Thomas-Greenfield said.

"The difference would be extraordinary," she said. "It is entirely possible to put an end to this smuggling and bring greater peace and prosperity in the region."

Central African rebel commander faces war crimes charges (Deutsche Welle)

October 24, 2021

Mahamat Said, a former leader of a militia group in the Central African Republic, faces 14 charges at the International Criminal Court of war crimes and crimes against humanity.

Mahamat Said is facing more than a dozen charges at the International Criminal Court (ICC), including torture, persecution, enforced disappearance, and cruel treatment, over his alleged role in war crimes during the Central African Republic's civil war.

Judges will make a decision within the coming weeks on whether or not to confirm the charges against the ex-rebel commander, potentially bringing the case to trial.

What is Mahamat Said accused of?

Prosecutors have accused Said, 51, of overseeing a "catalogue of misery" during the CAR's civil war that escalated in 2013.

Said, 51, appeared before the International Criminal Court for a pre-trial hearing on October 12, known as the confirmation of charges hearing, for his alleged crimes against humanity as well as war crimes.

He faces 14 charges in total.

Said is allegedly a former commander of the Seleka, meaning "alliance" in the Sango language, a rebel coalition made up largely of the CAR's Muslim minority from northern regions.

Prosecutors have accused him of running two detention centers where the crimes are alleged to have taken place.

The Seleka's ouster of then-President Francois Bozize in 2013 — and subsequent iron-fist rule — sparked a wave of bloody violence between the group that seized power and vigilante militias known as the anti-Balaka, which is mostly made up of Christians.

The international court issued an arrest warrant against Said in January 2019, but he was only handed over by Central African authorities on 24 January 2021 for his alleged role in the violence, which included torture, enforced disappearance, and persecution.

Harrowing details of torture

During the opening of the confirmation of charges hearing, chief prosecutor Karim Ahmad Khan said the evidence showed that Said encouraged, facilitated and took part in the "beatings and mistreatment." "People were put in just appalling conditions with no regard for their humanity," said Khan, adding that Said and his group targeted people who they perceived to be supporters of former President Bozize.

The court saw an image of a survivor whose hands were tied together "with ankles and elbows to contort the human body from its natural pose into an extremely painful debilitating form of cruelty."

Referring to a survivor's statement, Khan said: "The pain was so excruciating, he asked his tormentors to put him out of his misery and kill him."

The prosecutor added that the evidence overwhelmingly shows that Said was in the room where it happened.

The court saw another image of an underground cell, dubbed "the hole," which was covered with wooden planks and a desk on top. The cell, which held up to three detainees at one time, was where prisoners faced especially brutal conditions. One survivor described seeing a dead prisoner in the cell.

"Standing above them was Mr. Said — the area above was his office," Khan said.

"Literally standing on their heads, trampling on their dignity, stamping on their rights, he cannot plead ignorance. The smell was awful, the proximity could not have been closer."

Prosecutors say the prisoners were left without a toilet and with little to no food, with some resorting to drinking their own urine.

Khan said there was no evidence that Said was linked to any of the killings or rapes that occurred during the country's civil war — but that the evidence pointed to his involvement in detaining opponents.

Said is the first suspect from the Seleka side of the conflict to face war crimes charges at the ICC.

The judges in the pre-trial hearing are expected to deliver their written decision by December 13.

CAR conflict: Who else faces charges?

Two other men, accused of being key members of the anti-Balaka militias, are currently on trial at the ICC for charges including murder, torture, and the use of child soldiers during the sectarian violence.

Alfred Yekatom, a member of parliament also known as Rambo, is accused of crimes against humanity during his alleged role as a key member of the anti-Balaka. He was handed over to the ICC in 2019. Former CAR football chief Patrice-Edouard Ngaissona was arrested on an ICC warrant in 2018 that described him as the "most senior leader" of the anti-Balaka militias. He faces additional charges of rape and attempted rape.

Both men have pleaded not guilty to all charges.

CAR marred by violence, poverty

The mineral-rich Central African Republic is facing a cycle of violence that has displaced about a fifth of the country's nearly 5 million people. The CAR has also plunged into a humanitarian crisis of poverty, hunger and malnutrition.

The former leader, Bozize, seized power in a 2003 coup before being ousted in 2013 by the Seleka.

The Seleka was initially formed in December 2012 with an agreement between several rebel groups that had previously fought against the government in the capital, Bangui. Their grievances included decades of political and economic persecution and marginalization, impunity of violence, and broken promises from years of fighting and peace deals.

The rebel coalition was dissolved in 2013 after a key leader of the Seleka became the CAR's interim president.

In 2019, a peace deal was reached between the government and various armed rebel groups — but intermittent fighting since then has threatened the agreement.

UN urges CAR to cut ties with Russia's Wagner mercenaries over rights abuses (France 24)

October 28, 2021

UN experts Wednesday urged the Central African Republic to cut ties with Russia's Wagner group, accusing the private security force of violent harassment, intimidation and sexual abuse.

Wagner personnel working closely with the CAR army and police force have harassed peacekeepers, journalists, aid workers and minorities, they said in a joint statement.

"We call on the CAR government to end all relationships with private military and security personnel, particularly the Wagner group," they said.

UN experts do not speak for the global body but are mandated to report their findings to it.

The Wagner group, with which Moscow denies any link, provides maintenance services, military equipment and training in the countries where they are deployed, usually with the status of "instructors."

But critics have frequently accused the group of rights abuses and serving Kremlin interests.

Wagner personnel have been reported in the CAR and other African countries, as well as in Syria and Libya, and Mali's junta has also contemplated a deal, according to French sources.

French Foreign Minister Jean-Yves Le Drian has called them "a company of Russian mercenaries which makes war by proxy on Russia's account", adding that "even if Russia denies it, nobody is fooled", with the CAR "the most spectacular example" of the group's actions.

'Human rights abuses'

On Tuesday, the US ambassador to the UN, Linda Thomas-Greenfield, said "Russian mercenaries engage in human rights abuses of civilians, extract steep costs in payments and mineral concessions, and deprive local citizens of critically needed resources."

The UN experts said many forces -- including Wagner -- had been committing systemic and grave human rights violations, including arbitrary detention, torture, disappearances and summary execution.

They said they had also received reports that Wagner operatives in the CAR had committed rape and sexual abuse but survivors

were "terrified" to come forward for fear of retaliation.

The experts included the working groups on the use of mercenaries to violate human rights; on business and human rights; and on enforced disappearances; plus the special rapporteurs on torture and on extrajudicial executions.

"We urge the authorities to comply with their obligations under international law to hold accountable all perpetrators of grave violations and abuses of human rights and international humanitarian law committed on their territory," they said.

Moscow has said there are 1,135 "unarmed instructors" in the CAR, supporting the beleaguered government of President Faustin Archange Touadera.

The CAR is the second poorest country in the world, according to UN figures. It has been ravaged by a civil war since 2013, although the level of fighting has fallen off since 2018.

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Sudan & South Sudan

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

Darfur janjaweed leader Ali Kushayb's challenge to ICC jurisdiction fails (Dabanga)

November 2, 2021

The Appeals Chamber of the International Criminal Court (ICC) in The Hague in the Netherlands has unanimously rejected an appeal by former Darfur janjaweed leader Ali Muhammad Ali Abdelrahman (also known as Ali Kushayb), against the Pre-Trial Chamber II decision of 17 May 2021, rejecting a challenge of the court's jurisdiction by Kushayb's defence counsel.

In a statement from The Hague, the ICC announced that the Appeals Chamber of the ICC, composed of Judge Piotr Hofmański, presiding in this appeal, Judge Luz del Carmen Ibáñez Carranza, Judge Perrin de Brichambaut, Judge Solomy Balungi Bossa, and Judge Gocha Lordkipanidze, decided unanimously to reject the appeal against the Pre-Trial Chamber II decision of 17 May 2021 on the Defence's jurisdictional challenge (exception d'incompétence). Presiding Judge Piotr Hofmański, read a summary of the Judgment in an open hearing on Monday. In rejecting the Defence's four grounds of appeal, the Appeals Chamber highlighted, among other matters, that it found no error in the reasons given by the Pre-Trial Chamber defining a "situation" before the Court as defined in terms of temporal, territorial and in some cases personal parameters. It also found that the non-funding by the United Nations of the activities of the Court arising from a referral by the Security Council does not invalidate the UNSC resolution 1593 which referred the situation to the ICC. As for the alleged failure of the Pre-Trial Chamber to take into account the lack of the Security Council logistical and security support to the Court in Sudan, the Appeals Chamber finds that the Defence has not demonstrated how this alleged error of law relates to the jurisdiction of the Court. Finally, and referring to the principle of legality, nullum crimen sine lege, the Appeals Chamber found that the referral of the Situation in Darfur, Sudan took place in the wake of serious violations of human rights and humanitarian law that were criminalised under international law at the time.

The Appeals Chamber also found that the crimes under the Statute were intended to be generally representative of the state of customary international law when the Statute was drafted. This weighs heavily in favour of the foreseeability of facing prosecution for such crimes even in relation to conduct occurring in a State not party to the Statute. Judge Ibáñez expressed her separate views concerning this ground of appeal and while agreeing with the outcome reached by the majority, she considered that, in her view, the jurisdiction of the Court over the conduct in this case pre-dates UNSC Resolution 1593, which only triggered the Court's jurisdiction and thus there is no need to refer to any other sources of law.

Indictment

As previously reported by Radio Dabanga, Kushayb, who faces 31 charges of war crimes and crimes against humanity allegedly committed in Darfur, initially appeared before the ICC on June 15. He then appeared before Pre-Trial Chamber II on May 24-26 to hear submissions from the prosecution and legal representation of the victims.

Kushayb has yet to enter a plea, and his defence has thus far been based largely on insisting that his name is Abd-Al-Rahman, and that he is not the person referred to as Ali Kushayb. The ICC issued arrest warrants against former Minister for Humanitarian Affairs, Ahmed Haroun, and Kushayb in 2007. Kushayb was transferred to the ICC's custody on June 9, 2020 after surrendering himself voluntarily in the Central African Republic. Upon his arrest, the Sudanese government announced its support for his transfer to the ICC. Kushayb is also charged with a number of crimes by the Sudanese authorities.

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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

Congo: Stealing, Starvation, Sadism (Strategy Page)

October 29, 2021

A global anti-corruption organization sponsored by donor nations and major NGOs recently completed an analytic report that recommends Congo renegotiate the 2008 mineral deal it signed with China. The Congo-China deal is sometimes called the minerals-for-infrastructure agreement though what came to be known as "The China Deal". It is nominally worth \$6.5 billion. The deal was reached in 2007 and announced in February 2008. China agreed to finance the building of transportation infrastructure in Congo. China would also help construct an electrical grid and build electrical generating capacity. Improving water supplies is also part of the arrangement. The financing, however, is "resource-backed." The Congo's copper and cobalt reserves are the resources used as collateral backing the financing. That aspect of the deal was a major problem. Congolese critics pointed out that the deal was simply not fair to the Congo as it was economic imperialism. The revenue split between Congo and one of China's main mining concerns is 32 percent for the Congo, 68 percent for China." Two Chinese state-owned-enterprises (SOEs) Sinohydro Corp (SINOH-UL) and China Railway Group Ltd would build roads and hospitals. Profits from Congo's Sicominex cobalt and copper joint venture with China would fund the infrastructure. By mid-2009 media sources estimated that the deal was worth nine to ten billion dollars in the long run, and China was coming out way ahead. Why did Congo make the deal and continue to keep it? Because former president (dictator) Joseph Kabila and his corrupt regime were in charge. In 2021 Congo's president is Felix Tshisekedi. Now that his Sacred Union political coalition has removed Kabila supporters from key positions in government ministries the China Deal is open to thorough scrutiny and it looks like the critics who spoke up in 2008 were right. In 2017 the Kabila government agreed to a secret amendment to the China Deal that accelerated payments to Chinese mining financiers and slowed the pace of infrastructure investment. In other words, communist China got money before doing required construction. The recent report called the entire deal "unconscionable." The 2017 amendment certainly is. The new study alleges China has invested less than one billion dollars in infrastructure projects, which is about half of what should have been invested by 2021. Imperialism with Chinese characteristics? Yes. Congo Prime Minister Sama Lukonde Kyenge was quoted as saying the agreement must be "adjusted." No kidding. (Austin Bay)

October 28, 2021: In eastern Congo (North Kivu province) soldiers clashed with some ADF (Allied Democratic Forces) Islamic terrorists and killed three of them. ISIL (Islamic State in Iraq and the Levant) later claimed responsibility because ADF pledged allegiance to ISIL in 2019 and later described itself as ISCAP (ISILs Central African Province The name changes nothing because ADF continues its terrorist operations, primarily in eastern Congo.

October 26, 2021: In eastern Congo (Ituri province) the army has undertaken a major operation to contain the growing violence from CODECO (Cooperative for the Development of Congo) rebels, who commit a substantial number of the attacks and atrocities in Ituri. Recently CODECO attacked twenty villages and the army was able to track the large group of CODECO men responsible.

Today the army clashed with this group, which fled with soldiers in pursuit. The CODECO raiders were confronted again on the 28th and the two clashes left at least 27 men dead and an unknown number of dead not found or carried off by the fleeing CODECO gunmen. These two battles left four soldiers dead and many more wounded. CODECO is predominantly a Lendu tribal organization. It is sometimes described as a political-military sect because its leaders claim to have a religious mission. Like most violence in Congo, there is usually a tribal element because, for most Congolese, tribal leaders can do more for them than dictators or elected officials. This is true in many parts of the world where larger scale governments fail to match the services the ancient tribal organizations provide. Ituri has become a combat zone because of the lucrative gold mines that are seen as failing to provide any benefit to the locals.

October 24, 2021: In CAR (Central African Republic) recent media reports revealed that since the first week of August 2021 at least 11 Russian-hired military contractors have been killed in the CAR. On October 12 five foreign contractors (working for a Russian firm) died in a rebel ambush in the Bombo district (western CAR). At least three other contractors have died in ambushes near the CAR-Cameroon border. In June a UN report concluded that the Russian contractors were involved in active combat with rebel militias.

October 23, 2021: In eastern Congo (North Kivu province) some ADF Islamic terrorists carried out attacks this evening and again the following day, leaving eleven civilians dead during two attacks. Soldiers showed up to track the ADF raiders.

October 22, 2021: Zambia's Anti-Corruption Commission (ACC) announced the arrest of 14 current and former government officials for corruption. The arrested officials faced a range of graft charges. Three of the officials were arrested for failing to follow correct transfer of funds procedures on fund transfers they authorized. The other 11 were charged with fraudulent accounting practices. The arrests and charges reflect President Hakainde Hichilema's commitment to combat corruption. In the August 2021 presidential election Hakainde promised to investigate and punish corrupt officials, past and current. He also promised greater government transparency. He won a landslide election, beating incumbent Edgar Lungu. Recently, Zambia published a complete list of its 44 international (foreign) creditors. Zambia's central government owes almost \$17 billion including \$520 million in overdue interest payments. Slightly more than a third of that total is owed to Chinese lenders. Zambia owes about \$10 billion to local lenders. The debt total is about 115 to 120 percent of Zambia's GDP.

In Congo several hundred employees of the state-owned ports company stormed its headquarters and clashed with police. The employees claim they are owed three years of unpaid wages. This sort of thing is a typical form of widespread corruption.

October 21, 2021: In eastern Congo (North Kivu province) 16 people were slain when ADF gunmen launched an attack on a farm community near the city of Beni. An unknown number of people were kidnapped.

Congolese officials reported that since the end of August 165 children (aged five and younger) have died of unknown disease. The outbreak began in Kwilu province (southwestern Congo). The children have malaria-like symptoms and suffer from severe anemia.

October 20, 2021: In Rwanda government prosecutors announced they will appeal the 25-year jail sentence given to Paul Rusesabagina. The prosecution sought a life sentence for backing an armed rebel group that launched attacks in Rwanda in 2018 and 2019. Rusesabagina is the hotel manager portrayed as a hero in the movie Hotel Rwanda, a film about the 1994 genocide. He is currently a Belgian citizen and holds an American green card. There was no evidence presented showing any Rusesabagina involvement with violent activities in Rwanda and many Rwandans and foreigners believe the Rwandan government wants to discredit Rusesabagina and discourage more such prominent local critics,

The Rwanda Space Agency is negotiating with the ITU (International Telecommunication Union) to acquire two satellite constellations. The constellations are named Cinnamon-217 and Cinnamon-937.

October 19, 2021: In eastern Congo (North Kivu province) army commanders accused a Rwandan militia called Buhumba of invading Congo. So far the invaders have occupied and looted six villages.

In neighboring Uganda the army revealed a 4X4 armored infantry fighting vehicle produced in Uganda under a technology transfer agreement with the Paramount Group, a South African defense firm. The Ugandan vehicle is named the Chui. It is a mine-resistant, ambush protected vehicle (MRAP) type vehicle. The Ugandan Army says the vehicle was "designed and manufactured in Uganda." That said, it is very similar to the Nyati MRAP produced in South Africa.

Burundi deported to Rwanda 11 anti-Rwandan government National Liberation Force (FLN) guerrillas. The men are Hutus. They are allegedly connected to Paul Rusesabagina.

October 18, 2021: In eastern Congo (North Kivu province) health officials announced that five Ebola virus cases have been confirmed there. The first was reported October 9 in the city of Beni.

October 15, 2021: In CAR (Central African Republic) is trying to reach an agreement with the local government to change the rules

on what UN peacekeepers can do in CAR. The UN has found that just playing defense has not worked and wants to use special offensive units to deal with the most dangerous rebels. A similar approach has worked in Congo.

October 14, 2021: In eastern Congo (North Kivu province) an Ebola virus vaccination program has been established in the city of Beni.

October 11, 2021: The UN believes an estimated 26.7 million Congolese are identified as being “food insecure.” That means they are not getting the minimum daily intake of food. This leads to physical weakness and disease. This condition is a major cause of the millions of non-combat deaths in Congo since the 1990s.

October 10, 2021: In eastern Congo (North Kivu province) ADF Islamist terrorists kidnapped several people outside the city of Beni.

October 9, 2021: Congo is investigating charges of corruption in Covid-19 response funding. An initial report estimated that only six million dollars of the \$363 million the IMF gave Congo in 2020 to spend on Covid-related projects has been accounted for.

October 6, 2021: Rwanda has begun providing more information about its armed force deployed in Mozambique. The Rwandan Army contingent has slightly more than 1,000 soldiers. The contingent took part in the August 8 attack on the port city of Mocimboa da Praia. The attack drove militant Islamists from the city and into the bush. An estimated 100 militants were killed in the attack and seizure of the port. The Rwandan Army lost four soldiers. Since then, the Rwandan force has engaged the Islamists in several small unit actions in northern Mozambique.

October 5, 2021: Leaders of member states in the Southern African Development Community (SADC) confirmed they will SAFC military operation in northern Mozambique. In July SADC announced the mission would deploy for three months.

October 3, 2021: In Congo the 25th rotation of the Chinese peacekeeping engineering contingent has arrived. The unit operates as part of the UN peacekeeping force. The Chinese engineers handle engineering survey, road repair and road construction and unexploded ordnance disposal.

October 1, 2021: In Malawi soldiers are being used to distribute fuel from gas stations. A strike by tank truck drivers has led to fuel shortages. The drivers seek an increase in the minimum wage. Drivers reportedly make around \$60 a month.

September 30, 2021: The UN reported that their peacekeepers in Congo reported that 739 cases of war crimes or atrocities occurred in August compared to 492 occurred in July. Congo currently hosts 535,253 refugees and asylum-seekers. from CAR, Rwanda, Burundi and South Sudan.

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Nigerian state to shut camps for people displaced by insurgency (Reuters) By MacDonald Dzirutwe
October 23, 2021

Nigeria's Borno state, the epicentre of an ongoing Islamist insurgency, will shut all camps that are holding thousands of internally displaced persons by the end of the year, its governor said on Friday, citing improved security in the state.

The conflict between the insurgents and Nigeria's armed forces has also spread to Chad and Cameroon and has left about 300,000 dead and millions dependent on aid, according to the United Nations.

Borno, which shares a border with Niger, Cameroon and Chad has for more than a decade been the foremost outpost of an insurgency led by Islamist group Boko Haram and later its offshoot Islamic State for West Africa Province (ISWAP).

Speaking after a meeting with President Muhammadu Buhari in Abuja, Borno governor Babgana Zulum said security had improved in the state so much that those living in camps in the state capital Maiduguri could return home.

"So far so good, Borno State government has started well and arrangements have been concluded to ensure the closure of all internally displaced persons camps that are inside Maiduguri metropolis on or before 31st December, 2021," Zulum said.

But humanitarian groups say most families are unwilling to return to their ancestral lands especially in the northern parts of Borno, which they deem unsafe.

Buhari has in the past months claimed his government was gaining ground on the insurgents. Last week the country's top general said ISWAP leader Abu Musab al-Barnawi was dead, without giving details. [read more](#)

Zulum said Borno state authorities would continue to repatriate Nigerian refugees from a camp in Cameroon.

Boko Haram's leader Abubakar Shekau died in May and Nigeria says hundreds of fighters loyal to the Islamist group have been surrendering to the government since then.

International Criminal Court Moves To Investigate Abduction Of Schoolchildren In Nigeria (Sahara Reporters)

October 24, 2021

The prosecutor of the International Criminal Court (ICC) is set to seek authorisation from the Pre-Trial Chamber of the court to open an investigation into cases of abduction of schoolchildren in several parts of Northern Nigeria.

Other things the prosecutor seeks to investigate are closure of schools, and the persistent failure of Nigerian authorities at both the federal and state levels to end the abductions.

The ICC prosecutor's decision followed a petition sent to the court by the Socio-Economic Rights and Accountability Project (SERAP).

This development was disclosed on Sunday in a statement by SERAP's deputy director, Kolawole Oluwadare. SERAP had in the petition dated 4 September 2021 urged the ICC prosecutor, Mr Karim A. A. Khan, QC, to "push for those suspected to be responsible and complicit in the commission of these serious crimes, to be invited and tried by the ICC." In the petition, SERAP argued that, "The severe and lifelong harms that result from depriving children the right to education satisfy the gravity of harm threshold under the Rome Statute."

Responding, the ICC prosecutor in a letter with reference number OTP-CR-363/21, and dated 22 October 2021 confirmed to SERAP that "the criteria for opening an investigation into a string of abductions and closure of schools in some parts of Nigeria have been met." The letter signed on the prosecutor's behalf by Mark P. Dillon, Head of the Information and Evidence Unit, read in part: "On behalf of the Prosecutor, I thank you for your communication received on 13/09/2021, as well as any subsequent related information. "The preliminary examination of the petition is considered complete. Under Article 53 of the Rome Statute, the next step in the judicial process is for the Prosecutor's Office to prepare and submit a request to the Pre-Trial Chamber for authorisation to open an investigation on Nigeria. "Once submitted, the request will be made publicly available on the Court's website: www.iccpi.int. "Your communication will be forwarded to the relevant team to be analysed, together with other related communications and other available information, in the context of any future investigations. We thank you for your interest in the ICC."

SERAP deputy director, Oluwadare said: "By this decision, the ICC prosecutor has taken a significant step toward ensuring that those suspected to be responsible for grave crimes against Nigerian schoolchildren are exposed, and held to account. "The victims of these crimes deserve justice. Impartial justice and reparation will deal a decisive blow to impunity of perpetrators, and improve access of Nigerian children to education. SERAP will work closely with the ICC to achieve these important objectives." SERAP's petition to the ICC prosecutor, read in part: "Senior government officials know well or ought to know that their failure to prevent

these crimes will violate the children's human rights and dignity. "The absence of any tangible and relevant investigation or prosecution in Nigeria suggests that the authorities are unwilling or unable to carry out genuine investigation or prosecution of those suspected to be responsible for and complicit in the abduction of students. "The consequences of persistent abductions of students, closure of schools, and the failure to provide safe and enabling learning environments despite federal and state authorities yearly budgeting some N241.2 billion of public funds as 'security votes', are similar to those of the offences in article 7(1). "More than 10,000 schools have been reportedly closed in at least seven northern states over the fear of attack and abduction of pupils and members of staff. The states are Sokoto, Zamfara, Kaduna, Kano, Katsina, Niger and Yobe. "Among the string of abductions in Zamfara was the abduction of over 200 schoolgirls in the town of Jangebe in February. The latest abduction comes after widespread reports of abduction of students and closure of schools in many states of Nigeria, including in north-central Niger State where some 91 schoolchildren were abducted.

"An estimated 1.3 million Nigerian children have been affected by frequent raids on schools by suspected terrorists. Some 13 million Nigerian children are out of school nationwide. According to the United Nations Children's Fund (UNICEF), more than 1,000 students have been abducted from schools in northern Nigeria since December 2020. "Families and parents have reportedly resulted to paying the terrorists thousands of dollars as ransom to secure the release of their children. An estimated \$18.34 million was reportedly paid in ransoms between June 2011 and the end of March 2020. "Nigerian authorities have also failed and/or neglected to satisfactorily address the abduction of 276 schoolgirls from Chibok in 2014, which prompted the #BringBackOurGirls campaign. According to reports, more than 100 of those girls are still missing."

Nigeria is a state party to the Rome Statute and deposited its instrument of ratification on 27 September 2001, thus giving the court jurisdiction over crimes of genocide, crimes against humanity, and war crimes committed on its territory or by its nationals. The ICC prosecutor decided to seek an investigation after undertaking a preliminary examination of the cases of abduction of children in the country. A three-member panel of ICC pre-trial judges will consider whether to grant the prosecutor's request, once it is submitted, to let the ICC step in as a court of last resort.

Judges will rely on the materials submitted by the prosecution to determine whether there is a "reasonable basis" to proceed. Victims and their families may also make their views known to the pre-trial chamber. If the investigation identifies suspected perpetrators of the crimes alleged in SERAP's petition, prosecutors can ask judges to issue international arrest warrants, which can remain under seal to help authorities apprehend those charged.

Nigerian army says Islamic State West Africa's new leader killed in military operation (Reuters) By MacDonald Dzirutwe
October 28, 2021

Nigeria's army said on Thursday it had killed the new leader of insurgent group Islamic State West Africa Province (ISWAP) in a military operation this month, two weeks after announcing the death of the group's former head Abu Musab al-Barnawi.

ISWAP is an offshoot of the Boko Haram insurgent group that has been fighting against the Nigerian armed forces for over a decade. The two militant groups later turned on each other.

The conflict, which has spilled into neighbouring Chad and Cameroon, has left about 300,000 dead and millions dependent on aid, the United Nations says.

Army spokesman Brigadier Benard Onyuko said in a statement that Nigerian troops had conducted several land and air raids on suspected insurgent locations, during which ISWAP's new leader, Malam Bako, was killed.

"In the course of the operations within the period, a total of 38 terrorist elements were neutralized, including the ISWAP's new leader, Bako," Onyuko said without elaborating.

Bako's death could not be independently verified, and there was no immediate confirmation from ISWAP.

If confirmed, Bako would be the fourth leader of an Islamist insurgent group in West Africa to die this year, after Boko Haram leader Abubakar Shekau in May, Adnan Abu Walid al-Sahrawi of Islamic State in the Greater Sahara (ISGS) in August and al-Barnawi this month.

Since Shekau's death, thousands of Boko Haram fighters have surrendered to the Nigerian armed forces.

ISIS releases video of 12-year-old child executing 2 Nigerian soldiers (The Christian Post) By Anugrah Kumar
November 1, 2021

Islamic State in West Africa Province, which is an offshoot of the Boko Haram, has

reportedly released a video showing a 12-year-old child executing two Nigerian soldiers with an AK-47.

The 17-minute video, titled “Makers of Epic Battles,” carries the footage of ISWAP’s child soldier shooting to death two Nigerian soldiers, according to Sahara Reporters.

“There are no words to describe how awful it is,” Tomasz Rolbiecki, a researcher on the Islamic State’s attacks worldwide, wrote on Twitter after analyzing the video.

“In general, the video is mainly covering the attacks from ISWAP’s spring campaign in northern Borno and Yobe, although there are also clips from southeastern and southwestern parts of Borno state,” the researcher was quoted as saying. “Most of the footage had been published in photo reports long before this video was released. Daesh has been doing it for years. However, there is also some new material.”

Terrorist groups, such as ISWAP, have killed tens of thousands of Christians in Nigeria and displaced millions in an attempt to discard Western influence and impose strict Islamic Sharia law, the U.S.-based persecution watchdog International Christian Concern said, responding to the news about the video.

ISWAP often tries to radicalize those whom they have taken captive. If they are unable to, they might use them as slaves, suicide bombers or ransom them back to family and friends. Often, those who are taken do not ever return to their homes or families.

Last week, Nigeria’s army said it had killed the new leader of ISWAP, Malam Bako, in a military operation two weeks after announcing the death of the group’s former head Abu Musab al-Barnawi, Reuters reported.

ISWAP, which split from the Boko Haram in 2016, has been fighting against the Nigerian armed forces for over a decade.

“If confirmed, Bako would be the fourth leader of an Islamist insurgent group in West Africa to die this year, after Boko Haram leader Abubakar Shekau in May, Adnan Abu Walid al-Sahrawi of Islamic State in the Greater Sahara (ISGS) in August and al-Barnawi this month,” the newswire said.

However, Sahara Reporters noted, “The Nigerian army has repeatedly claimed that the insurgency has been largely defeated and frequently underplays any losses.”

The Islamic State, also known as IS, ISIS, ISIL or Daesh, has called its child soldiers “cubs of the Caliphate.”

In 2017, a 13-year-old boy, identified as Mohammed and former “cub,” shared that his uncle recruited him. “He took me to Sharia classes and then he told me: ‘Son, now you have to go to the training camp,’” he was quoted as saying at the time.

Mohammed was sent to Baiji, where IS and Iraqi government forces fought for the country’s largest oil refinery. “We had a car bomb. It was Abu Hudhaifa, a 14-year-old boy from Aleppo, who went in,” he recalled. “We attacked the Iraqi forces after the morning prayer. The driver of the car bomb blew himself up and we entered the refinery, but we did not find anyone. It was a trap: they had let us in to encircle us.”

He was among 100 fighters at the refinery, and only 30 escaped alive.

“One day, I saw a boy sitting alone. I asked him why he was acting like a robot,” Roueda Abbas, a teacher at a rehab center for ex-child soldiers, was quoted as saying. “He came next to me and said: ‘When I was with them, they beheaded people in front of my eyes. They cut hands and legs. Now I have no feelings. Even if you kill my father in front of me, I wouldn’t cry. I don’t have any feelings anymore.’”

Gunmen kidnap six in rare attack on university in Nigeria’s capital (Washington Post) By Danielle

Paquette

November 2, 2021

Gunmen kidnapped four staffers and two of their children from the University of Abuja early Tuesday, the university said, staging the first high-profile attack on a campus in Nigeria’s capital as the nation confronts a wave of mass abductions.

Criminal gangs normally strike schools across the north of Africa’s most populous country, a phenomenon that has driven a generation of school dropouts.

More than 600 schools in the region have closed this year — temporarily or indefinitely — because of a mix of pandemic restrictions and organized crime, researchers say. An estimated 3 million students have stopped attending school.

For Nigerian students living in fear of the next mass kidnapping, there is only one defense — to run

Abuja is known as an oasis of relative calm. The city of about 3.5 million is home to the government and President Muhammadu Buhari, who has repeatedly pledged to vanquish kidnappings with an escalated military campaign.

But abductions remain a stubbornly grim part of life in the rest of Nigeria. People are grabbed out of cars, buses, markets and their homes. The military outpost near the University of Abuja didn't deter Tuesday's kidnappers.

"The gunshots lasted from after midnight until 2 a.m.," said Geoffrey Nwaka, a soil science professor who lives close to campus. "It's not secure at all. Our security guards don't have enough weapons to defend the area. Nobody is safe."

At midday, authorities continued to pursue the gunmen. One of the captives is a prominent economics professor, according to local newspaper reports.

"Efforts are being made to ensure their safe return," the university posted on its Facebook page. "A sad day for us, indeed!"

Nigeria is also grappling with an extremist threat in the country's northeast. The Islamist extremist group Boko Haram, which has declared itself opposed to Western-style education, gained international notoriety in 2014 by kidnapping more than 270 female students from a school in the town of Chibok.

The kidnapping bandits have become copycats, analysts say, attacking schools to drum up harsh publicity and pressure local leaders to pay large ransoms.

Hundreds of students have been dragged from educational facilities this year. One of the worst attacks occurred in February, when 317 girls were abducted from a school in Zamfara state in Nigeria's northwest. (Like most other kidnapping victims, they were released after secretive negotiations.)

Kidnapping is a lucrative industry.

Between 2011 and 2020, Nigerians spent at least \$18 million to liberate themselves or relatives, according to a report from SB Morgen, a consulting firm that analyzed data from open sources.

The problem stems from weak law enforcement and economic desperation, said Idayat Hassan, the director of the Center for Democracy and Development in Abuja.

Nigeria has one of the highest unemployment rates in the world, at 33.3 percent, and a shortage of well-equipped police officers.

"Some areas have 30 officers for 50,000 people," Hassan said. "Bandits see that they can probably get away with it and that the immediate payoff is huge."

An average of 13 people were kidnapped each day in the country in the first half of 2021, according to a report cited in Nigerian media, amounting to 2,371 victims — but researchers caution that the figure is conservative. (Nigeria's population is about 213 million.)

"We had the illusion that Abuja was impregnable," said Kola Alapinni, a human rights lawyer in Abuja, "but we should have known it was just a matter of time."

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Mali

Mali: Alleged 'Disappearances,' Executions by Security Forces (Human Rights Watch)

October 22, 2021

Malian authorities should investigate a spate of alleged summary executions, enforced disappearances, and incommunicado detentions by government security forces, Human Rights Watch said today. The United Nations Security Council, visiting Mali on October 23 and 24, 2021, should press the government to make progress on justice for serious

crimes by state security forces and non-state armed groups.

Since September, at least 14 men last seen in the custody of the security forces have “disappeared” or are being held incommunicado, informed sources told Human Rights Watch. The bodies of three men allegedly executed after their arrest by soldiers in early October were found near the army camp in the central Malian town of Sofara, in Mopti region.

“Mali’s transitional government shouldn’t be standing back while its soldiers are linked to a wave of abuses,” said Corinne Dufka, Sahel director at Human Rights Watch. “The UN Security Council should use their visit to reinforce the government’s obligations to respect human rights and investigate and appropriately prosecute abuses by all sides.”

Human Rights Watch spoke by telephone with 22 people with knowledge of the recent allegations including witnesses, family members of the “disappeared,” village leaders, local rights organizations, and foreign diplomats.

Most of the recent abuses occurred during counterterrorism operations in central Mali against Islamist armed groups that in 2021 have been responsible for increasing attacks that have killed scores of security force members and civilians, including a massacre on August 8 of about 50 villagers near Gao.

Others abuses appear to be related to rising political turmoil as a result of Mali’s two military coups in nine months. On August 18, 2020, military officers overthrew the government of President Ibrahim Boubacar Keita and appointed former Colonel Bah Ndaw as interim president; on May 24, 2021, Ndaw was overthrown by his vice-president, Colonel Assimi Goïta, who was sworn in as head of state in June 2021.

Since the resumption of armed conflict in 2012, Malian authorities have failed to ensure justice for dozens of large-scale atrocities implicating ethnic militias and soldiers during counterterrorism operations. There has been some progress on prosecuting grave crimes by armed Islamists.

All parties to Mali’s armed conflict are bound by Common Article 3 of the Geneva Conventions of 1949 and other treaty and customary laws of war, which provide for the humane treatment of captured combatants and civilians in custody. Individuals who commit serious violations of the laws of war with criminal intent, including summary executions and torture, may be prosecuted for war crimes.

“Mali’s authorities should either bring those arrested before a judge and charge them with a credible offense, or release them,” Dufka said. “Those held without charge should immediately be released and the families of those forcibly disappeared should be told where their relatives are.”

Arrests, Enforced Disappearances and Executions around Sofara

Village leaders and witnesses said that from October 2 to 5, security force members arrested at least 34 men in and around the town of Sofara. Two international security analysts told Human Rights Watch the arrests were apparently in response to an uptick in attacks by Islamist armed groups in the area, and specifically, an October 1 attack on Marebougou, 30 kilometers away.

In an October 13 communiqué, the Malian army acknowledged some of the arrests, noting that “22 presumed terrorists” had been transferred to the gendarmerie for investigation. Family members, witnesses, and local community leaders said that at least 11 of the arrested men remain unaccounted for and three men, believed to have been among those arrested, were found dead a few kilometers from the Sofara military camp a few days after their arrest. Community leaders provided Human Rights Watch the names of the 22 men in government custody and 11 men who are missing.

A witness to the arrest of seven men in Sofara on October 2, the majority of whom remain missing, said, “Around 11 a.m., several military vehicles surrounded a small shop near where many families displaced by the war lived. A man working with the army was pointing out who and who to arrest. First, was the shopkeeper, then one by one, others who were drinking tea, walking by, or had come to buy something. The soldiers ripped their clothing to tie their hands and blindfold them, then threw them violently into the vehicles, in which were already 2 others, making 9 arrested in total.”

A trader described the arrests in Sofara on October 5: “It was market day, around 9 a.m. Soldiers flooded the market, some surrounding the animal market, others went into the stalls. It seemed like they were stopping all the [ethnic] Peuhl men – identified by their dress. I didn’t see them asking any questions.” A shopkeeper said, “I heard the soldiers insulting and accusing the men they’d arrested of being terrorists. They took dozens of men. They tied their hands and eyes with the men’s turbans, threw them into the army trucks, then drove off toward their base.”

Two men said they participated in the burial, on October 11, of three of the arrested men whose bodies were found about two kilometers from Sofara. One said, “After hearing about the bodies, we organized a delegation to see for ourselves. After walking for 25 minutes, we found three bodies in the bush, two side by side and the other separated by a few meters. We saw tire tracks near the bodies which were starting to decompose.... We buried them right there.” A cellphone video that circulated on social media

appears to show the three bodies described by the witnesses.

Another cellphone video that circulated on social media around the time of the October arrests shows the mistreatment and interrogation (in local Bambara language) of a suspect by four uniformed men. The October 13 government communiqué pledged to investigate the apparent mistreatment, noting that soldiers involved “have been formally identified” and “disciplinary sanctions are already imposed on perpetrators who have been placed at the disposal of the National Gendarmerie for legal proceedings.”

A village elder close to the suspect in the video told Human Rights Watch that the man being mistreated in the video, Hamadoun Diallo, 37, had been arrested by soldiers on October 4 near Tandiana, a village near Sofara, and remains unaccounted for.

Earlier in 2021, Human Rights Watch documented other serious allegations of abuse by the Malian security forces. On March 23, soldiers based in Boni severely beat dozens of bus passengers after finding suspicious material in the baggage compartment. The bodies of at least 13 of the passengers remain unaccounted for and are believed to be buried in a common grave near the Boni military camp. Soldiers from the same military camp executed at least seven other men in March and April, and in January, soldiers killed eight men and forcibly disappeared two others, including a child, near Mali’s border with Burkina Faso.

Enforced Disappearance of Government Officials

Witnesses, human rights investigators, and two diplomats said that at least three former high-level government officials are being held incommunicado after their detention by the security services.

Dr. Kalilou Doumbia, 35, a jurist and advisor to Mali’s top political figures, went missing while en route to a meeting on September 6 at the University of Bamako, where he lectures on legal and political studies. “When he didn’t show for a meeting at the university, we started calling people along the route he would’ve taken to work, to see if they’d seen anything,” a colleague told Human Rights Watch.

On September 10, a police commissioner based in Mali’s Kayes region, Moustapha Diakité, 38, went missing after the director general of police summoned him to Bamako. Two people close to Diakité said he was last seen entering the headquarters of the national intelligence agency, the Directorate of State Security (DSGE). “The summons came from the DG of Police, but once there, Commissioner Diakité was told to report to the DSGE. Once at the DSGE, his phone was confiscated and from that day we have no news as to his whereabouts,” a source close to the family said.

On October 4, in Bamako’s Baco Djikoroni neighborhood, several men in military uniform detained Col. Maj. Kassoum Goïta, 46, the director of state security during President Ndaw’s administration. Said someone close to the family, “At around 2 p.m., they surrounded the house and forced him into a vehicle. Since then, he doesn’t answer his phone. We have looked everywhere.”

Informed sources said they believe the men have been held for intermittent periods within an unauthorized detention facility in Sundiata Keïta military camp, in Bamako’s Kati suburb; within a gendarme camp in Bamako; and within the DSGE. People close to their families said the authorities have refused to acknowledge the men’s presence in these detention facilities and have not allowed their lawyers access to them.

International law defines enforced disappearance as the detention of a person by state officials or their agents and a refusal to acknowledge the detention or to reveal the person’s fate or whereabouts.

Under both transitional governments in Mali there have been several high-profile cases characterized by violations of due process, including prolonged detention of suspects without charge and denial of access to lawyers and family members.

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Liberia

“Acknowledgement and an apology”: Healing old wounds in Liberia (African Arguments) By Catherine Mgendi
October 22, 2021

While Liberia contends with how to deliver justice for the greatest atrocities in the civil war, Palava Huts are bringing reconciliation at the local level.

This July in Saryah town in Liberia's Rivercess county, Taly stood up and spoke of the deep trauma he had experienced around 20 years ago during the civil war. In front of the gathered crowd, he described how rebel fighters had rounded up local villagers, flogged them, and forced them into the attic of a rice granary before setting fire to the building. He recounted how one assailant, named James, cut off Taly's right ear and forced him to eat it.

"The man and his friends lied that I was an LPC fighter," said Taly, referring to a different rebel group. "Some of us died from the beating and smoke."

Listening to Taly's account of violence during the Liberian civil war was a council of elders with training in human rights and alternative dispute resolution. Also in attendance was James, the accused, who is Taly's neighbour and who spoke next.

"What he said is true," he said. "Taly and I are friends. We drink liquor together. But I thought he forgot about what happened because he never talked about it before." James pleaded for, and received, Taly's forgiveness.

Scenes such as this have been happening in Liberia over the past five years as the country attempts to confront the extreme violence that characterised its two civil wars between 1989-1997 and 1999-2003. According to the national Truth and Reconciliation Commission (TRC), Liberia suffered "every conceivable category of gross human rights and serious humanitarian law violation" during this period in which over 250,000 people were killed, more than one million were internally displaced, and hundreds of thousands fled the country.

There are ongoing discussions as to whether Liberia should establish a war crimes court or transitional justice commission to account for the most egregious atrocities, but in the meantime, the country has been holding so-called Palava Hut hearings. These were recommended by the TRC and are based on traditional restorative justice and accountability mechanisms.

Facilitated by the Independent National Commission on Human Rights (INCHR) with support from UNDP Liberia, Palava Huts provide safe public spaces where victims meet face-to-face with perpetrators of alleged violations and air their grievances before a trained council of elders. Like James, the accused typically admit guilt and, consistent with the traditional conflict resolution practices of the Bassa people, demonstrate penitence by squatting before their victims when asking for forgiveness.

The Palava Hut Committee then scolds the perpetrator and consoles the victim, offering their own apologies for their suffering. Once forgiven, the victim and perpetrator share a drink of blessed water to symbolise "heart-cleansing", a consummation of a moral and spiritual vow to let go of the past and embrace a future of reconciliation and peaceful coexistence.

Since 2016, these justice mechanisms they have been used in different parts of the country to address violations of "lesser magnitude", ranging from looting and destruction of property, to certain acts of torture and humiliation, to forced labour and displacement. Most recently, Palava Hut hearings were held in Rivercess country, which saw the first ever committee of elders headed by a woman because of the male paramount chief's own involvement in the civil war. 49 cases were heard in the county, 48 of which were amicably resolved. This means that so far 259 cases have been resolved through Palava Hut hearings, and that 483 people have been helped to deal with the trauma they experienced in rebuilding social cohesion in their communities.

These traditional justice mechanisms are not designed to deliver justice for the large-scale human rights violations and atrocities that characterised Liberia's civil wars. They may also do little in terms of addressing the serious physical and economic repercussions of victim's experiences. But for many that have confronted their assailants through Palava Hut hearings, just being seen, heard, and asked for forgiveness can be hugely significant – as Sundaygar's experience shows.

He told the Palava Hut hearing about how a fighter called Sabato and two others tortured and abused his family in 1994 in the village of Neezuin.

"Sabato asked my father to give them his single barrel gun. My father told them the gun was burned with our house. They got vexed and tied my father, my stepmother and I, and beat us with gun butts," said Sundaygar, before going on to describe other forms of violence the fighters unleashed on them.

"Sometimes we forget some of what we did," responded Sabato when it was his turn. "I don't come here to argue. I apologise to Sundaygar and his family."

For Sundaygar, this was enough for him to resolve his hurt and bitterness and bring the matter to a close. "This has been what I wanted," he said. "Acknowledgement and an apology."

Biden Should Support the War and Economic Crimes Court for Liberia (National Interest) By Michael Rubin
October 26, 2021

It is time to do right by Liberia and abide by the Truth and Reconciliation Commission of

Liberia's recommendations.

In 1990, just prior to the start of its civil war, the West African nation of Sierra Leone had a population of just over four million people. Over the next eleven years, more than 50,000 civilians died in a civil war that began when the Revolutionary United Front (RUF), backed by Charles Taylor's National Patriotic Front of Liberia, launched a violent campaign to oust President Joseph Momoh's government.

What Americans knew about the Sierra Leone conflict centered on discussions of blood diamonds that the rebels used to finance their campaign, but the war was about much more: The RUF distinguished itself with its brutality—raping, mutilating, and murdering civilians and forcing young girls to marry its soldiers. When the RUF would capture a village, it would often amputate limbs. Some RUF commanders would infamously ask victims if they wanted a long-sleeve or a short-sleeve, cutting off a hand if they answered long-sleeve and the entire forearm if they said short-sleeve.

The war ended in 2002 after the Liberian government stopped facilitating RUF movement and the blood diamond trade, and Guinean forces began bombing RUF bases in Sierra Leone to stop the RUF from linking up with Guinean rebels.

What followed was a relative triumph for both peacekeeping and international justice. The United Nations (UN) Mission in Sierra Leone operated from 1999 until 2005, when it dissolved after being largely successful. Two smaller economic and peacebuilding missions followed, and these, too, succeeded. They did not operate in isolation, however. What greased their success was an UN-sponsored effort to bring justice to those who had perpetrated war crimes in Sierra Leone.

The Sierra Leone government and the United Nations agreed to form the Special Court for Sierra Leone, and the court, whose operations were financially supported by forty different countries, opened on January 16, 2002, in Freetown, Sierra Leone's capital city. The court was the world's first "hybrid" international criminal tribunal and the first international tribunal to sit in the country where crimes took place. This was important—it kept justice a largely Sierra Leonean affair rather than one operating from afar with colonial undertones, as too often happens with Hague-based tribunals. The court's mandate also required that the court execute its sentences in Sierra Leone, except where capacity and security dictated exceptions.

The court had jurisdiction to try those accused of involvement in crimes against humanity during Sierra Leone's civil war. Over the course of its operation (it dissolved in December 2013 when its mission completed), it indicted nearly two dozen top suspects, including then-Liberian president Charles Ghankay Taylor. While the indictment of a sitting president annoyed the U.S. State Department, which was more comfortable with sweeping Taylor's complicity under the rug, it was an important signal that neither wealth nor political office could trump justice. Ultimately, the court convicted Taylor and sentenced him to fifty years in prison. For Sierra Leone, the entire process was therapeutic and allowed a new generation to get on with their lives and, increasingly, thrive.

Other African countries, too, have recognized the importance of accountability for crimes. Both South Africa and Morocco, for example, held well-regarded truth and reconciliation processes to bring closure. Morocco's decision to televise hearings about abuses during the thirty-eight-year reign of Hassan II made the process transparent and augmented public acceptance. Many Rwandans criticized the slow pace of the International Criminal Tribunal for Rwanda that took over a decade and more than \$1 billion to ultimately convict only eighty-five participants in Rwanda's 1994 anti-Tutsi genocide. In response, the Rwandan government also embraced a supplemental grassroots "gacaca" process that reduced prison populations, sped up the judicial process, tried more than one million foot soldiers of the genocide, and helped restore the country's social fabric. Some within the international human rights community raised objections to the grassroots process, but such complaints appear rooted more in their own lack of involvement rather than the content of the process.

Liberia, however, has yet to bring to justice the perpetrators of its two civil wars that together killed perhaps 250,000 people. The roots of the Liberian conflict date back to Samuel Doe's violent April 1980 coup d'état. After nearly a decade of Doe's dictatorship, Taylor's National Patriotic Front of Liberia invaded the country from the Ivory Coast and began to battle rival warlord Prince Johnson for control of the capital Monrovia. Johnson won that battle and, on video, executed Doe. Fighting for Monrovia and Liberia's resources, however, continued through the first half of the 1990s. In 1995, there was a tenuous ceasefire and, two years later, Liberians elected Taylor to the presidency in the hope that, with his ambitions whetted, the fighting would stop. It did not. Taylor used blood diamonds to finance rebels in neighboring countries like Sierra Leone and appeared more intent on enriching himself than developing Liberia. Fighting erupted and Taylor ultimately fled prior to his arrest upon the delivery of the Sierra Leonean court indictment. Ellen Johnson Sirleaf, a one-time Taylor-supporter, took over and ultimately won the Nobel Prize for her reconciliation efforts.

In 2009, the Truth and Reconciliation Commission of Liberia recommended that Liberia establish a tribunal largely based on the Sierra Leone model to prosecute war criminals. The Ebola crisis delayed implementation of the tribunal during Sirleaf's tenure. The problem is that incumbent Liberian president George Weah, who has been in office since 2018, seems to have little interest in holding the perpetrators of war crimes accountable even though the Truth and Reconciliation Commission does not leave the establishment of the War and Economic Crimes Court up to the president's discretion and requires him to reach out to the

international community. While Weah has assured the international community at forums like the United Nations General Assembly that he will work to establish a court, these assurances seem to be for export only; when he returns home, he not only forgets his promises but even denies them, video notwithstanding. His stated desire to reach out to the senate is not credible either since, by law, the senate has no jurisdiction over the establishment of the War and Economic Crimes Court. Part of the problem, frankly, appears to be Weah's own documented complicity in economic crimes as well as many of his allies' involvement—including Johnson, who executed Doe and is now a sitting senator, and Jefferson Koijee, whom Weah appointed mayor of Monrovia.

Weah also is in the minority as Liberians seek to move forward and ensure their country sits on a more stable foundation. On October 18, 2021, Alex Cummings, a well-regarded businessman and leading candidate in the opposition coalition that is contesting the 2023 elections, told me, "The WECC [War and Economic Crimes Court] is foundational to restoring rule-of-law in Liberia and ending the era of impunity; it presents the opportunity to bring closure for the hurt and pain of the past and begin a new era of reconciliation and unity, [and] put behind all of our past divisions."

Both President Joe Biden and Secretary of State Antony Blinken have promised to put diplomacy and human rights first. There is no better place to do so than in Liberia. A word from the Oval Office or the seventh floor of the State Department could have tremendous impact. It could show Weah that the West will not abide his desire to shirk legal commitments and accountability or return Liberia to the past. Frankly, such a move by Biden would have bipartisan support. And the State Department shouldn't worry—Sierra Leone, South Africa, Morocco, and Rwanda all showed that countries emerge better and more prosperous when they hold war criminals accountable. Justice is cathartic. It is time to do right by Liberia. It is time to abide by the Truth and Reconciliation Commission of Liberia's recommendations, ignore Weah's excuses, and demand the establishment of an independent War and Economic Crimes Court based on the model of what worked in Sierra Leone. America should use its diplomatic muscle to seek neutral Western and African donors to underwrite its operation and mandate.

Liberia War Crimes Trial Resumes In Finland (UrdoPoint) By Sumaria FH

October 26, 2021

A landmark case against a Sierra Leone rebel accused of war crimes during Liberia's bloody conflict resumed in Finland on Tuesday, after the court returned from hearing testimony in Monrovia

Gibril Massaquoi appeared at Pirkanmaa District Court dressed in a grey woollen sweater and listened through a translator as a defence witness spoke during his trial for rape, ritual murder and recruiting child soldiers during the later years of Liberia's second civil war, which ended in 2003.

Massaquoi denies all charges and claims he was not in Liberia when the alleged offences took place.

A witness, who was granted anonymity by the court, described being holed up with the defendant in a series of safehouses in Sierra Leone between 2002 and 2003 after Massaquoi agreed to become an informant for the prosecutor of the Special Court for Sierra Leone.

"Did Gibril ever leave the safehouse for any reason during your first six months there?" defence counsel Kaarle Gummerus asked.

"If he did, the special court would send security and a car to take him," the witness answered. "The security always had the key to the gate." Cross-examining, prosecutor Tom Laitinen asked whether it was possible that, before moving to the safehouse, Massaquoi ever travelled to Liberia in order to meet a girlfriend, without the witness's knowledge.

"Yes," the witness said.

Born in 1970, Massaquoi was a senior commander of the Revolutionary United Front (RUF), a Sierra Leone rebel group that also fought in Liberia.

He moved to Finland in 2008 and was arrested there in March 2020 after a rights group investigated his war record.

In an unprecedented move, the Finnish court decamped to Monrovia between February and April this year, and again in September, to hear witness testimony in the case.

The proceedings were described as historic, as very few people have been tried for war crimes committed in Liberia, and none inside the country itself.

Around a quarter of a million people were killed between 1989 and 2003 in the West African country, in a conflict marked by merciless violence and rape, often carried out by drugged-up child soldiers.

There are regular appeals to establish a war crimes tribunal inside Liberia, a poor nation of five million people where some ex-warlords remain powerful.

President George Weah has resisted the calls, however.

The Finnish court will hear more witnesses, including from the US by video link, over the coming two months, with a verdict likely sometime in the new year, court officials said.

Liberia ex-warlord Charles Taylor sues for pensions, benefits (The Citizen)

October 27, 2021

Former Liberian warlord-turned-president Charles Taylor, jailed for five decades for war crimes, has filed a lawsuit against his country's government over its "refusal" to pay his pension and retirement benefits, according to a court statement.

Taylor sparked a 13-year civil war in Liberia when he led a rebellion in 1989 to oust President Samuel Doe, which spiralled into one of Africa's bloodiest conflicts.

He is currently serving a 50-year sentence in a British prison after being convicted in 2012 by a special court in The Hague of fuelling civil conflict in Sierra Leone.

The court of the West Africa bloc ECOWAS said Taylor had filed a lawsuit alleging his right to property had been violated by Liberia's refusal to pay his pension and retirement benefits since 2003.

"The former President said the action of the government constitutes a violation of his human rights, particularly the right to freedom from discrimination, equal protection of the law, right to dignity, fair hearing and property," it said.

The court said no date has been fixed for the hearing for Taylor, who was Liberia's president from 1997 to 2003.

"He wasn't convicted for crimes committed in Liberia so that doesn't affect his rights here," said Adama Dempster, the secretary general of the Civil Society Human Rights Advocacy Platform of Liberia.

"I think he should be given what the law says he should have," he said.

Taylor was the first ex-head of state to be jailed by an international court since the Nazi trials at Nuremberg in Germany after World War II.

He was convicted on 11 counts of war crimes and crimes against humanity over acts committed by Sierra Leone rebels he aided during the war.

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EAST AFRICA

Uganda

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

Fruit-Shaped bomb kills two children in Ugandan village (Reuters) By Elias Biryabarema

October 30, 2021

A bomb that looked like a "jackfruit" killed at least two children in a Ugandan village on Friday, after being given to the children while they were playing, a senior police official said.

The explosion, which occurred in Nakaseke district, located about 60 km (40 miles) north of the capital Kampala, killed a 14-year-

old and a second child with disabilities, police spokesman Asan Kasingye said in a tweet.

The attack was the third in a week. On Monday an explosion triggered by a suicide bomb on a bus killed the attacker, police spokesman Fred Enanga said. Police had initially said two people were killed.

On Saturday a bomb in a restaurant Kampala killed one person and injured three others. Islamic State claimed responsibility for the blast in the restaurant. There was no immediate claim of responsibility for Friday's bomb. The police could not be reached to say whether they had identified any suspects.

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Kenya

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

Kenya: Why Rogue Police Officers Are Getting Away With Murder (allAfrica) By Mary Wambui
October 29, 2021

Only 12 out of the registered 18,166 complaints against the police at the Independent Policing and Oversight Authority have reached conviction since its mandate began in June 2012.

Ninety-eight others, amongst them dozens of murder cases, are stuck in the courts, as the wheels of justice grind slowly.

Trends from cases against the police point to a pattern that, if not rectified, may make victims' families give up on the search for justice and accept a fate that goes on to empower rogue officers to commit more felonies.

Delay tactics, cover-ups, witness murders and intimidation of victims' families have increasingly made it difficult to successfully prosecute rogue police officers.

The case against police officers charged with the murders of human rights lawyer Willie Kimani, his client Joseph Mwenda and taxi driver Joseph Muiruri is still in court, five years since the shocking incident. The three were killed in 2016 and their bodies found in Ol Donyo Sabuk river a week later.

Its prosecution was dogged by multiple adjournments following incidents of suspects claiming to have fallen ill alongside multiple excuses by the defence team that saw Justice Jessie Lessit declare that there would be no more adjournments.

The victims had been stashed in gunny bags, a trick now increasingly being used by killers hoping their victims will be eaten by crocodiles or sink to the bottom of rivers or dams, never to be found.

Some officers say the main reason for this is to prevent successful prosecution of the killers, seeing as for a successful murder case, the victim must be found alongside the weapon used to kill them.

Killing of 13-year-old

"If someone disappeared, got killed and there's no body to prove that, how do you charge a suspect for murder? That is why these criminals kill in Nairobi and dump bodies hundreds of kilometres away in areas like Mt Kenya region, Maai Mahiu and Ol Donyo Sabuk, where relatives will not even think of searching for them.

"In the event that the body is found, chances are it will be admitted to a morgue and thereafter, be dumped by the morgue, alongside other unclaimed ones," a police officer told the Nation.

In Nairobi, the hearing of the case against police officer Dancan Ndiema, who was charged with the killing of 13-year-old Hussein Moyo on the family's balcony in Kiamaiko slums is yet to begin, a year since the incident happened. Claims of the casefile having gone missing have dogged the case for months.

In Kisii, the case of Eric Achando who died at Rioma police station in May, and the shooting of Davine Moraa in the protests that

followed, is yet to be filed in court.

Between January and June this year, the authority recorded 1,324 complaints against the police, among them allegations of 105 deaths, serious injuries and disappearances. The 105 cases include 21 deaths in custody, 55 resulting from police action, 15 from shooting causing serious injuries, 12 on enforced disappearances and two of unlawful discharge of firearms.

For its part, the Internal Affairs Unit has recorded a total of 612 complaints against the police between January and August this year, out of which two had insufficient information to warrant action by the unit.

Eighteen of the total complaints were administrative in nature and were forwarded to the National Police Service, inspector general of police, and his two deputies for action, while 418 were referred to police commanders.

A status report on prosecutions of police brutality cases presented to the Senate Justice and Legal Affairs Committee last month by Director of Public Prosecutions Noordin Haji noted evidence tampering, intimidation of victims and witnesses and interference with investigations as the main challenges during prosecution of cases of human rights violations by police officers.

Cases of police brutality

In some incidents, Mr Haji said, a crime scene may be altered and evidence destroyed by the officers in an attempt to conceal their crime, leading to little or no evidence that can meet a prosecutorial threshold.

"For instance, in cases involving police shooting, ballistic examination is normally impaired due to lack of bullet cartridges as evidence, as they are often removed from the crime scene," noted Mr Haji.

The report added that some victims are profiled and labelled as criminals to the community so as to prevent a reaction from the public. In other cases, police prefer trumped-up charges against victims in a bid to conceal their crime.

This especially happens in instances of police shootings where bodies of "suspects" are paraded as violent robbers.

Rising cases of police brutality have seen Inspector General of Police Hilary Mutyambai increasingly direct the Internal Affairs Unit to investigate criminal cases and make recommendations for disciplinary and criminal actions.

The move has led to Ipoa and IAU conducting parallel investigations, an indication that the tripartite task force launched by the DPP to harmonise investigations into human rights violations by police officers has been hit by challenges.

The IG, in a response letter to a recent complaint by Ipoa over the two units conducting parallel investigations called on them to foster a closer working relationship in ending police excesses.

"Having reviewed your letter in its entirety, it is my objective determination that the unit should not be cited for carrying out parallel investigations with a view to undermine the authority's legal mandate, but to complement the work to end cases of police excesses," said the IG.

Coercion and threats

The task force comprising a specialised unit of prosecutors meant to handle matters of police excesses was prompted by the need to prevent sympathy and favouritism to officers by prosecutors, which could be occasioned by their close working relationship.

Though conviction may appear as the ultimate resolution to complaints filed against the police, the head of Legal at Internal Affairs, Mr George Okal, notes that some cases are resolved through arbitration and some through return of lost or stolen property to the victims by the police.

"If a phone had been stolen and the officer agrees to return it and does so, then the matter then is resolved amicably. However, there are still cases where some people, out of fear, coercion or threats, refused to cooperate with our investigators, thus denying us the much-needed evidence to give them justice. Our aim is to always inspire public confidence by resolving the cases that are forwarded to us," said Mr Okal.

When investigators dispense with a matter while it is still fresh, they are able to get justice for the victim soon, but when delays occur, witnesses give up and may, in the waiting period, receive threats and forget the events as they happened.

"Some delays at the ODPP lead to delay in arrests. In one such case, when our officers went to arrest the suspect, they found they had already reconciled with the victim and offered monetary compensation, thus the case could not go forward," added Mr Okal.

Secretary of Public Prosecutions (SPP) Dorcas Oduor, however, notes that not all cases can go to court.

"Even if we wanted to, we cannot, and since charging an individual has adverse effects on their life, property and liberty, that is why the Decision to Charge Guidelines were launched. Before a suspect is charged, the prosecutor handling the file performs evidential and public interest tests," she notes.

The challenge of non-cooperation from field commanders as a result of misinterpretation of the concept of police oversight, and the presence of two of its regional offices (Nyeri and Mombasa) within police premises are some of the challenges faced by the IAU in its work. This denies victims the liberty to walk into the offices freely to make complaints against the police.

Paul Gicheru: Key Witness in Kenyan Lawyer's ICC Case Goes Missing (Turko) By Japhet Ruto

October 29, 2021

The Office of the Prosecutor (OTP) revealed the witness identified as P-0397 could not be traced to give oral testimony.

ICC deputy prosecutor James Stewart confirmed the disappearance of P-0397 whom it emerged last communicated to the court in January 2014.

In July, the Pre-Trial Chamber confirmed Paul Gicheru had a case to answer after he was accused of corruptly influencing witnesses.

A key witness who was set to testify against Kenyan lawyer Paul Gicheru in his International Criminal Court (ICC) case has gone missing.

The Office of the Prosecutor (OTP) revealed the witness identified as P-0397 could not be traced to give oral testimony.

ICC deputy prosecutor James Stewart confirmed the disappearance of P-0397 whom it emerged last communicated to the court in January 2014.

Stewart said efforts to locate him since then bore no fruits.

Witness in Ruto, Sang case

Witness P-0397 was also a witness in the collapsed case against Deputy President William Ruto and radio journalist Joshua Sang, Daily Nation reported.

Ruto, charged alongside Sang, was accused of murder, forcible transfer of population, and persecution during the post-poll rocked Kenya.

The witness had earlier told the court that Gicheru influenced him and others to withdraw from testifying against the duo.

According to documents filed in court, the lawyer allegedly offered the man a bribe of KSh 5 million but only paid KSh 1 million to his bank account. The witness had reportedly solicited a KSh 10 million bribe but the amount was negotiated to half.

Gicheru has case to answer

In July, the Pre-Trial Chamber confirmed Gicheru has a case to answer.

This paved the way for him to stand trial at the Hague-based court.

Pre-Trial Chamber A, composed of Judge Reine Adélaïde Sophie Alapini-Gansou, announced that it decided to put Gicheru on trial following the prosecutor's evidence and submissions.

According to the international court, the offences stemming from the 2007/2008 post-election violence were allegedly committed to continuing a common plan implemented by a group of persons, including Gicheru, to undermine the prosecution's case in the Ruto and Sang case.

Gicheru's surrender

Gicheru surrendered to the court in November 2020. A warrant of arrest had been issued against him in 2015.

The ICC had ordered the arrest of the lawyer alongside one Philip Kipkoech who was also suspected of tampering with witnesses.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Rwandan Genocide Suspect Permanently Leaves the United States After Denaturalization (United States Department of Justice) October 28, 2021

A Rwanda native, most recently residing in Buffalo, New York, has been denaturalized by consent and departed from the United States under an order of removal following the filing of a complaint citing his suspected involvement in the Rwandan genocide in 1994.

According to court documents, Peter Kalimu, aka Pierre Kalimu, aka Fidele Twizere, was living in Rwanda in 1994, when violent conflict erupted between the country's two major ethnic groups, the Hutus and the Tutsis. During the conflict, often referred to as the Rwandan genocide, members of the majority Hutu population persecuted the minority Tutsis, committing mass murder and looting their property, among other crimes. An estimated 800,000 ethnic Tutsis and moderate Hutus were killed during the three-month genocide. The complaint against Kalimu alleged that he participated in two attacks on Tutsi families in his neighborhood during the genocide, and that he looted property from Tutsi families whose houses he then destroyed. Kalimu denied these allegations.

According to the civil denaturalization complaint, while living in Rwanda, Kalimu went by the name Fidèle Twizere. After he left Rwanda, he used a different name – Pierre Kalimu – and provided only that name, and a new date of birth, on his U.S. immigration forms. Throughout the process of applying for permanent residence and U.S. citizenship, Kalimu never disclosed to the U.S. government his previous identity as Fidèle Twizere or his prior use of a different date of birth. The complaint further alleged that Kalimu's misrepresentations about his identity precluded U.S. government officials from investigating him and determining that he was not qualified to obtain immigration and naturalization benefits.

Kalimu admitted that he was ineligible for citizenship because he engaged in welfare fraud in New York in 2003-2004 – one of the allegations in the civil denaturalization complaint – and agreed to denaturalization. The Justice Department obtained an order from the U.S. District Court for the Western District of New York, effective Sept. 1, revoking Kalimu's naturalized U.S. citizenship by consent, and the court entered judgment in favor of the United States on Sept. 30.

In a separate prosecution, in 2018, Kalimu pleaded guilty to, and was convicted of, one felony count of making materially false statements about his true name to federal investigators of the Department of Homeland Security (DHS).

On Oct. 12, a U.S. Immigration Judge in Buffalo, ordered Kalimu's removal for making materially false statements to procure immigration and naturalization benefits. Kalimu agreed to the entry of the order against him. On Oct. 21, Kalimu departed the United States.

"In seeking to escape his past in Rwanda, Kalimu obscured his true identity and repeatedly lied to immigration officers in order to become a U.S. citizen," said Assistant Attorney General Kenneth A. Polite Jr. of the plJustice Department's Criminal Division.

"The United States will not be a safe haven for suspected human rights violators," said Acting Assistant Attorney General Brian M. Boynton of the Justice Department's Civil Division. "The Justice Department is dedicated to preventing those who commit human rights violations from evading our immigration laws."

"Kalimu's misrepresentations to the U.S. government paved the way for the defendant to avoid discovery of his past transgressions and to establish a life in the United States, which included benefits afforded to all citizens," stated U.S. Attorney Trini E. Ross of the Western District of New York. "Because of the diligent work of the various government agencies involved with this investigation to uncover the truth and make amends for the lies and omissions of the defendant, he was rightly prosecuted, was removed from our country, and can no longer escape his actual past."

"HSI special agents will not cease in our pursuit of identifying and bringing to justice those individuals who have participated in unthinkable war crimes and human rights abuses," said Executive Associate Director Steve Francis of Homeland Security Investigations (HSI). "In coordination with the HSI-led Human Rights Violators and War Crimes Center in Washington, D.C., our special agents and prosecutors continue to ensure that perpetrators are held accountable and denied safe haven in the United States."

This matter was litigated by the Department of Justice Criminal Division's Human Rights and Special Prosecutions Section (HRSP) and the Civil Division's Office of Immigration Litigation (OIL) Enforcement Section; and the U.S. Attorney's Office for the Western District of New York.

U.S. Immigration and Customs Enforcement's (ICE) HSI Buffalo and HSI's Human Rights Violators and War Crimes Unit investigated this matter. Valuable consultation and support were provided by ICE's Office of the Principal Legal Advisor (OPLA) Human Rights Law Division and the Buffalo Office of the Principal Legal Advisor.

The civil denaturalization case was prosecuted by Senior Counsel Steven Platt of OIL; Assistant U.S. Attorney Daniel Moar for the Western District of New York; Trial Attorney Susan Masling, and Director of Human Rights Enforcement Strategy and Policy Eli Rosenbaum of HRSP, supported by HRSP Chief Historian Dr. Jeffrey Richter. The removal case was litigated by ICE's Buffalo Office of the Principal Legal Advisor.

Members of the public who have information about foreign nationals or naturalized U.S. citizens suspected of engaging in human rights abuses or war crimes are encouraged to call the ICE tip line at 1-866-DHS-2-ICE or to complete its online tip form.

Man arrested for allegedly denying, minimising Genocide (The New Times) By Aurore Teta Ufitiwabo
October 29, 2021

Rwanda Investigation Bureau (RIB) on Thursday confirmed the arrest of Rashid Abdou Hakuzimana, who is being investigated for allegedly denying and minimising the 1994 Genocide against the Tutsi.

He also faces charges of inciting public insurrection.

RIB spokesperson, Thierry B Murangira confirmed the suspect has been arrested over the crimes he allegedly committed on various occasions through his interviews on the social media platform YouTube.

According to RIB, the decision to detain him was taken after warning him to stop these declarations, a warning he never heeded.

Murangira advised the public to use social media platforms in a proper and responsible manner.

He said that RIB has no problem with everyone who uses social media sites to reach out to more people in a way that benefits society adding that even the institution uses social media to deliver messages to different people.

However, he said that they will not tolerate anyone using any social media channel to spread hate speech, rumours or words that can provoke divisionism, cause intimidation and chaos in the public.

The suspect is currently being held at Kicukiro RIB Station while the investigation is ongoing.

He said the case is being processed before being submitted to prosecution as per the law.

In many of the declarations recently made by Hakuzimana include assertions that there was double genocide in Rwanda. He recently said that there was no need to commemorate the Genocide against the Tutsi if everyone who was killed was not being commemorated.

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Somalia

[Dozens killed in fighting between Somalia army and former allied group (Reuters)] By Abdi Sheikh
October 24, 2021

At least 30 people died and over 100 were injured in intensified fighting between the Somali National Army and its former ally Ahlu Sunnah Wal Jama'a (ASWJ) in the Somali state of Galmudug over the weekend, residents and hospital officials said.

The clashes, in the state's second-largest district of Guriceel, run the risk of distracting both groups from their fights against Al

Shabaab, analysts and residents said.

This round of fighting broke out early Saturday and continued into Sunday, residents told Reuters.

"I am sure over 30 people died because I know 27 of them and they belong to both groups," elder Farah Abdullahi told Reuters. His estimates were echoed by 10 residents interviewed individually by Reuters.

Both the army and ASWJ were not reachable for comment.

ASWJ is a group of moderate Sufi Muslims which has played a key role in the fight against the al Qaeda-linked al Shabaab insurgency.

But tensions between the armed group and the federal government have been building for years. ASWJ accuses the government of not doing enough to fight Al Shabaab, while the government accuses ASWJ of acting without its permission.

Tensions came to a head earlier this month, when federal forces launched what it called a preemptive attack on ASWJ. ASWJ repelled the attack and captured Guriceel, whose residents welcomed the group.

The dead from the weekend's fighting include senior SNA officer Abdi Ladiif Fayfle, the commander of the U.S.-trained Danab forces, a relative told Reuters.

Fayo Care Hospital in the town received 30 people injured in fighting, while Istarlin Hospital, also in the town said it received 10, officials at the hospitals told Reuters. Hanano Hospital in a nearby town received 60, an official told Reuters.

The SNA also airlifted a plane of injured soldiers to the capital, an airport worker told Reuters.

Galmudug state security minister Ahmed Moalim Fiqi resigned earlier this month, citing federal officials' refusal to heed his pleas not to attack ASWJ.

"Many parts of Galmudug and the entire country is under al Shabaab. The commander of SNA is destroying Guriceel town and massacring ASWJ who are famous for eliminating Al Shaabab," he told Saturday.

Later on Saturday, Al Shabaab militants hit a Galmudug airport with mortars, airport workers said, compounding fears that the group would take advantage of the chaotic infighting.

"The escalation of the dispute between ASWJ and the government distracts from, if not undermines, other priorities like progressing with elections and the struggle against Al-Shabaab," said Omar Mahmood, Somalia analyst at the International Crisis Group think-tank.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb Ex-Policeman Appeals Crimes Against Humanity Conviction (Balkan Transitional Justice) By Marija Tausan

October 27, 2021

Simo Stupar's defence asked the Bosnian state court in Sarajevo on Wednesday to overturn the first-instance verdict sentencing him to 12 years in prison for crimes

against humanity in Vlasenica in 1992.

Defence lawyer Vesna Tupajic-Skiljevic urged the court to either acquit Stupar or quash the judgment and order a new trial, while the prosecution called for the verdict to be upheld.

Stupar was found guilty in May this year of participating in a widespread and systematic attack on the Bosniak population in the Vlasenica area from April 1992 to the end of September that year, as a member of the reservist police force of the Public Security Station in Vlasenica.

The verdict said that Stupar took part in an assault on the village of Dzamdzici in the Vlasenica area on May 18, 1992, when five people were killed and several houses were set on fire.

He and three others also participated in the murder of a disabled civilian by shooting at him.

The verdict found that Stupar further participated in the beating of a Bosniak civilian at the police station in Vlasenica in the first half of June 1992 and the inhumane treatment of another man.

The second man was hit on his back with chains and ordered to get down on all fours, and then Stupar and others carved a cross and a Serb symbol onto his back. They then poured salt on his wounds.

Stupar was also found guilty of having participated in the arrest of two men on July 10, 1992. After that, the two men disappeared and their bodies were only found in 2007.

Defence lawyer Tupajic-Skiljevic argued that the first-instance court “should have provided more convincing evidence for the conviction part of the judgment”.

She said that on three counts, the court based its judgment exclusively on testimonies given by the victims, which were not backed up by other evidence.

As regards the abuse of the two men at the police station in Vlasenica, Tupajic-Skiljevic said that Stupar was a reservist police officer and had no authority to interrogate the men, and that the testimony given by the victims was not adequate to convict him.

Stupar was originally tried alongside Zoran Tesic, who was acquitted of all charges.

Stupar failed to attend Wednesday’s hearing. His lawyer said she did not know why he did not appear.

Bosnian Soldiers Jailed for War Crimes Against Serbs (International The News) By Haris Rovcanin
November 3, 2021

The Sarajevo Cantonal Court has sentenced Mustafa Divjan to ten years in prison and Alija Gazibara to two years for crimes against civilians in the Ilidza area during wartime, the court told BIRN.

Divjan was found guilty of killing two Serb civilian prisoners on April 22, 1993 while he was a member of the Bosnian Army’s Fourth Motorised Brigade.

At the time, Divjan was supervising the work of civilian prisoners who had been brought from the Silos and Krupa detention camps in the Hadzici municipality to a location near the Butmir Agricultural Institute in the Ilidza municipality in order to do forced labour.

After hearing that several of them had fled, he started shooting with an automatic rifle at two prisoners from close range. The two men died on the spot.

According to the verdict, Gazibara, who was also a member of the Bosnian Army’s Fourth Motorised Brigade, inflicted severe mental and physical pain on prisoners.

The verdict can be appealed at the Supreme Court of the Federation of Bosnia and Herzegovina.

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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

Serbian President Denies Threatening to Kill Croatian War Prisoner (Balkan Transitional Justice) By

Milica Stojanovic

October 29, 2021/p>

Serbia's President Aleksandar Vucic on Friday rejected claims that he participated in a war crime in Croatia in 1991, after a Croatian newspaper reported that a trial witness testified that Vucic threatened him with death.

Vucic told media in Belgrade that he was in Croatia several times in the 1970s and 1980s as a child and a teenager, but not in 1991.

He said he did not go to Croatia during the war “all the way until the end of 1994 or 1995, when I went as an SRS [Serbian Radical Party] official, for two days, when we went on a [election] campaign in [Serb rebel-held] Serbian Krajina”.

He also said that he had “never been to Petrinja [where the prisoner was captured] in the whole of my life, never”.

Croatian newspaper Vecernji List reported on Thursday that a witness that it named as Kosta D. told a war crimes trial in Zagreb that Vucic was present when he was captured in September 1991 and threatened to kill him.

The witness said that “I remember when the current president of Serbia, Vucic, as if I were watching him now, came up to us and said that he would kill and slaughter”, Vecernji List reported.

“Vucic told me that, as a Serb, I had betrayed the Serbian people and that he would slaughter me last,” he added.

The witness was testifying at the trial of Serb ex-fighters Dusan Jovic, Milo Paspalj, Vlado Cupovic and Marko Vrcelj, for war crimes against civilians and prisoners of war in 1991 in the Glina area, where Petrinja is located. They are being tried in their absence.

Vucic said that during this period, he was a student and that his political career only started in 1993 when he joined the Serbian Radical Party.

He argued that in Croatia, “some people are tried on the basis of the testimonies of such witnesses – think how these people will end up, on the basis of such brutal and heinous lies”.

His accuser's testimony was reported by another newspaper, Jutarnji List, which also published a statement by another witness who said he saw one of the defendants, as well as witness Kosta D., while he was in captivity, but did not see Vucic there.

During first half of 1990s, the Serbian Radical Party was active in spreading nationalistic rhetoric, but some of its members were also involved in the conflict on the ground, in Croatia and later in Bosnia and Herzegovina.

Serbian Radical Party leader Vojislav Seselj was convicted in 2018 of inciting crimes with nationalist speeches that he made in the Vojvodina region of Serbia during the war in 1992.

Vucic, along with party vice-president Tomislav Nikolic, left the Serbian Radical Party in 2008 and formed the Serbian Progressive Party, which has been in power since 2012.

Kosovo War Massacres Trial Stalled in Serbia for Two Years (Balkan Transitional Justice) By Milica Stojanovic

November 1, 2021

A hearing in the trial of 11 former Yugoslav Army soldiers for war crimes in four Kosovo villages in May 1999 was postponed at Belgrade Higher Court on Monday, meaning that two full years have passed without any hearing in the case being held.

The hearing was postponed because the court did not manage to establish a video conference call with a prison in Germany where Zoran Raskovic, a witness in the case, is serving a sentence.

Another witness who was slated to appear, Zoran Obradovic, who is also living in Germany, could not come to Belgrade due to the COVID-19 situation.

Judge Vladimir Duruz said that the video call could not be established because November 1 is a holiday in Germany.

“It was definite that we would be questioning Raskovic, until Friday afternoon when they [the prison] informed us that they have to take him from that prison where he was being held to another institution [for the video call], but they remembered that it is a holiday,” Duruz said.

The 11 former members of the 177th Yugoslav Army Unit are on trial for committing war crimes in the western Kosovo villages of Zahac/Zahaq, Cuska/Qushk, Pavlan and Ljubenic in May 1999. The indictment alleges that they killed at least 118 ethnic Albanians.

The ex-soldiers were initially convicted in 2014 and sentenced to a total of 106 years in jail, but the Serbian appeals court reversed the verdict in 2015 and sent the case for a retrial.

The most recent witness in the case was heard in June 2019, and the last hearing was on November 22, 2019, when defendant Predrag Vukovic, who was arrested in Montenegro the previous year, appeared in court for the first time.

Judge Duruz explained in July this year, when a hearing was also postponed, that Vukovic and his defence had proposed that two witnesses, Zoran Raskovic and Zoran Obradovic, be questioned.

Duruz noted that the appeal verdict, which ordered a retrial in the case, suggested that during the first trial, the court did not make enough effort for all witnesses to be heard directly.

Proposed witness Raskovic is a former comrade of the defendants. He was interviewed for ‘The Unidentified’, BIRN’s documentary film which investigated the commanders behind the 1999 Kosovo massacres.

DSHV Warns of Silence about Crimes against Croats in Serbia (Total Croatia News) November 2, 2021

The dossier is based on several years of research and was released by the Humanitarian Law Fund, a Serbian regional NGO for human rights which established that a campaign was conducted in Serbia between 1991 and 1995 against the Croat population in Vojvodina.

The campaign consisted of expulsion, looting, confiscation of houses and flats, arrests, detention in concentration camps, abuse, harassment, kidnapping and murder.

The campaign was aimed at forcing Croats to leave their homes and Serbia, in which advocates of ethnic cleansing succeeded to a great extent as tens of thousands of Croats were expelled from Vojvodina, the dossier says.

The intimidation campaign was conducted with the silent approval of political structures in Serbia and in some cases the police too were involved in violent acts against Croats, as were reservists of the now-defunct Yugoslav People's Army, the document adds.

DSHV notes that Vojislav Šešelj's conviction by the international tribunal in The Hague is the only one to have been delivered in international and domestic courts relating to the forced expulsion of Croats from Vojvodina.

DSHV claims that is due to the fact that the policies of dealing with the past in Serbia continue to negate and keep silent about the crimes committed against Vojvodina Croats in the 1990s.

That is also the main reason why there is not one memorial in Vojvodina for those innocent victims and why they are not commemorated, DSHV said, adding that those who point to that fact are frequently identified as enemies of Serbia.

DSHV expects authorities in Serbia to provide the satisfaction the Croat victims in Vojvodina deserve, and not only for the

purpose of the country's European prospects.

According to DSHV, during the war in the 1990s, almost 40,000 Croats were expelled from Vojvodina, mostly from Srijem, and 25 Croats were killed.

The dossier was released at the following link: www.zonaneodgovornosti.net.

In Serbia, Justice Gets an Early Release (Balkan Transitional Justice) By Fred Abrahams
November 3, 2021

[I saw him only once – in court. But I tracked the results of his work in bones and graves. Sreten Lukic, Serbia’s head of police for Kosovo during the 1998-99 war, was granted early release from prison last month. He has returned to live in Serbia after serving two-thirds of a 20-year sentence for murder, persecution, deportation, and forcible transfer as crimes against humanity.]

The UN war crimes tribunal in The Hague convicted him and four senior Serbian and Yugoslav officials in 2009 as part of a joint criminal enterprise. Lukic served as “the bridge between the policy-planners in Belgrade... and those on the ground in Kosovo,” the release order said. He exercised de jure and de facto responsibility over Serbian police forces that “committed crimes on a massive scale,” it added.

My colleagues and I documented many of those appalling acts, which resulted from policy rather than rogue troops. I testified at the UN tribunal against Lukic and his cohorts, three of whom are also now free.

The UN mechanism dealing with these cases set conditions for Lukic’s release: he may not own a gun or visit Kosovo. He must notify the authorities when he wants to travel. Importantly, he is forbidden to speak with media or praise other convicted war criminals. That’s a new and welcome constraint because others who were released early have been denying their crimes, impugning the UN tribunal, and extolling their wartime acts.

The Serbian government has welcomed these people back as heroes, glorifying their criminal acts. Former Deputy Prime Minister Nikola Sainovic, convicted together with Lukic, took a senior position in the ruling party. The convicted former commander of Yugoslav Army forces in Kosovo, Vladimir Lazarovic, was hired to teach at the Serbian military academy.

Domestic war crimes prosecutions in Serbia have slowed or ground to a halt, with cases of lower-level suspects dragging on for years. Survivors from Kosovo who agreed to testify have made multiple trips to Belgrade in vain. The EU recently criticised Serbia for its “very weak track record in the processing of war crimes cases.”

In 1999, just after the war, Serbian forces transferred the bodies of nearly 1,000 Kosovo Albanians whom they had killed to mass graves at police compounds and other places in Serbia, but the government does little to find their remains, let alone hold anyone to account.

One of those sites, a mass grave at an open-cast mine near the town of Raska in southern Serbia, was exhumed last year, the result of a joint effort between Serbia, Kosovo, the International Committee of the Red Cross and EULEX, the EU’s justice and police mission in Kosovo. It revealed over a dozen victims, but prosecutors have not filed any indictments on the case. The site lies about 10 kilometres from a quarry near Rudnica where Serbian authorities found the bodies of more than 40 Kosovo Albanians in 2014.

The man who may know the most about the body transfer operation, with corpses moved in refrigerator trucks, is the former Serbian police chief Vlastimir Djordjevic, Lukic’s boss, who is serving an 18-year prison sentence in Germany after being convicted of, among other crimes, directing “the secret handling, transport and reburial of bodies.” Djordjevic is also asking for early release.

Two members of the nationalist Serbian Radical Party are wanted in The Hague for contempt of court, due to witness-tampering in the tribunal’s case against their leader, Vojislav Seselj. Despite three reports of non-compliance to the UN Security Council, the Serbian government refuses to give them up.

The policy to shield suspects could change. Last month, Serbia presented a five-year plan for handling war crimes that recognises some of its deficiencies and offers some helpful steps, including expedited prosecutions and improved cooperation with neighbouring states. But promises come cheap. Belgrade can demonstrate a genuine shift by translating its plan into action with the necessary funding and political will.

Unless Serbia truly investigates and prosecutes wartime abuses, justice will get an early release.

Fred Abrahams is associate director for programmes at Human Rights Watch.

The opinions expressed are those of the author and do not necessarily reflect the views of BIRN.

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Turkey

Global protests aim to break silence over Turkey's alleged chemical attacks in Iraqi Kurdistan (Morning Star) October 29, 2021

Global protests will take place this weekend to break the silence over Turkey's alleged use of chemical weapons in Iraqi Kurdistan.

The European Kurdistan Democratic Societies Congress called for action against “the inhuman acts carried out by the Turkish regime” and the failure of global bodies, including the Organisation for the Prohibition of Chemical Weapons (OPCW), to act.

Rallies are planned in Germany, France, Switzerland, Belgium, Cyprus, Austria, Sweden, Norway, Finland, Canada, Denmark and Australia, with the Kurdish group urging all those with a conscience to speak out.

It said that the silence from the international community and global media outlets had emboldened Turkish President Recep Tayyip Erdogan to continue his genocidal attacks on Kurds “To remain silent and to stand watching today is to approve of these crimes against humanity, to be a partner in these crimes,” a statement said.

Turkey has been waging a six-month illegal bombing campaign and ground invasion of Iraqi Kurdistan.

Its forces are accused of a litany of war crimes, including missile strikes on a hospital, in which four health workers were killed, and bombing the UN-administered Makhmour refugee camp.

But it is Ankara's alleged use of chemical weapons that sparked calls for urgent action by world bodies, though they have so far been ignored, Kurdish officials say.

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Kosovo Specialist Chambers

Kosovo Journalist Testifies About Receiving Confidential Hague Court Files (Balkan Transitional Justice) By Perparim Isufi
October 26, 2021

A Kosovo journalist told the trial of the Kosovo Liberation Army War Veterans' Organisation's leaders that they gave him what they said were confidential documents from the case files of the war crimes court in The Hague.

Halil Berisha, a journalist from Pristina, told the trial of Kosovo Liberation Army War Veterans' Organisation leaders Hysni Gucati and Nasim Haradinaj at the Kosovo Specialist Chambers in The Hague on Tuesday how he received the allegedly leaked war crimes case files from the defendants.

Berisha said that he took “around 1,000 pages of documents” from the KLA War Veterans' Organisation in September 2020.

Gucati and Haradinaj are accused of obstruction of justice and witness intimidation because they received the documents, which contained confidential information about protected witnesses in the cases against Kosovo Liberation Army ex-guerrillas, and urged media to publish extracts from them.

Berisha was working for the Pristina-based Infokusi news website when he attended a press conference organised by the KLA War Veterans' Organisation in September 2020.

“The volume of documents was huge, it was not possible to record

all of them so I asked [Gucati and Haradinaj] if I could take some of the documents,” he said.

Officials from the Kosovo Specialist Prosecution seized the documents several days later.

“As far as I remember, we published articles about the documents only during the time we were in possession of them. After that, we continued to report about this issue but not about the specific documents because we didn’t have them,” Berisha said.

He explained that during the press conference, the heads of the KLA War Veterans’ Organisation said that “those documents were brought by someone earlier in the morning that day and that they are presenting them to media”.

“They said that the documents belonged to the Specialist Chambers,” Berisha said.

The witness explained that after the press conference, journalists and cameraman went to the table where the documents were placed and started to video them.

In her introductory speech, prosecutor Valeria Bolici stated that on September 6, 2020, some boxes were left in the hallway of the offices of the KLA War Veterans’ Organisation in Pristina.

In the boxes were case files with the names and personal information of potential witnesses in war crimes investigations at the Kosovo Specialist Chambers.

Gucati and Haradinaj then held three press conferences at which they revealed confidential information from the files and identified “details of certain (potential) witnesses”, the prosecution alleges.

Gucati and Haradinaj have both pleaded not guilty.

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

Witness protection has been a key concern for the Specialist Chambers after incidents of witness-tampering at previous trials of KLA commanders.

The so-called ‘Special Court’ is widely resented by Kosovo Albanians who see it as an insult to the KLA’s war for liberation from Serbian rule.

Hague War Court Rejects Hashim Thaci’s Plea for Release (Balkan Transitional Justice) October 28, 2021

The Kosovo Specialist Chambers rejected an appeal for conditional release by former Kosovo President Hashim Thaci, who is in custody in the Netherlands awaiting trial for war crimes and crimes against humanity.

The appeals chamber at the Kosovo Specialist Chambers in The Hague on Wednesday rejected ex-President Hashim Thaci’s plea for conditional release from pre-trial detention because there is still a risk that he might abscond.

Thaci had argued in his appeal that the pre-trial judge was wrong to conclude that he continues to play a significant role and wield influence and authority in Kosovo.

He claimed that he was now in the weakest position of his political career because his party, the Democratic Party of Kosovo, PDK, did poorly in this year’s elections and “can no longer even attract enough support to become a viable opposition”. The PDK only won 19 seats in the 120-seat parliament.

Thaci also argued that his status as a high-ranking former Kosovo Liberation Army member “did not automatically, and of itself, provide him with any position of influence or authority after the end of the conflict”, a court document said.

The pre-trial judge at the Kosovo Specialist Chambers, which were set up to try former KLA guerrillas for crimes committed during and after the Kosovo war from 1998 to 2000, had argued that Thaci could abscond, obstruct the progress of proceedings at the Hague court, or commit further crimes against those perceived as being opposed to the KLA, including potential witnesses.

The pre-trial judge cited what he said were Thaci’s “attempts to undermine the Specialist Chambers and his offer of benefits to persons summoned by the SPO [Specialist Prosecutor’s Office”, as well as the “high risk of intimidation or interference for witnesses and/or their family members”, and the “persisting climate of intimidation of witnesses and interference with criminal proceedings against former KLA members”.

The appeals chamber found that it was “reasonable for the pre-trial judge to consider that Thaci undoubtedly continued to exercise a certain degree of influence over his former subordinates despite his recent resignation as president of Kosovo”. Thaci resigned after he was charged with war crimes.

The appeals chamber also said that “any recent change of the political landscape in Kosovo is of little relevance” to Thaci’s continued influence in Kosovo.

It further ruled that that Thaci “failed to establish” that the length of the pre-detention is unreasonable at this stage in the proceedings against him, and denied his appeal for conditional release.

Thaci and three co-defendants are accused of a series of war crimes and crimes against humanity including illegal detentions, torture, murder, enforced disappearances and persecution from at least March 1998 to September 1999.

The indictment alleges that they were part of a “joint criminal enterprise” that aimed to take control over Kosovo “by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents”.

Most of the crimes in the indictment were allegedly committed at KLA detention centres in Kosovo and Albania.

All four men have pleaded not guilty.

The Specialist Chambers are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals.

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

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

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Azerbaijan

Armenian Legal Center files new cases on “disappeared captives” and “unlawful killings” before ECHR (Public Radio of Armenia) By Siranush Ghazanchyan

October 21, 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.

Azerbaijan follows up appeal on Armenia’s war crimes at int’l court (Azernews) By Vugar Kalilov
November 3, 2021

Azerbaijani Prosecutor-General Kamran Aliyev has said that measures related to Azerbaijan’s appeal to the International Court of Justice (ICJ) over Armenia’s war crimes are being taken, local media reported on November 2.

Aliyev underlined that the Prosecutor-General’s Office has collected the necessary evidence about Armenia’s war crimes against Azerbaijan, the report added.

"Physical evidence is used during these processes. Prosecutors thoroughly conduct an investigation into each crime," Aliyev said.

Azerbaijani has been collecting evidence about Armenia-committed crimes since the occupation of the country’s territories, he noted.

Aliyev added that prosecutors inspect each liberated region to collect proof of war crimes.

"The destroyed houses, historical monuments, and environmental crimes were documented separately, photos and videos were taken during the inspection," Aliyev said.

The prosecutor-general stressed that the evidence forms a strong basis to accuse Armenia and its military-political leadership of committing war crimes against Azerbaijan.

"This work is of historical importance. The future generation must know about this and must be informed," Aliyev emphasized.

Meanwhile, the prosecutor-general stressed that police seized drug crops in the Azerbaijani lands liberated from Armenia’s occupation in 2020.

“After the liberation of Azerbaijani lands from occupation, representatives of the Interior Ministry reported such facts,” Aliyev added.

Over its 30-year occupation of Azerbaijani territories, Armenia has used Karabakh and adjacent seven regions for its illegal activities, including arms and drugs trafficking. Although Azerbaijan repeatedly raised the issue before the international organizations, Armenia continued in the same vein, creating all the necessary conditions there for the illegal cultivation, production, and further distribution of narcotic substances.

The clashes between Armenia and Azerbaijan resumed after Armenia launched large-scale attacks on Azerbaijani forces and civilians on September 27.

During the second Karabakh war, Ganja, Barda, Yevlakh, Beylagan, Tartar, Gabala, Goranboy, Aghjabadi, Khizi and other Azerbaijani cities and regions came under Armenia's missile and artillery fire.

International human rights watchdogs Amnesty International and Human Rights Watch verified the use of banned cluster bombs and rockets by Armenia in its attacks against Azerbaijani cities.

As a result of the military aggression by Armenia, 100 Azerbaijani civilians were killed, including 12 children and 27 women. As many as 454 people were injured, including 35 children. Some 181 children lost one parent, five children lost both parents, one family died. In total, 12,292 residential and non-residential buildings and 288 vehicles were damaged.

A criminal case has been initiated into the death of every civilian in Azerbaijan caused by the Armenian terror, and appeals have been sent to international courts and organizations.

A Moscow-brokered ceasefire deal that Baku and Yerevan signed on November 10, 2020, brought an end to six weeks of fighting between Armenia and Azerbaijan. The Azerbaijani army declared a victory against the Armenian troops. The signed agreement obliged Armenia to withdraw its troops from the Azerbaijani lands that it has occupied since the early 1990s.

The peace agreement stipulated the return of Azerbaijan's Armenian-occupied Kalbajar, Aghdam and Lachin regions and urged Armenia to withdraw its troops from the Azerbaijani lands that it has occupied since the early 1990s. Before the signing of the deal, the Azerbaijani army had liberated around 300 villages, settlements, city centers, and historic Shusha city.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

German court convicts ISIS bride for 'crimes against humanity' in death of 5-year-old Yazidi 'slave' (The Washington Post) By Sofia Diogo Mateus and Vanessa Guinan-Bank

October 25, 2021

A Munich court on Monday convicted a woman married to an Islamic State fighter for "crimes against humanity and attempted war crimes" in the aiding and abetting of the murder of a 5-year-old Yazidi girl, sentencing the woman to 10 years in prison.

The court ruled that Jennifer Wenisch, a 30-year-old German citizen, did not intervene to stop the child's dying of thirst in the desert heat of Iraq. The conviction is believed to be the first in the world related to the Islamic State's persecution of the Yazidi community.

In 2014, the Islamic State terrorist group took over a region in northern Iraq that was home to the small Yazidi religious group, massacring thousands of Yazidi men and enslaving an estimated 7,000 women and children.

According to German prosecutors, Wenisch and her husband "purchased" the child and her mother as household "slaves" when they lived in the Islamic State-occupied Iraqi city of Fallujah in 2015. After the child became ill and wet her mattress, Wenisch's husband chained her outside their home as punishment and let the child die of thirst in the desert heat. The child's mother, who was forced to witness her death, was the trial's main witness, testifying for over 11 days.

The prosecutor had recommended that Wenisch be imprisoned for life. However, the court found that the accused had only a limited ability to end the enslavement of the woman and her child. Wenisch's husband, Taha al-Jumailly, is on trial in Frankfurt.

The case is being tried in Germany because its legal system incorporates parts of the principle of universal jurisdiction. Under this legal principle, some crimes — such as genocide and war crimes — are so grave that the normal territorial restraints on prosecutions do not apply.

As part of what is known as “structural investigations,” German authorities have been investigating war crimes against the Yazidi minority in Iraq and Syria for years. Two other trials involving the enslavement of Yazidi women and children are ongoing in Hamburg and Düsseldorf.

In response to a lawmaker's request last year, the government confirmed that 22 German nationals who “have a connection to ISIS or another terrorist organization” — 19 children and three women — have returned to Germany with help of the German authorities.

Over a hundred German citizens who left the country to join the Islamic State, also known as ISIS, or other terrorist organizations remain in prison camps in Syria and Iraq. They have petitioned the German courts for permission to return.

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Syria

Syrian war crimes on trial in Germany: Will justice be lost in translation? (The New Humanitarian) By

Charlotte Bailey

October 21, 2021

In the coming weeks, a German judge is expected to read the verdict in a historic trial: the first seeking to convict members of Syrian President Bashar al-Assad's government of war crimes. But many onlookers will be listening for more than just the words “guilty” or “not guilty”. They'll also be noting if the words are translated into Arabic, so millions of Syrians impacted by the conflict – or even just the few in the courtroom – can fully absorb the impact of the moment.

By focusing on language, activists, lawyers, journalists – and the makers of a podcast called Branch 251, which has been broadcasting updates and analysis in English and Arabic since the trial began in April 2020 – are flagging a problem that has long plagued proceedings around the world, from the International Criminal Court (ICC) to ad hoc courts in places like Rwanda and the former Yugoslavia: When justice happens far from where the crimes were committed, or in a language other than the one the victims speak, it often fails to include the people it is ostensibly meant to serve.

In legal jargon, this is called the “outreach gap”. And it isn't just an abstract concept in cases like that of Anwar Raslan, the former Syrian security officer on trial for war crimes and crimes against humanity at a small regional court in the southwest German town of Koblenz. In fact, experts say too large a gap can have important real-life consequences: It can stop key witnesses or accusers from coming forward, and an information vacuum can lead to the spread of misinformation, or even of deliberate disinformation – an almost permanent feature of the Syrian war.

For this reason, some courts, including the ICC, have begun to build outreach into their operations, using translation and press releases, comic strips and theatre, and working with local journalists. When done well, proponents say this kind of approach incorporates community feedback into the work of courts and allows affected people to feel part of the process.

Yet the job of transmitting the information to audiences directly impacted by the trials is often left to civil society groups. In the case of Koblenz, this includes the creators of Branch 251 – named after the notorious detention centre Raslan is accused of running in 2011-2012.

Before Raslan defected to the opposition and eventually fled to Germany, the indictment says 4,000 people at Branch 251 were subjected to “systematic and brutal torture”. A second defendant, Eyad al-Gharib, has already been convicted of helping Raslan, and sentenced to four and a half years in prison.

It was only possible to hold the precedent-setting trial in Koblenz – rather than at the ICC in The Hague or in a regional tribunal in the Middle East – because Germany follows a legal principle called universal jurisdiction. This holds that certain grave crimes are so serious they are considered crimes against humanity itself, and therefore they can – in theory – be prosecuted anywhere. The first (and still most famous) use of universal jurisdiction was the 1998 arrest in London of Chilean dictator Augusto Pinochet, who had been accused by a Spanish court of abuses committed in his home country.

Universal jurisdiction offers a way to tackle impunity for serious crimes when other courts won't or can't do so, and the push to use it for crimes committed in Syria – mostly in European courts – is gaining steam: In July, a German federal prosecutor accused a Syrian military doctor, who now lives in Germany, of torturing opponents of al-Assad.

This only makes efforts to reach out to – and involve – Syrians in justice about their country even more urgent. From the perspective of the podcasters at Branch 251, they are not just putting information out into the ether. They are also actively changing the answer to a question that crops up consistently in discussions about outreach (or the lack thereof) in international trials, which sometimes have big budgets and often plenty of English-language publicity: Who is justice really for?

One of Branch 251's producers, Noor Hamadeh, who lives in the United States but has family in Syria, hopes the podcast is giving Syrians some ownership over a trial about their own country despite the fact it is taking place in a small European court and mostly in a foreign language.

"The court itself is very much German," she told The New Humanitarian. "The trial doesn't really take into account that it's part of the larger context [of the Syrian war]." But, she continued: "It's against Syrian officials, and it has a much larger impact beyond Germany... It seems that the court isn't really accommodating that. I think, as a result, a lot of Syrians don't necessarily feel that the trial is theirs."

Why translation matters

While activists have long hailed the Koblenz trial as a landmark in the fight for Syrians harmed by the war, the impact hasn't necessarily been felt as strongly in Syria or among the 6.6 million Syrians who are refugees or asylum seekers.

It's a problem Asser Khattab, a Syrian journalist based in Paris who fled his country in the early years of the war and who hosted the Arabic version of Branch 251's second season, noted from the outset.

"It struck me that every time I spoke to someone inside the country – and often Syrians outside the country – almost none of them knew there was a trial happening in Koblenz," he told The New Humanitarian.

That gulf is exactly what made him want to be part of the podcast. When he heard about it, he thought: "This is great: It's free, it's accessible, and it's in Arabic."

Branch 251 was not founded by a Syrian, but by Fritz Streiff, a Paris-based human rights lawyer and podcast buff who recognised the trial's importance early on and felt more people should know about it.

Its first season was in English only, run on a shoestring, and funded by private donors. By season two, the podcast had picked up funding from the German Ministry of Foreign Affairs, giving them enough money to hire people like Hamadeh and Khattab, and to make a separate Arabic-language version. Season three kicked off in late August.

But the podcast – which has nearly 70,000 downloads, including, as far as the producers can tell, just under 200 from inside Syria – can only do so much, and the Koblenz court has come under criticism for its lack of outreach to Syrian communities, particularly its failure to offer regular Arabic translation. "We thought we would be part of the outreach," said founder Streiff. "We didn't think we would be the outreach."

When the trial – which is conducted in German – first opened, simultaneous Arabic translations were only available to the accused and the plaintiffs via headsets, all of whom are Syrian. Following advocacy from various groups, the court does now allow some pre-accredited journalists to receive their own simultaneous translation, but the accreditation process closed before the trial began, so few Arabic-speaking journalists signed up.

In theory, Arabic-speaking visitors in the public gallery should at least be able to understand the Arabic testimony. But they complain it can be difficult to hear without access to the simultaneous translation system, particularly when witnesses speak softly or unclearly.

When testimony is in Arabic, it is consecutively translated into German by loudspeakers to everyone in the courtroom.

Hear how Branch 251 producer Saleem Salameh felt on the day Eyad al-Gharib's verdict was handed down in Koblenz in February 2021.

Official court press releases are in German too, and while at least two different NGOs (the Syria Justice and Accountability Centre, SJAC, and the European Centre for Constitutional and Human Rights, or ECCHR) have been providing multilingual reports monitoring the goings-on at the trial, they aren't necessarily pleased that it has been left to them to communicate basic information about the trial to Arabic speakers.

"We are happy to play our part, but providing court information is a public task," said Patrick Kroker, a human rights lawyer at the ECCHR. A third group, the Syrian Centre for Media and Freedom of Expression, or SCM, posted Arabic summaries for the first year or so of the trial but has since stopped. "Civil society is already doing a lot," argued Balkees Jarrah, associate director of the international justice programme at Human Rights Watch. "The authorities now really need to step up."

To Kroker, one of the lawyers representing victims at trial, it looks like the spirit of internationalism that Germany has been widely praised for in prosecuting Syrian war crimes hasn't translated (often quite literally) into the day-to-day operations at Koblenz. "The problem here is we have a trial based on the principle of universal jurisdiction, which is founded in the idea that some crimes are against humanity as a whole," he said. "But they are being treated like any other criminal trial in Germany."

This was powerfully demonstrated during the verdict of Raslan's co-defendant, al-Gharib, in February 2021. When it was announced, the judge signalled for an Arabic translation to be broadcast over a loudspeaker.

In court that day was Syrian activist and writer Ameenah Sawwan, who arrived in Germany in 2015 after fleeing the war, and who had been attending the hearings from the start, also listening to some episodes of Branch 251. She was surprised and delighted to hear her language spoken at such an important moment in the trial, and for the first time felt truly included in the process.

"That really meant something. It made a huge difference," she told *The New Humanitarian*. "I would not have felt the same if I was there listening to a person read the verdict for three hours in German. I actually took my own notes. I wrote 16 pages down in Arabic about what was being said. I was very proud that I had my own notes from this very special session on this verdict."

Following the verdict, however, the proceedings reverted back to German.

A poor track record

Given international justice's poor track record in making people feel a part of trials that deal with their own communities, perhaps the situation in Koblenz should have been less of a surprise.

In 1993, when the International Criminal Tribunal for the former Yugoslavia (ICTY) was established to deal with crimes recently committed in the Balkans, it was the first war crimes court set up by the UN, and the focus was just on getting things up and running.

It was not until 1999 that the court established its outreach programme, with the aim of explaining to people impacted in the former Yugoslavia how the court works, and responding to their feedback.

But, by that point, it may have been too late to avoid the spread of what ICTY deputy prosecutor David Tolbert has called "gross distortions and disinformation" about the court in the region, as politicians were already using its work as a "political football".

Alison Smith, legal counsel and director of the international criminal justice programme at No Peace Without Justice, an Italy-based non-profit, said by the time the court started doing some outreach "it was really an uphill battle, because it wasn't included from the beginning."

For a while, it seemed these lessons had been learned. The ICTY's experience directly informed the operation of the Special Court for Sierra Leone. When it opened in 2002, outreach was built in from the start: Hearings were broadcast across the country, and booklets, films, and radio programmes about the court's work were distributed widely – all explaining what it did in simple terms.

A UN-commissioned review of the Sierra Leone court described this programme as "exceedingly effective", and the "crown jewel" of the court, recommending it serve as a model for future international courts.

"I'd love to say that [Sierra Leone] informed everything that came after in terms of outreach," said Smith. But it wasn't the turning point many had hoped for.

For example, The Hague-based ICC began operating in 2002, but it didn't form a dedicated outreach unit with a separate budget until 2007, following pressure from NGOs – and many people still say the funding remains insufficient, limiting its work.

In response to criticisms against its outreach programmes, a spokesperson for the ICC told *The New Humanitarian* via email: "The priority of the ICC outreach has always been the situations with the active cases and focused on the most affected communities."

The Koblenz complication

For all the criticisms of its work, the ICC does now acknowledge that outreach is an important part of its mission. That is not the case at the court in Koblenz, which argues that it needs to be run in the same way as any other serious criminal trial in Germany.

“German procedural law stipulates that negotiations in litigation – including criminal proceedings – must be conducted in German,” a spokesperson for the court told *The New Humanitarian* by email, explaining the minimal translation into Arabic.

This is not good enough for some. Streiff, Branch 251’s founder, said the court is taking a “very literal interpretation of the applicable law, which allows them to hide behind legal checks as a way to defend their exclusive use of the German language”.

Streiff and others find it concerning that precedent-setting trials like the one happening in Koblenz are going on while many of the victims of the crimes and their families live far away, with little to no understanding of what’s going on.

Some do have sympathy for the position the Koblenz court finds itself in.

It would be unusual for a small court in Germany, with the same funding as any other criminal trial, to get in touch with people in Syria in the same way that the ICC might be expected to, said Franck Petit, editor at *JusticeInfo.net* and former head of the outreach programme at the Extraordinary African Chambers in Senegal, which is considered by many to be a model for how outreach should be done.

“Even in international courts, [outreach] is the last thing they think about,” Petit told *The New Humanitarian*. “But they do accept they should do it. What we can say is they always think about it, as opposed to the national courts.”

Doing more for non-citizens and refugees than for German citizens could also create tensions, so most of the work in a trial like the one in Koblenz will inevitably be left to individuals, local media, and NGOs, Petit said.

What can go wrong

An early episode of Branch 251 tackles the question of how the trial is perceived among Syrians, both in Europe and in Syria. It’s a mixed bag, with some hopeful about the possibility that more people will someday be held accountable for atrocities, and others believing it is a lost cause.

Sawwan, the Syrian activist and writer who has been closely following the trial, believes most Syrians just aren’t paying attention, but that doesn’t mean they don’t care. Sawwan speaks German fairly fluently, but it can be hard even for her to understand complex legal language.

Both Sawwan’s brother and uncle were held in detention centres in Syria. Although they were not held in Branch 251 itself, the fact that a trial about the system of detention and torture in Syria is even happening means a lot to her.

“Syrians are being told this is a major trial, but they don’t understand why,” she told *The New Humanitarian*. “All they see is two relatively junior people on trial and ongoing atrocities in Syria. They don’t even know what universal jurisdiction is.”

The risk that the most important stakeholders – Syrians like Sawwan and her family – will be left behind or feel left out of the process is concerning. But there’s a deeper fear brewing: As more Syria-related indictments are filed across Europe without pre-emptive outreach from courts, some worry that trials will be subject to active disinformation campaigns.

Steve Kostas, a senior lawyer at the Open Society Justice Initiative, which helped build a case against the Koblenz defendants, pointed out that false information has been circulating about the trial against Raslan and el-Gharib. But given many Syrians find out about the trial through informal networks such as WhatsApp groups and Facebook, some of this is “completely understandable confusion and legitimate questions” rather than intentional disinformation, he told *The New Humanitarian*.

However, Eric Witte, policy officer at the Open Society Justice Initiative, said deliberate “fake news” or propaganda could still become a bigger problem in future universal jurisdiction cases.

Witte’s organisation – along with Syrian victims and Syrian groups – has filed several complaints against al-Assad’s government for using chemical weapons against civilians. They haven’t gone anywhere yet, but given the sensitivity of this subject and the fact that various sides to the conflict have tried to manipulate news during and after attacks, he is concerned. “If those filings went to trial,” he said, “you would see very active targeting [of disinformation] involved.”

And that’s not the only way experts say the lack of outreach might derail justice efforts. When potential witnesses don’t understand the justice process, they are less likely to come forward, said Smith, from *No Peace Without Justice*.

“Outreach definitely contributes to [Syrians’] willingness to come forward. It informs them about proceedings and can also build trust,” said Kroker, the lawyer at ECCHR. But he added that there are other factors – such as concern for the safety of witnesses –

that cannot be addressed through outreach.

A Human Rights Watch report found that Syrian refugees in Germany – some of whom could be potential witnesses in this and future trials – have been reticent to share information that could be useful in courtrooms because they're scared of potential retribution by the al-Assad government against relatives back home.

There's also no guarantee that those listening to initiatives like Branch 251 are secure in their own homes, a concern that Hamadeh, the producer, can't get out of her head. "It's something I wonder about a lot," she said of those tuning in from inside Syria. "I wonder if it is people in the regime listening to keep track... or if it is normal, average Syrians who are listening. I wonder if listening puts them at risk? If I was in Syria, I would be scared to even acknowledge that the podcast exists."

What should be left to civil society?

The lack of court-led community connection from Koblenz took the Branch 251 team by surprise, leaving them with an outsized role (and responsibility) in disseminating information that they never expected.

But experts say it is common for local NGOs and activists – or in this case podcasters – to be saddled with the job of explaining complicated court proceedings, despite not having the money, staff, or time to do it properly.

When done right, these types of organisations have proven to be excellent partners for courts. Working together, they have been able to make sure the court is in touch with the people it needs to reach, and to disseminate important messages.

The outreach programme run by Petit at the Extraordinary African Chambers in Senegal relied heavily on local civil society to make sure the population affected by the crimes understood the process.

The EAC was established under an agreement between the African Union and Senegal to try international crimes committed when Hissène Habré was president. The trial began in July 2015, and in May 2016 Habré was found guilty of rape, sexual slavery, and ordering the killing of 40,000 people during his tenure and sentenced to life in prison.

Petit and others on his team had the advantage of dealing with a quick trial that took place relatively close to where the crimes were committed, and money that was budgeted for outreach from the start.

Much of the budget was passed on to local media-focused NGOs, which explained the process and responded to feedback from people who had been impacted by the violence meted out during Habré's rule. However, Petit pointed out, these civil society groups were not expected to do public relations for the court. That enabled them to deal more openly and honestly with people who had questions about it.

Sometimes, the ICC has done it well too, with many experts noting the Uganda outreach programme run by Maria Mabinty Kamara, who is also credited for outreach at the Special Court in Sierra Leone.

Kamara worked with victims' groups, religious and cultural leaders, the media, representatives from academia and law, as well as the general public in northern Uganda. In all, the ICC trained 200 local facilitators to help people understand what was happening in The Hague as it prosecuted leaders of the Joseph Kony-run Lord's Resistance Army.

A big international court like the ICC can't compete with locals who understand the environment they live and work in, Kamara said, and local groups will never have the resources of an ICC. The key is to work together.

Kamara's work on the Uganda trial culminated in what she called the most important moment of her career so far.

During the closing statements in March last year, the ICC held a live screening in the northern Ugandan city of Gulu.

As the courtroom officer in The Hague, some 9,000 kilometres away, said "All rise", a translation into the local Acholi language blasted through the speakers.

All 400 people at the screening in Gulu solemnly stood, immersed in the experience. "It was just phenomenal," Kamara told The New Humanitarian. "I could pack my bags and go home! I wanted to make this process as meaningful and as relevant as possible, and this demonstration sealed it all for me."

How local news can help

These examples of courts partnering with local groups could – experts say, should – inform how justice via international jurisdiction does outreach from here on out, particularly when it comes to working with local media.

Media access for local journalists clearly helps get the word out. The non-profit news organisation New Narratives, for example,

recently sent three well-known Liberian journalists and an illustrator to cover the trial of former Liberian rebel commander Alieu Kosiah, who was convicted of war crimes in June 2021 in a Swiss court that uses universal jurisdiction.

The journalists (Anthony Stephens, James Harding Giahvue, and Rodney Sieh) and one illustrator (Leslie Lumeh) were well known and trusted, and their reports were published in major newspapers in Liberia and Sierra Leone, and broadcast by more than 30 Liberian TV and radio stations. Stephens also broadcasted via Facebook Live.

“The court could have been more helpful,” said Prue Clarke, founder of New Narratives, which focuses on building journalism in the Global South. As in Koblenz, translations from French into the reporters’ first language, English, were not provided for Kosiah’s trial. That meant the journalists relied on summaries of the proceedings by an NGO.

But the reporters were given access to prosecution and defense lawyers throughout the trial, and could hear and understand the testimony of the English-speaking accused, Kosiah, and the plaintiffs.

Clarke says their model of investing in local journalism about justice is a model that “could and should be replicated elsewhere”.

New Narratives is supporting Liberians in covering another trial too – one that challenges the assumption that universal jurisdiction proceedings will always struggle to connect with the communities they are focused on. In that case, Finland is prosecuting a former rebel commander, Gibril Ealoghima Massaquoi, suspected of war crimes during Liberia’s civil war.

Remarkably, the Liberian reporters don’t have to travel far to report on the proceedings: The court actually moved to Liberia to hear testimony from 80 witnesses and visit sites where atrocities are alleged to have been carried out under Massaquoi’s orders. Massaquoi will remain in Finland. The proactive creativity of the Finnish court has impressed onlookers. “It is quite extraordinary,” said Witte at the OSJI.

But in many cases, including the trial in Koblenz, moving isn’t an option: Syria is still a conflict zone and the accused government is in power. This means anything the court can do to include Syrians in the process would be much appreciated, said Sawwan, who has been attending proceedings whenever she can.

Including people like Sawwan is important because the case, and future cases, are about more than just the individuals on trial. Having had family members tortured, she said that hearing the first verdict, aloud and in Arabic, held great meaning for her and for history. “It meant that state torture, the atrocities committed by the Syrian regime, are being read out loud in a German fair court,” Sawwan said. “It is about preserving the narrative.”

Meanwhile, the producers of Branch 251 would love for more people to get involved.

Podcast founder Streiff said their work “shows that there are creative ways to try to communicate complex and technical legal matters to interested listeners beyond the more traditional formats... I think there is a lot of potential, not just with podcasting as a tool, but also in other forms of modern communication like social media.”

Even if the number of official listeners inside Syria is low, Branch 251 believes it is reaching Syrians all over Europe and the Middle East – they’ve had plenty of positive feedback.

And while Hamadeh continues to worry about the safety of whoever is downloading the episodes from inside Syria, she feels that – on the whole – reaching them is worth it. “I’m happy they are listening. It is sort of validating,” she said. “What we are doing is important, and it is reaching audiences that it is meant for. I find [the fact they are listening] very brave.”

Russian jets hit refugee camps in northern Syria (Libyan Express)

November 1, 2021

Over 20 airstrikes were conducted in northern Syria as one NGO called for a halt to attacks occurring near displacement camps

Russian forces conducted over 20 airstrikes in northern Syria on Saturday, some of which reached the vicinity of displacement camps near the Syrian-Turkish border, The New Arab’s sister publication Al-Araby Al-Jadeed reported.

The Russian strikes targeted the province of Idlib and Aleppo’s countryside as they hit areas inside Syria’s de-escalation zone, according to local activists.

The strikes targeted Idlib’s towns of Salwah and Qah, alongside Kafr Amma in Aleppo’s countryside, local media activist Bilal Bayoush told Al-Araby Al-Jadeed.

Russian warplanes also targeted the outskirts of Idlib’s Al-Bara village, according to the Syrian Civil Defence, otherwise known as the White Helmets. Syrian opposition fighters say Russian bombardment in the area has recently increased.

The Russian escalation is believed to be a response to Turkish threats against the Kurdish-led Syrian Democratic Forces, as Russian strikes could prompt a wave of displacement towards Ankara, Abu Yazan Al-Shami, a former leader in the '1st Coastal Division' opposition group, told Al-Araby Al-Jadeed.

Local NGOs have warned that refugee camps in northern Syria have reached their maximum capacity, following a recent influx of internally displaced civilians.

The Syrian Response Coordinator Group has called on Russia to stop "war crimes" by targeting areas near the camps.

"Russian airstrikes on the de-escalation zone... targeted one of the largest areas containing hundreds of thousands of displaced people," the NGO said in a statement on Saturday.

"We demand an immediate halt to the repeated attacks on the civilian population... especially the targeting of areas that contain [IDP] camps," the statement added.

This comes amid concern surrounding increased attacks on Syrian refugee camps after one child was killed by the regime and Russian bombings on a camp for widows in Northern Idlib on Wednesday, according to the White Helmets.

Although Moscow, staunch supporters of the Syrian regime, and Ankara, supporters of the Syrian opposition, back opposing sides in the bloody war, the countries previously worked together to broker the 2020 ceasefire agreement in Idlib.

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Yemen

Biden's \$500m Saudi deal contradicts policy on 'offensive' weapons, critics say (The Guardian) By

Stephanie Kirchgaessner and Bethan McKernan

October 27, 2021

Arms contract will allow Saudi Arabia to maintain attack helicopters despite previous use against Houthis in Yemen

The Biden administration's new \$500m military contract with Saudi Arabia contradicts the spirit of the White House's public policy to bar all "offensive" weapons sales to the kingdom for use against the Houthis in Yemen, critics of the deal have alleged.

The military contract will allow Saudi Arabia to maintain its fleet of attack helicopters despite their previous use in operations in Yemen.

The administration's decision to end so-called "offensive" weapons to Saudi Arabia was one of Joe Biden's first foreign policy objectives, and reflected what the US president called his commitment to "ending all support" for a war that had created "a humanitarian and strategic catastrophe".

Saudi Arabia was given permission by the state department to enter a contract to support the Royal Saudi Land Forces Aviation Command's fleet of Apache helicopters, Blackhawks, and a future fleet of Chinook helicopters. It includes training and the service of 350 US contractors for the next two years, as well as two US government staff. The deal was first announced in September.

"To my mind, this is a direct contradiction to the administration's policy. This equipment can absolutely be used in offensive operations, so I find this particularly troubling," said Seth Binder, director of advocacy at the Project on Middle East Democracy.

A victim of the attack is carried ashore in Yemen More than 40 Somali refugees killed in helicopter attack off Yemen coast Read more The decision to approve the military maintenance contract comes as the Biden administration appears to be softening its approach to the kingdom, with several high-level meetings between senior administration officials and their Saudi counterparts.

Experts who study the conflict in Yemen and the use of weapons by Saudi Arabia and its allies say they believe that Apache attack helicopters have mostly been deployed along the Saudi-Yemen border. They also say that it is difficult to pinpoint specific violations of international humanitarian law that occurred as a result of the Saudis' use of Apaches, in part because such detailed data is scarce and difficult to verify.

The Saudi-led coalition's internal investigative body, known as the Joint Incidents Assessment Team (Jiat), absolves member governments of legal responsibility in the vast majority of incidents. Saudi Arabia, the UAE and Egypt are the only countries in the coalition with Apache fleets.

The most deadly violation of international humanitarian law involving documented use of an Apache occurred in March 2017, when 42 Somali refugees fleeing Yemen for Port Sudan, and one Yemeni civilian, were killed after their boat was hit by a missile from a coalition warship, then gunfire from an Apache helicopter.

A September 2017 report in AirForces Monthly magazine states that five Saudi-operated Apache helicopters had been lost in Yemen, which strongly suggested they had been used in offensive operations.

Tony Wilson, the founder and director of the Security Force Monitor project at Columbia Law School Human Rights Institute, said it was difficult to see how the military helicopter maintenance agreement would not support Saudi military operations in Yemen.

Michael Knights, a fellow at the Washington Institute for Near East Policy, said he believed that Apaches had been used in what he described as "defensive missions" along the Yemen border, and therefore the sale of the maintenance contract was not contrary to the White House's public position. He said the move probably reflected the Biden administration's acknowledgement that a Saudi defeat to the Houthis, who had received support from Iran, would send a "negative message".

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Asked whether the administration had reviewed the use of Apaches by Saudis before the contract was agreed, a state department spokesperson said that it had “closely reviewed all allegations of human rights abuses or violations of international humanitarian law”, including those associated with the Saudi-led coalition.

The department said it concluded that the “overwhelming majority” of incidents had been caused by air-to-ground munitions from fixed-wing aircraft, leading the administration to suspend two previously pending air-to-ground munitions deliveries.

The state department spokesperson said Biden had said since the early days of his presidency that the US would work with Saudi Arabia “to help strengthen its defenses, as necessitated by the increasing number of Houthi attacks into Saudi territory”.

“This proposed continuation of maintenance support services helps Saudi Arabia maintain self-defense capabilities to meet current and future threats. These policies are intertwined with the direction by President Biden to revitalise US diplomacy in support of the UN-led process to reach a political settlement and end the war in Yemen,” the spokesperson said.

But other experts said the \$500m contract did represent a distinct shift by the White House, and was a sign that Biden has largely abandoned a campaign promise to turn the regime of Prince Mohammed into a “pariah”.

“Many experts will tell you that there is no differentiation between defensive and offensive weapons. And so I think that making this differentiation from the beginning was a purposeful attempt to create leeway to pursue military cooperation,” said Yasmine Farouk, a scholar at Carnegie Endowment for International Peace.

“When he first came to the White House they maintained his narrative about reviewing arms sales, until this sale happened,” Farouk added.

While the US is engaged in negotiations, Seth Binder said, its efforts have so far been unsuccessful. “They haven’t been able to change the dynamics on the ground or the calculus of the major players.”

Experts are also increasingly concerned about the lack of accountability for human rights violations after Bahrain, Russia, and other members of the UN human rights council voted to shut down the body’s war crimes investigations into Yemen.

The investigators have previously said that possible war crimes have been committed by all sides in the conflict.

One person close to the matter said it became clear about a week before the vote that the resolution extending the work of the so-called Group of Eminent Experts (GEE), as the investigators are known, was in trouble.

Bahrain, the person said, led the push against renewal, and a decision by Japan to abstain from the vote was ultimately “the thing that really killed it”, the person said.

“What this has done is sent a message that once again in the context of Yemen, Saudi and Gulf states have immunity and protection in terms of collective accountability for what’s happened in the last seven years,” the person said.

“Our job was to keep reminding parties of the war that you can’t just do this stuff without consequences. Now that voice is gone.”

A state department spokesperson said the US was deeply disappointed that the Human Rights Council did not renew the GEE mandate for Yemen.

Civilian casualties grow as battle for Yemeni city intensifies (The Guardian) By Bethan McKernan
November 2, 2021

At least 29 people killed on Sunday in rebel missile strike in escalating fight for control of Marib.

More than 100 civilians in the Yemeni province of Marib have been killed or injured in the past month as fighting rages for the country’s last major government-loyal stronghold.

Marib city has been under sustained attack since the beginning of the year from Houthi rebels, whose forces have steadily closed in on the central desert area on three different fronts.

The fight for control of the oil-rich region has become one of the bloodiest and most important battles of Yemen’s seven-year-old civil war. If the rebels succeed in taking Marib they will effectively have beaten the Yemeni government and Saudi-backed coalition, which has managed to cling on to the city with the use of intensive airstrikes.

On Sunday, at least 29 civilians were killed in a rebel missile strike which hit a mosque and religious school to the south of Marib city. The unverified death toll for all sides is now believed to run into the tens of thousands.

“The situation has become very bad. It’s not just the fighting, it’s the economic collapse too,” said Hamas al-Muslimi, a 23-year-old student living in Marib but originally from Dhamar.

“We used to be able to buy five pieces of bread for 100 rials [£0.30], but now we can only buy two.”

For several years, Marib’s relative quiet and prosperity made it a beacon for more than 1 million Yemenis fleeing fighting in other parts of the country, like Muslimi and her family. Many live in vast displacement camps with no water or health facilities and no schools, and have been cut off from the little aid they do receive by Houthi advances over the last two months.

According to aid agencies, about 10,000 people have been displaced in October alone, in what amounts to the biggest wave of displacement recorded in a single month this year.

“Our staff can reach only a small portion of those in need in Marib, and what we provide is just a drop in the ocean compared to the staggering needs,” Erin Hutchinson, the Norwegian Refugee Council’s country director for Yemen, said in a statement.

“We call on all parties to spare civilians and ensure that we can keep reaching them with life-saving aid. We also call on the international community to provide the promised funding to keep Yemenis alive in this hour of need.”

Yemen’s war between the Iranian-backed Houthi movement and forces loyal to the exiled Yemeni government broke out in 2014 but deteriorated sharply after the intervention of a Saudi-led coalition the following year. The Houthis, also known as Ansar Allah, have imposed strict religious edicts on the people living under their control, while the coalition has been widely criticised for bombing civilian infrastructure.

The conflict has since spawned the world’s worst humanitarian crisis, with more than 70% of the population of 30 million in need of aid to survive. About half are food insecure, with 5 million already starving in pockets of famine-like conditions.

Prior to the Houthi offensive on Marib, the war had largely deteriorated into a stalemate.

Extensive UN-brokered talks in April and May to discuss a ceasefire for both Marib and the wider country stalled after the Houthis rejected a deal. Diplomatic observers fear that the rebel leadership has since decided that escalating efforts to capture Marib will transform the bargaining calculus.

The UK, which is the current penholder for Yemen at the UN security council, has licensed an estimated £20bn in arms exports to member states of the coalition since the conflict began. Earlier this year, the Foreign, Commonwealth and Development Office slashed the UK aid budget for Yemen by 60%.

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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: Release or charge five Palestinian hunger strikers – UN experts (United Nations Office of the High Commissioner for Human Rights)

October 21, 2021

Expressing grave fear for the lives of five Palestinians currently on hunger strike in Israeli prisons, UN experts* today called on Israel to either release or charge the prisoners, and to completely end its unlawful practice of administrative detention.

“In violation of international law, Israel continues to use administrative detention to imprison more than 500 Palestinians – including six children – without charges, without trials, without convictions, all based on classified secret information that the detainees have no access to,” the experts said. “They have no recourse to challenging these undisclosed allegations, and they do not know when, or if, they are going to be released.”

Borrowing from incarceration practices first employed by the British mandate administration in Palestine in the 1930s, the Israeli government has used administrative detention as a frequent method of political control since its occupation of the Palestinian territory began in 1967. The Israeli military can hold Palestinian detainees for six-month periods, which may be renewed and extended indefinitely. While judicial review is available, this is held in front of an Israeli military judge, where international minimum standards of rights, evidence and procedural fairness do not apply. Successful challenges to administrative detention orders are extremely uncommon.

““These practices would appear to be arbitrary detention, which is strictly prohibited under international law, including international humanitarian law”, said the experts. “And the arbitrary detention of children is particularly abhorrent, violating the minimum standards established by the Convention on the Rights of the Child.”

The experts said that Israel’s practice of administrative detention drives prisoners to desperate measures, even risking their lives, to bring attention to their plight.

The five hunger strikers, all men in their twenties and thirties, have been refusing food for between 58 and 99 days to protest being held in administrative detention for months or even years at a time.

Two of the men, Kayed Al-Fasous and Miqdad Al-Qawasameh, are said to be in imminent danger of death. Mr. Al-Fasous who was reportedly previously held in harsh conditions in solitary confinement, now is in Barzelai hospital. Mr. Al Qawasameh was transferred to Kaplan Hospital after his health deteriorated; he has been in intensive care there since 19 October. On 7 October and 14 October, the Israeli High Court of Justice suspended the administrative detention orders of Miqdad Al-Qawasameh and Kayed Al-Fasous, but as the suspension does not mean their release, they decided to continue with their strike despite their very frail condition.

Two other men, Alaa Al-Araj, and Hisham Ismail Abu Hawash were transferred on 19 October to Israeli hospitals after their health deteriorated. The fifth, Mr. Shadi Abu Aka is currently in Ramleh prison clinic.

The experts noted that, under the Fourth Geneva Convention of 1949, an occupying power is not permitted to transfer prisoners from the occupied territory to detention centres in its territory. “The United Nations has regularly observed that Israel is in violation of this legal duty, and has called upon it to comply with its obligation, but to no avail.”

“As we have done many times before, we once again call on Israel either to charge and try, or release, all of the administrative detainees,” the experts said. “In international law, administrative detention is permitted only in exceptional circumstances, and only for short periods of time. Israel’s practices exceed all of the international legal boundaries.”

The experts also called upon Israel to end its harsh detention conditions of Palestinian prisoners. “In particular, we insist that the imposition of solitary confinement on detainees already weakened by months of hunger strike, must stop immediately.”

Palestinian NGOs designated ‘terrorists’ call for support (AlJazeera)

October 23, 2021

Palestinian human rights groups designated by Israel as “terrorist organisations” have called for international support to reverse the decision, which has the potential to compromise their ability to do humanitarian work.

A military order signed by Israel’s Defence Minister Benny Gantz on Friday effectively outlawed six organisations, placing them at risk of imminent reprisals. They were accused of being linked to the Popular Front for the Liberation of Palestine (PFLP), whose armed wing has carried out deadly attacks against Israelis.

Al-Haq, an organisation documenting rights violations since 1979, denied the accusations and called for “international solidarity”.

“It is no coincidence that Israel’s recent escalation of punitive measures against Al-Haq and fellow civil society organisations has come in the immediate aftermath of the opening of an International Criminal Court investigation into Israel’s crimes in the Situation in Palestine,” the group said in a statement.

Former ICC Prosecutor Fatou Bensouda determined in March that enough preliminary evidence existed to justify an investigation into possible war crimes in the Palestinian territories. Israel has said it would not cooperate with the inquiry.

“The baseless allegations represent an alarming and unjust escalation of attacks against the Palestinian people in their struggle for freedom, justice and the right to self-determination,” Al-Haq said.

Addameer, an organisation focusing on prisoners’ rights that has also been blacklisted, was among the promoters of the petition calling on the top UN court to launch the inquiry.

In a tweet, it called the military order an attempt to “criminalise” the work of civil society organisations “that challenge Israel’s prolonged military occupation”.

The organisation has called on the international community to take action by pressuring Israel to withdraw the designation and “cease the employment of illegal practices and policies of intimidation and harassment” against civil society organisations.

It also argued the designation represents an “egregious and unlawful” application of Israeli domestic law to the occupied Palestinian territories that contravenes the Palestinian peoples’ internationally recognised right to self-determination.

Human Rights Watch and Amnesty International have warned the designation gives Israeli security forces the authority to close the groups’ offices, seize their assets and arrest and jail their staff members. Funding or even publicly expressing support for their activities is also prohibited.

Addameer called on “donors, supporters, and human rights actors around the world to condemn the arbitrary designations and intimidation tactics and to publicly reiterate their support of the Palestinian civil society organisations”.

The other four groups targeted by Israel include Defence for Children International-Palestine, the Bisan Center for Research and Development, the Union of Palestinian Women’s Committees, and the Union of Agricultural Work Committees.

‘Escalate repressive tactics’

Khaled Quzmar, general director of Defence for Children International-Palestine, said local human rights groups have been operating in a hostile environment where “disinformation campaigns” are becoming increasingly common.

“After years of delegitimisation and disinformation campaigns against us have failed to silence our work, Israeli authorities now chose to escalate repressive tactics by labelling civil society organisations as terrorists,” Quzmar said in a statement.

“We demand that the international community use all available means to hold Israeli authorities accountable ... and act to end complicity and support to the Israeli apartheid regime,” he said.

Israel’s defence ministry has not commented on its decision or released any evidence to support its accusations.

The UN Human Rights Office in the occupied Palestinian territory said on Saturday the reasons cited by Israel’s defence minister were “vague or irrelevant”, and denounced his decision as the latest move in a “long-stigmatising campaign” against the organisations.

‘Anti-democratic’ decision

Israel’s terrorist label for the six groups appears to have caught the United States and Europe off-guard.

It could force them to pick a side at a time when efforts to negotiate the terms of a Palestinian state alongside Israel are hopelessly bogged down.

The US Department of State spokesperson Ned Price said his office had not been given advance warning of the designation.

“We will be engaging our Israeli partners for more information regarding the basis for the designation,” Price said on Friday on a telephone briefing with reporters in Washington.

“We believe respect for human rights, fundamental freedoms and a strong civil society are critically important to responsible and responsive governance,” he said.

Some Democratic members of the US Congress positioned themselves against Israel’s decision on Saturday, with Representative Betty McCollum noting its actions were “anti-democratic and contrary to the values expected of a US ally”.

Representative Ilhan Omar called Israel’s move “a textbook way to evade accountability for human rights violations and an affront

to everyone who cares about peace”.

Americans for Peace Now, a US-based Jewish organisation calling for a resolution to the decades-long conflict, has called the move “deeply troubling”.

Israel advances plans for 3,000 new homes in West Bank settlements (BBC)

October 27, 2021

Israel's government has advanced plans for more than 3,100 new homes in Jewish settlements in the occupied West Bank.

A planning committee gave its final approval for 1,800 housing units and preliminary approval for 1,344 others.

The announcement follows a public rebuke of Israeli policy from US President Joe Biden's administration.

It warned that it "strongly opposed the expansion of settlements" because it damaged prospects for peace between Israel and the Palestinians.

More than 600,000 Jews live in 145 settlements built since Israel's occupation of the West Bank and East Jerusalem in the 1967 Middle East war. Most of the international community considers the settlements illegal under international law, though Israel disputes this.

The Palestinians have called on the world to confront Israel over the "aggression" constituted by settlement construction on land they claim for a future independent state.

This week has seen the most significant announcements for expansion of Israeli settlements since President Biden entered the White House in January, says the BBC's Yolande Knell in Jerusalem.

The Israeli anti-settlement watchdog Peace Now reported that the vast majority of the new homes approved on Wednesday would be built in settlements deep inside the West Bank, and that several isolated settlements would undergo a "massive expansion".

The decision follows another development on Sunday, when the Israeli authorities asked builders to submit bids for the construction of more than 1,355 settler homes that already have final approval. On Tuesday, US state department spokesman Ned Price told reporters that it was "deeply concerned" by the Israeli plans.

"We strongly oppose the expansion of settlements, which is completely inconsistent with efforts to lower tensions and to ensure calm, and it damages the prospects for a two-state solution," he said.

Mr Price added that the Biden administration would "raise our views on this issue directly with senior Israeli officials in our private discussions".

Former US President Donald Trump displayed a much more tolerant attitude towards settlement activity and declared that settlements were not inconsistent with international law.

Israel promoted plans for more than 30,000 settler homes in the West Bank during the four years he was in power, according to Peace Now.

A senior Israeli official told Reuters news agency on Wednesday that Prime Minister Naftali Bennett's government was "trying to balance between its good relations with the Biden administration and the various political constraints".

Mr Bennett is a right-wing nationalist who took office in June at the head of a coalition of eight parties from across the entire political spectrum of Israeli politics.

He has long championed the right of Jewish settlement in the West Bank and rejects the notion of the creation of a Palestinian state alongside Israel.

The prime minister has ruled out resuming peace talks with the Palestinians and said he will instead focus on initiatives to improve living conditions for them.

Next week, the Israeli planning committee is scheduled to discuss plans for 1,300 new homes in Palestinian villages in the 60% of the West Bank, classified as "Area C" under the Oslo Accords, that is under full Israeli military and civil control.

It would be the largest number of homes for Palestinians approved by Israel for more than a decade, according to Israeli media.

Sheikh Jarrah families reject 'unjust' deal with Israeli settlers (AlJazeera)

November 2, 2021

Four Palestinian families reject deal that would have seen them accept the temporary ownership of their homes by a settler group.

Palestinians facing forced displacement from a flashpoint neighbourhood in occupied East Jerusalem have rejected a deal that would have seen them accept the temporary ownership of their homes by an Israeli settler organisation.

The four families in the Sheikh Jarrah neighbourhood near Jerusalem's Old City said their decision on Tuesday springs from "our belief in the justice of our cause and our right to our homes and our homeland".

They said that rather than submit to an "unjust agreement", they would rely on the "Palestinian street" to raise international awareness of their plight.

The long-running case has been a regular source of tension across the occupied territories of East Jerusalem and the West Bank. Protests earlier this year over the case helped trigger an 11-day war between Israel and Palestinian armed groups in Gaza.

In October, Israel's Supreme Court proposed a deal that would have seen four Palestinian families remain in their homes for 15 years as "protected tenants" while paying rent to settlers who have claimed the land.

The court gave the families until November 2 to decide whether to accept.

"We unanimously rejected the settlement offered by the occupation (Israeli) court," Muna el-Kurd, one of the Palestinians facing eviction, said at a news conference.

"This refusal comes from our faith in the justice of our case and our rights to our homes and homeland," said el-Kurd, wearing a jacket embellished with the words "No Fear". She was flanked by other residents.

A statement from the families in Arabic and English was circulated on social media, saying the Israeli judiciary is forcing them to "choose between our own dispossession or submitting to an oppressive agreement".

The deal would have required the Palestinians to recognise the settlers' ownership claims on land their families have lived on for generations – a condition they have long rejected. It also would have granted them the right to prove ownership in the future.

The deal "could have given the Palestinian families the relative potential security – in some people's estimation – of being able to stay in their homes," Al Jazeera's Harry Fawcett said, speaking from the Sheikh Jarrah neighbourhood.

"However, what it didn't give them is what they have been fighting for in the Israeli courts for so long, which is recognition of their ownership of this land."

'Living on borrowed time'

The four families are among dozens in Jerusalem who are threatened with forced displacement by Jewish settler organisations in several cases that have been working their way through the Israeli court system for decades.

The settlers are making use of an Israeli law that allows them to claim properties that were owned by Jews prior to the 1948 war that led to Israel's creation. Palestinians who lost homes, properties and lands in the same conflict do not have the right to recover them.

There was no immediate comment from the settlers, but Jerusalem Deputy Mayor Arie King, a staunch supporter of the settlers, said they had accepted the offer.

The families, who were originally forced from cities and towns in 1948, say the Jordanian government granted them the land in the 1950s on which their homes were later built-in exchange for their refugee status, after Jordan assumed control of the West Bank and East Jerusalem in 1948. They have been living there ever since.

Settlers claim the land is theirs and presented 19th-century documents as evidence in Israeli courts.

However, Palestinians have argued that the documents are fabricated, and have expressed no faith in the Israeli legal system, which they say favours Jewish Israelis.

Israel has portrayed the matter as a private real estate dispute, but the Palestinians and human rights groups view it as a coordinated attempt to push Palestinian residents out of Jerusalem, erase their presence, and change the city's identity. The

United States has spoken out against the case, saying it undermined efforts to eventually revive the long-dormant peace process.

According to Fawcett, the Israeli court has few options.

“Israel does apply its own law in East Jerusalem because it sees it as part of its own territory, and so the Supreme Court doesn’t have much room for manoeuvre,” Fawcett explained.

“It seems to do anything other than recognise ownership of the land as that being of the Israeli settler group, and therefore enforcing an eviction. If it does rule in that way, the ball is in the Israeli government’s court. It may want to put off any forcible displacement for some time, but from that moment on, the families will be living on borrowed time.”

The families, he added, said it will then be up to popular resistance and international pressure to ensure their rights are upheld.

Israel captured East Jerusalem, along with the West Bank and the Gaza Strip, in the 1967 war. The Palestinian leadership wants all three territories to form their future state, with East Jerusalem as its capital.

Israel annexed East Jerusalem shortly after the 1967 war and considers the entire city to be its capital, a claim not recognised by most of the international community.

The threatened evictions were one of the main drivers of protests that erupted in Jerusalem in April and May.

A ruling on the families’ fate has been repeatedly delayed since May, after the case garnered international attention and the “#SaveSheikhJarrah” hashtag gained momentum overseas.

Israeli rights group Ir Amim has said the Israeli government has various tools at its disposal to delay or halt the evictions, but so far it has shown no indication it plans to do so.

Protection of Natural Resources against Adverse Effects of Climate Change in Palestine: A Perspective Based on International Law (Al-Haq)

November 3, 2021

This brief is part of a series on climate change, its adverse effects and the Israeli colonial-apartheid regime, published in the context of the UN Climate Change Conference COP26.

Article 1(2) of the United Nations Framework Convention on Climate Change (UNFCCC) defines ‘climate change’ as “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.”

Article 1(1) further describes ‘adverse effects of climate change’ as “changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.”

Israel’s appropriation, exploitation and degradation of Palestinian natural resources, water and fertile lands, is the main tool that Israel utilizes to entrench its climate oppression and injustice over the Palestinian people and their lands. For Palestinian communities - particularly herding and Bedouin communities - whose livelihood mostly relies on access to and exploitation of their natural wealth, the appropriation thereof exacerbates climate vulnerabilities and prevents their design and implementation of climate mitigation and adaptation strategies, eventually fuelling their forcible displacement.

Addressing Israel’s exploitation of Palestinian natural resources according to an environmental approach constitutes an absolutely essential framework to understand how they constitute first and foremost a climate and environmental justice question. Although the development of international law predated the building of an international legal framework to address the adverse effects of climate change, legal provisions related to the protection of the environment provide a sound legal basis to assess states’ responsibilities in this regard.

Preventing the Adverse Effects of Climate Change: Protection of Natural Resources against Warfare

Principle 24 of the Rio Declaration on Environment and Development states that “warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.”

The West Bank, including Jerusalem and the Gaza Strip comprise the occupied Palestinian territory under international law. As per Article 42 of the 1907 Hague Regulations, Israel, the Occupying Power, is bound to administer the territory for the benefit of the occupied population. In doing so, the legal framework includes the application of international humanitarian law as lex

specialis, international human rights law and general international law. It is inferred thereof that:

Being the de facto, temporary administrator of the occupied territory, Israel does not acquire any sovereignty over its natural resources, which it must administer according to the laws of occupation.

Under Article 53 of the Hague Regulations, movable public property - including extracted or produced natural resources - “may be used for military operations”;

Immovable public property - natural resources in situ - are subject to the laws of usufruct according to Article 55 of the Hague Regulations. Following the later provision, Israel cannot use Palestinian natural resources for the benefit of its own economy.

The destruction of natural resources, unjustified by absolute military necessity, is prohibited under Article 53 of the 1949 Fourth Geneva Convention. Particularly within the context of Article 55 to Protocol Additional I to the Geneva Convention, the natural environment should be protected against widespread, long-term and severe damage, including “the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby prejudice the health or survival of the population.”

Peoples’ Right to Mitigate and Adapt the Effects of Climate Change As Per Their Right to Self-Determination

The right to self-determination is a paramount right belonging to people under international customary and treaty law, and particularly recognized to the Palestinian people in a number of UN General Assembly Resolutions, which affirm that “the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination.”

The right to self-determination is affirmed in Common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which stipulates that: “All peoples have the right of self-determination. By virtue of that right they [...] freely pursue their economic, social and cultural development.” To this purpose, they “may, for their own ends, freely dispose of their natural wealth and resources [...]” and “In no case may [they] be deprived of its own means of subsistence.”

Sustainable development in a context of shrinking natural resources, through and by means of the implementation of mitigation and adaptation strategies, is ineluctably contingent upon the Palestinian people’s ability to access and exploit their natural resources in a sovereign and unhindered manner.

Conclusion: Towards An Intersectional Approach to Tackle Climate Change

The protection of peoples’ natural resources as provided under international law is an essential basis of action towards the mitigation and adaptation of adverse effects of climate change in territories affected by armed conflicts. They bring important insights as per states’ obligations and responsibilities in terms of the exploitation and damage of natural resources.

However, the climate change legal framework as defined under the UNFCCC, the Kyoto Protocol and the Paris Agreement barely acknowledges the human rights dimensions of climate change. The Paris Agreement, to which both the State of Palestine and Israel are State signatories, makes no reference to situations of armed conflict or belligerent occupation, although it mentions, on a number of occasions, States responsibilities to decrease climate change vulnerability and reinforce resilience. In particular,

Article 2(b) of the Paris Agreement calls for the strengthening of global responses to climate change challenges by “increasing the ability to adapt to the adverse impacts of climate change and to foster climate resilience and low greenhouse gas emissions developments [...]”[emphasis added].”

Article 7(1) of the Paris Agreement underlines that “Parties [...] establish the global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to contributing to sustainable development and ensuring an adequate adaptation response [emphasis added].”

The struggle for climate justice is inherently interrelated to the liberation from all forms of alienation and oppression. Tackling climate change, particularly situations of occupation, apartheid and colonization, requires to take a broad, comprehensive and intersectional approach to climate change and human rights, and to bring the rights of peoples at the forefront.

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Gulf Region

UN: Palestinians detained in Saudi Arabia are held arbitrarily and should be released (Middle East Eye) By Dania Akkad

October 21, 2021

The ailing former head of Hamas in Saudi Arabia and his son have been arbitrarily detained in the kingdom for two and a half years and should be released immediately, a UN body has ruled.

Dr Mohammed al-Khoudary and his son, Hani, were among more than 60 Palestinians and Jordanians arrested in Saudi Arabia in 2019 as the kingdom's relations with Israel warmed.

The majority of the detainees are believed to be Hamas members who had resided in Saudi Arabia for decades, targeted by Saudi authorities for their resistance to the Israeli occupation.

According to their lawyer, the Khoudarys have been coercively interrogated, held in solitary confinement and denied access to a lawyer and to their family.

Mohammed al-Khoudary, 83, was being treated for prostate cancer at the time of his arrest in April 2019 and has been denied medical treatment while in prison, his lawyer said.

After mass trials, a Saudi court in August issued various sentences to the detainees - who include businesspeople, academics and students - over their alleged support for the Hamas movement.

Khoudary was given a 15-year prison sentence while his son received three years.

On Thursday, however, the UN's Working Group on Arbitrary Detention said it had determined that the father and son are being arbitrarily detained and that their fundamental human rights were violated, and called for their immediate release.

According to a 16-page ruling, the Saudi government failed to establish a legal basis for the Khoudarys' arrest and violated their right to a fair trial.

The UN Group also said the two men's detention suggested they were "targeted on the basis of their status as Palestinian nationals resident in Saudi Arabia" and that they were "deprived of their liberty" because they are Palestinians.

Over its 29-year history, the group concluded, it has found Saudi Arabia in violation of international human rights obligations in numerous cases, including the Khoudarys.

"Under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity," the group said.

The Khoudarys' barrister, Haydee Dijkstal, said the working group's decision "powerfully confirms the abhorrent treatment and violations" her clients have suffered in Saudi detention.

She also noted that the decision raised "the widespread scale at which Saudi Arabia has acted with impunity in systematically violating the right to liberty in an arbitrary and discriminatory manner which may rise to the level of crimes against humanity".

"There must be unqualified and immediate compliance by Saudi Arabia, and the UN and international community should not allow Saudi Arabia to further violate international law," she said.

Azzam Tamimi, a British-Palestinian academic who knows Khoudary well, said on Thursday that the Khoudarys, along with the other Palestinians and Jordanians held in Saudi Arabia, are being detained unjustly "for no reason other than their connection to the Palestinian cause".

"No crimes were ever perpetrated by any of these men," Tamimi told MEE. "Yet they are being punished by the current de facto ruler of Saudi Arabia, Crown Prince MBS, because of their association to a national liberation movement that previous Saudi monarchs revered and commended while the current rulers designate a terrorist organization."

Mohammed bin Salman's actions, he added, "have only undermined the status of Saudi Arabia in the Arab and Muslim worlds and

disqualified it to play any meaningful role in the region's politics".

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ASIA

Afghanistan

UK covers up war crimes for political reasons (New Age) By Vladimir Platov

November 2, 2021

It is common knowledge that the British armed forces have been heavily involved in the conflicts of the last decades incited by the United States as they used their troops on a large scale in Iraq and Afghanistan, to name a few. Due to the US and UK military actions in those countries a lot of civilians died and their families and representatives vehemently demand justice for those guilty of war crimes.

Through Resolution 2391 (XXIII) dated November 26, 1968, the UN General Assembly adopted the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. The rules aimed at protecting the victims of armed conflict, and placing restrictions on the methods and means of warfare, are spelled out in detail in international humanitarian law, which also defines the mechanisms for ensuring compliance with these rules.

However, the US and the UK have recently, and inexcusably, started to think of themselves as outside the scope of these international legal documents that they adopted themselves, and allow them to be ostensibly violated. Moreover, as evidenced by numerous testimonies, including those published in Western media outlets, there is the increasing desire to cover up the war crimes that have been committed in recent decades in the Middle East and Afghanistan by US military service personnel, and some of its allies. Besides the efforts to shirk responsibility for the crimes committed through the use of such tactics, it has become increasingly evident that the US and UK military agencies have not properly monitored operations conducted by their combat units.

Thus, not only Arab, but also British media outlets have on multiple occasions reported the evidence that high-ranking British officials with the ministry of defence had been covering up the war crimes committed by UK military personnel in Iraq and Afghanistan for years. These outlets have reported on multiple occasions, in particular, about the war crimes involving personnel from elite British special forces, such as the SAS and Black Watch. On top of that, journalistic investigations found hard evidence of the falsification of documents; in these, premeditated killings and torture in Afghanistan and Iraq were dressed up as 'Special Ops against terrorists' while inquiry into the committed crimes was stonewalled due to explicit political pressure. In this vein, on instructions of the-then UK defence secretary Michael Fallon all proceeding regarding these matters were dismissed even before they got to court. The investigation by the BBC and the Times reporters has clearly shown that evidence collection and production was prevented due to political reasons.

For example, The Sunday Times has provided evidence regarding the involvement of one British Special Air Service soldier in the killings, as well as the evidence of crimes committed by members of the Black Watch battalion, which is part of the Royal Regiment of Scotland, including beatings, torture, and sexual abuse. These actions alone are enough to be scrutinised in the International Criminal Court.

It is worth pointing out that in order to investigate the complaints lodged by Iraqis about the British military's actions, an Iraq Historic Allegations Team investigative group was specifically established to examine hundreds of claims made by victims' relatives. However, in January 2016, swayed by then British prime minister David Cameron, the UK ministry of defence announced that investigation into 57 criminal cases filed against the British military had been discontinued. Moreover, intentionally trying to downplay criminal acts the UK authorities suspended from legal practice solicitor Phil Shiner that had handed over to IHAT data about more than 1,000 instances of violence by the military. In an all-out attempt to obstruct the

investigations concerning offences committed by the British military, Boris Johnson, the incumbent head of the UK Cabinet, authored the corresponding bill on Overseas Operations allowing for the suspension of investigation.

In 2017, Supreme Court of the United Kingdom ruled that during their presence in Iraq British troops had breached the Geneva Conventions by committing pre-meditated murder, intentionally inflicting severe sufferings or grievous bodily harm, engaging in meaningless and large-scale destruction and appropriation of property (not warranted by military necessity), deliberate attacks on the civilian population as such or on individual civilians not directly involved in hostilities and offending human dignity including engagement in humiliating and degrading treatment.

Nonetheless, the Service Police Legacy Investigations dropped all cases related to UK service members alleged crimes committed between 2003 and 2009 in Iraq. None of 1,291 charges resulted in prosecutions or prison time. Iraqi civilians' claims regarding the criminal behaviour of British soldiers were considered by the police officers of the Royal Navy and the police of the Royal Air Force who were part of SPLI. As the UK defence secretary Ben Wallace stated on October 20 in the House of Commons, the SPLI 'officially closed its doors', and noted that the main problem in the activities of this structure was the 'lack of evidence base', while acknowledging that 'some shocking and shameful incidents did happen in Iraq.' 'We recognise that there were four convictions of UK military personnel for offences in Iraq including offences of assault and inhuman treatment.'

There is no doubt that such a decision by the SPLI was again clearly driven by the political interests of the current Johnson's government, which is wary of an uptick in anti-government protests in the country amid growing public discontent with the performance and policies of the British authorities.

It is worth noting that the UK government has a lengthy track record of harbouring war criminals for decades. Since 1948, the Malaysians have been unable to seek justice in a case of the Scots guards massacring residents in a village near the town of Batang Kali, where 24 people were killed for no reason. Moreover, these murderers even took memento photo by the victims' bodies. However, the British authorities have not brought anyone to justice and have not even bothered to pay compensation to the relatives of those murdered more than 70 years ago ...

Such British policies and, especially efforts of the UK ministry of defence regarding the war crimes cover-up raises a lot questions for the UK authorities. As for the UN, International Committee of the Red Cross, International Criminal Court and many other human rights institutions, they have a duty to respond to such crimes despite the attempts by certain British political circles to hush up such criminal activities and shirk responsibility.

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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

Reports of ECCC's end prove premature, officials confirm (Phnom Penh Post)

October 26, 2021

Contrary to earlier media reports, the Extraordinary Chambers in the Courts of Cambodia (ECCC) – commonly referred to as the Khmer Rouge Tribunal – will not permanently close down next year as claimed despite the National Assembly (NA) passing a law that would effectively end the agreement between the government and the UN and close the ECCC if it was promulgated, officials confirmed.

The draft law – titled Additions to the agreement between the Royal Government of Cambodia and the UN regarding the adjudication under Cambodian law of crimes committed during the period of Democratic Kampuchea and the closing of the ECCC – was passed by the NA on October 25 with a unanimous vote during the same session where the sole-citizenship mandate for the nation's top office holders was approved.

In its online broadcast on October 26, local media outlet EAC News said: "After almost 16 years, the Extraordinary Chambers in

the Courts of Cambodia will permanently close by the end of 2022. This was confirmed during Monday's plenary session of the National Assembly."

However, NA member Chheang Vun – who commented on the law during its discussion period at the NA plenary session – told The Post on October 26 that the ECCC will not end any time soon and certainly not without preparing to do so beforehand.

"No, the ECC cannot end immediately as there is some necessary work left that is yet to be completed. I don't think it will even end in the next few years.

"Much work still remains, so the ECCC will be resized and streamlined to be made smaller but their daily tasks will continue," he said, adding that there should especially be further initiatives undertaken for educating young people about the nation's history in order to prevent the recurrence of crimes as grave in nature as those tried in the ECCC

"We still need to prepare an archive of all tribunal documents and set up a place for them to be stored and displayed for the benefit of the younger generations of Cambodians who will one day themselves take up the responsibility of preventing genocide's return," Vun said.

ECCC spokesman Neth Pheaktra said the passage of the law related to the tribunal was just a preliminary move to make ready for some future date when all of the current cases and other procedures are fully completed.

"The ECCC still has some cases to complete procedurally before it ends its mission and is dissolved. It still has an appeal pending in case 002/02 against Khieu Samphan in which the court needs to deliver a verdict. And there are still cases 003 and 004, both of which have arguments currently underway," he said.

Youk Chhang, director of the Documentation Centre of Cambodia, said when the ECCC does finally end its work, it would be important to consider what it had accomplished beyond the trials and convictions or verdicts and punishments.

"We would be wrong to judge the importance of the ECCC based solely upon its convictions. In so many ways, the court has helped shed light on a dark chapter in history and it has influenced – and arguably directly contributed to – an understanding of the many other dimensions of justice that Cambodian society still sorely needs," he said.

He said the tribunal had given the Khmer Rouge victims an opportunity to speak and describe their personal experiences and their family's.

Furthermore, he noted, the ECCC established a detailed legal record documenting how genocide, crimes against humanity and many other atrocities were perpetrated which helped Cambodian society not only confront its history but embrace it in order to learn a tragic lesson – the understanding of which was of the utmost importance, and not just for Cambodians – but also for the rest of the world.

"Ultimately – even when the ECCC closes – our work will not end. We must work earnestly to reimagine a Cambodian society that embraces its tragic history, though not as victims but as heroic survivors who are committed to a peaceful, prosperous and democratic future," Youk said.

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Bangladesh International Crimes Tribunal

Bangladesh bans nighttime boat movement in Rohingya island (La Prensa Latina Media)

October 21, 2021

Authorities in Bangladesh Thursday announced a ban on nighttime boat movement from remote Bay of Bengal island Bhasan Char that houses thousands of Rohingya refugees.

Home Minister Asaduzzamak Khan said the government decided the ban after a meeting of the national committee on Rohingya refugees in the camp areas of Bangladesh.

Khan said the decision was to maintain law and order in the camp areas.

Bangladesh has so far relocated 20,000 Rohingya refugees to the island from Cox's Bazar of the country's southeast and plans to take another 80,000 in the next three months.

A senior police official in Bhasan Char police station told EFE that they often arrest the Rohingyas who attempt to flee the island by boat at night.

The authorities on Oct.9 signed an agreement with United Nations agencies for providing humanitarian support to the Rohingyas on the island.

The agreement covers protection, education, skills training, livelihoods, and health for the refugees who have fled Myanmar.

The UN hoped the agreement would help support the refugees to lead decent lives on the island and better prepare them for sustainable return to Myanmar in the future.

Rights groups have previously expressed concerns over conditions on the previously uninhabited island, prone to monsoon floods and cyclones.

In April, Human Rights Watch reported that Bangladesh security forces had arrested and beaten up at least a dozen refugees trying to leave the island.

The rights group alleged that the authorities had restricted their freedom of movement subsequently.

Bangladesh officials defended the relocation of Rohingyas to the island, saying it was necessary to decongest the massively overcrowded camps in Cox's Bazar.

Plans to relocate around 100,000 refugees to Bhasan Char, spread over an area of some 40 sq km, were first announced in 2017.

However, the process got delayed due to international pressure until December 2020, when authorities shipped the first batch of refugees to the island.

Around 738,000 Rohingyas fled to Bangladesh after a campaign of persecution and violence launched by the Myanmar military in August 2017.

The UN has termed the military crackdown as ethnic cleansing and possible genocide, while international courts are investigating the incidents for crimes against humanity.

ICT probe body finalizes report in two cases (Dhaka Tribune) By BSS

October 25, 2021

ICT Bangladesh Investigation Agency Coordinator M Sanaul Huq confirmed this at a press briefing

The investigation agency of the International Crimes Tribunal (ICT), Bangladesh has finalized probe reports in two cases of crimes against humanity committed during our War of Liberation

Of the cases, the investigation agency finalized a report in a case against 13 Kurigram men, of which 11 have already been arrested.

Confirming the matter at a press briefing, ICT Bangladesh Investigation Agency Coordinator M Sanaul Huq said they have prepared a 375-page probe report in three volumes and will soon submit it to the chief prosecutor's office soon.

"We had initiated the probe on January 30, 2018, and concluded it on October 24, 2021. We have brought 16 charges against the accused," Huq said.

The probe body also finalized an investigation report in another crime against humanity case against four Satkhira men, of which three are yet to be arrested. The investigation agency prepared a 175-page report on the case.

The probe was started on November 24, 2019, and concluded on October 24, 2021.

The investigation officers of the two cases Md Ruhul Amin and Md Shahjahan Kabir were present at the briefing, among others.

Urge ASEAN, QUAD friends to distance from Myanmar military: Bangladesh to US (The Independent)

October 28, 2021

Bangladesh Ambassador to the United States M Shahidul Islam has said the USA can persuade its friends in ASEAN and QUAD to distance themselves from the Myanmar military forces so that they refrain from culpability in the genocide.

He sought more support from the USA in resolving the Rohingya crisis with mounting pressure on Myanmar.

"Bangladesh believes that the United States can do more to mobilize international pressure on Myanmar to end the Rohingya crisis," said the Bangladesh envoy while addressing a webinar.

The United States may bring the Rohingya issue on the G-7 Summit agenda to show the strong resolve of the international community for a solution to the Rohingya crisis, said the Ambassador.

Atlantic Council, a leading think tank based in Washington DC, in partnership with Bangladesh Embassy in Washington DC, hosted the webinar titled "A new Bhashan Char agreement: What now for the Rohingya in Bangladesh" on Wednesday night.

Atlantic Council's South Asia Centre featured Ambassador Shahidul Islam, who delivered keynote speech on the theme of the event and participated in a question-and-answer session.

Senior Director of Atlantic Council's South Asia Centre Irfan Nooruddin gave an introductory remark while non-resident senior fellow Rudabeh Shahid moderated the event.

The United States may cancel all types of preferential treatment, including GSP facilities enjoyed by Myanmar, said the envoy.

Apart from reintroducing all pre-2016 sanctions, entities involved in trade with Myanmar need to be discouraged from engaging with Myanmar, he said.

"The United States can also speed up determination of genocide and crimes against humanity against the Rohingya as promised earlier."

Ambassador Islam said, "There's nothing inherently wrong with any religion, race, or nationality; the problem emanates when these identities are used to generate malice and hatred for political or economic reasons."

He called upon the international community to bring the traders of malice to justice if to establish a rule-based international order.

Among other aspects, Ambassador Islam highlighted the genesis of the crisis, the Bangladesh government's generous welcoming of the Rohingyas who fled widespread atrocities in Myanmar, Bangladesh's sincere efforts to facilitate their return to Myanmar, recent developments in the camps, and the agreement signed by Bangladesh government with UN.

The Bangladesh Ambassador categorically mentioned that whatever political developments take place in Myanmar, the Rohingya crisis has to be resolved by Myanmar as they have created the crisis.

He added that Myanmar cannot be absolved from the responsibility, no matter whatever form of government runs the country.

Ambassador Islam appreciated the role of the United States in mitigating humanitarian needs and sought more support from the USA in resolving the Rohingya crisis.

The discussants recalled with gratitude the generosity of Bangladesh Prime Minister Sheikh Hasina in sheltering the survivors of mass atrocities and saving their lives.

The Atlantic Council's South Asia Center expressed gratitude to the Bangladesh Ambassador for his willingness to engage in the conversation.

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War Crimes Investigation in Myanmar

More than 160 homes burn down in junta shelling of Chin State town (Myanmar Now)

October 30, 2021

Amid an escalation of both armed resistance to military rule and reprisals from the junta forces, Myanmar army troops shelled the largely deserted western Chin State town of Thantlang on Friday, causing fires that destroyed more than 160 of the town's 2,000 homes.

The attack came after a junta soldier was shot dead at 9:30am by the Chinland Defence Force (CDF)—which has been monitoring the situation in Thantlang—after members of the local resistance group said they saw him looting a shop.

In retaliation for the killing, the junta's armed forces occupying the area shot at least 10 rounds of artillery into the town, which started fires upon exploding. Within an hour, several troops had arrived at the location at which the soldier was killed and also began torching houses “for no reason,” a CDF spokesperson said.

“They walked into the town at around 10:30am and torched the houses at random,” the spokesperson from the CDF's Thantlang chapter told Myanmar Now.

By 5pm, at least 40 houses had burnt down, with the fires continuing to burn throughout the night, he said.

A man who lives near Thantlang told Myanmar Now that there was “still smoke coming out” of the town on Friday evening.

By 9am Saturday morning, the fire had died down but homes were still smoldering, according to the Zalen news outlet.

The Thantlang CDF took note of the estimated 160 houses that were destroyed and at the time of reporting were still notifying the homeowners, the group's spokesperson said.

The Church on the Rock, the Presbyterian church, and a building attached to the Thantlang Baptist Church—the town's largest congregation—also caught fire in the shelling, the Chin Human Rights Organisation (CHRO) said in a statement on Friday night.

International non-profit organisation Save the Children also reported that their local office in Thantlang was destroyed in the fire.

Nearly all of Thantlang's 8,000 residents fled following military assaults that destroyed 18 homes and a government building in September. This too was seen as a retaliation against the public and the resistance after an attack by the CDF and the Chin National Army on a junta base reportedly killed some 30 soldiers.

Thousands of the civilians displaced from Thantlang have been taking shelter in villages along the India-Myanmar border, with others crossing into India's Mizoram State.

At least three people, including two elderly women, were known to have stayed behind in Thantlang after others had fled. Myanmar Now was unable to contact them on Friday after the military shelling.

In their Friday statement, CHRO reported that more than 20 children and their teachers had stayed behind in an orphanage located at the entrance to Thantlang and remained trapped. “The extensive destruction of civilian property, carried out wantonly and not justified by any military necessity, represent war crimes and grave breaches of international humanitarian law,” CHRO's Salai Za Uk Ling said in the statement.

Salai Issac Khen, a former municipal minister of Chin State under the National League for Democracy administration ousted in Myanmar's February 1 coup, condemned the shelling on Friday in a Facebook post blaming the military for the destruction after rumours circulated that the residents of Thantlang were somehow responsible for the blaze.

“It is not easy to build a house in the Chin hills. The Chin people do not have any reason to torch their own homes,” he wrote.

On Sunday, junta mouthpiece the Global New Light of Myanmar accused the PDF burning the homes in Thantlang and committing “terrorist acts.” Military council spokesperson Gen Zaw Min Tun also said in a statement on Sunday that the local PDF—encouraged by the shadow National Unity Government and living “under the cover of [the] people”—had started the fire and that the military was unable to extinguish it.

In September 2017, following a scorched earth military campaign against the Rohingya population of Rakhine State—south of Chin State—the Myanmar army and government infamously accused the fleeing Rohingya of burning down their own homes. The claim was widely dismissed by the refugees themselves, human rights groups and the international community, and later submitted to a UN court as evidence of genocide.

“The military council will go down in history as responsible for this fire in Thantlang today,” Salai Issac Khen wrote, and urged all

ethnic Chin members of the military council to “immediately resign.”

Around 200 troops from the military’s Light Infantry Division 11 and Light Infantry Battalion 269 based in the Chin State capital of Hakha have been stationed on a hill overlooking Thantlang, according to the CDF.

“We will take our town back,” the Thantlang CDF spokesperson said.

The Myanmar military deployed thousands of troops to northwestern Myanmar, including Chin State and Sagaing and Magway regions, earlier this month. The move appears to be preparation for a concerted push to crush the resistance movement that has inflicted heavy casualties on the junta’s army.

Myanmar’s Permanent Representative to the UN Kyaw Moe Tun said on Friday in an address to the Plenary Meeting of the UN General Assembly’s 76th session that “decisive timely action” by the UN on the country’s situation was “well overdue,” and highlighted the most recent military assault on Thantlang as evidence of the deteriorating conditions in Myanmar.

“All people, I repeat all people in Myanmar, are suffering every day, every hour, every minute from atrocities, crimes against humanity committed by the military and some even brutally killed,” Ambassador Kyaw Moe Tun said.

“Your serious attention to basic rights of all people and your action to prevent all people from such atrocities is seriously needed,” he said.

Myanmar: IWPR Asked to Help UN War Crimes Investigation (Institute for War and Peace Reporting)
November 2, 2021

As the country increasingly teeters toward civil war, the Independent Investigative Mechanism for Myanmar (IIMM) has formally reached out to ask IWPR to secure potential evidence relating to abuses, including potential crimes against humanity and genocide, committed by the country’s military.

The IIMM was established in 2018 by the UN’s Human Rights Council after its own investigation – the Independent International Fact-Finding Mission - reported that the country’s military leaders had committed “massive violations” of international law.

IIMM’s remit spans 2012 right up to the February coup this year in which Myanmar’s army – the Tatmadaw - returned to absolute power after almost ten years of civilian-led rule. Thousands of protestors, officials, journalists and activists have been jailed alongside the country’s figurehead Aung San Suu Kyi. An unknown number of opponents have been tortured, killed or disappeared. Others have gone to ground or somehow managed to flee the country.

Armed resistance is steadily rising across the country, with reports that former civil society activists are receiving training from longstanding armed ethnic groups based in the jungle. Official checkpoints in Yangon are being targeted daily and police and soldiers assassinated, fueling fears that Myanmar is now spiraling into a full-blown civil war.

Although IIMM’s outreach to IWPR is not fully linked to current events in Myanmar, the body has expressed concerns that the chance of collecting critical evidence reduces with every passing day. While the IIMM is not a court and has no prosecutorial powers, it is believed that if sufficient and pressing evidence and testimony is forthcoming, a future internationally sanctioned and supported justice process will follow as a result.

IIMM’s leadership and staff had a first formal meeting with IWPR’s Asia Director Alan Davis in late October. Davis designed and led IWPR’s anti hate speech project in Myanmar having first visited the country undercover as a journalist for the Observer in 1991. IWPR was asked to contribute to the investigation as a consequence of the two-year anti-hate speech project it ran inside Myanmar, which involved a team of 20 local journalists trained to monitor, analyse and publicly report on instances of hate speech.

Launched in 2015, the project found that while traditional media and journalists in Myanmar had become more professional and responsible, hate speech in the country had exploded. This was largely due to the end of censorship and the simultaneous arrival in Myanmar of a nine US dollar smartphone, preloaded with a Facebook Basic app that allowed free expression to run riot in a country with a pitiful educational system and no history or understanding of civil society.

As IWPR subsequently reported to international outlets including the UK Guardian and the BBC’s Newsnight - as well as to the UN Fact-Finding Mission itself - the vast majority of all the hate speech found and analysed was on social media.

In a country comprised of 67 different ethnic groups that been living under military rule with total censorship and in isolation from the outside world for almost 50 years, IWPR stressed that hate speech should have been expected and planned for.

From the very outset of its project in 2015, IWPR publicly warned that Myanmar needed to understand and learn the lessons of

how hate speech drove conflict and genocide in the former Yugoslavia.

As IWPR reported at the time – using Yugoslavia as an example – hate speech not only hurts its targets, but ultimately those who use it. The Myanmar project's first report in 2015 made clear that, left unchallenged, hate speech tears societies apart.

"Nothing is more important than bearing witness and holding people to account"

IWPR's project in Myanmar analysed thousands of problematic postings on Facebook and publicly analysed and critiqued more than 400 uploads. It noted a steady rise in hate speech that was common to many ethnicities but moved from being general and unstructured to more coordinated and weaponised against Muslims in general, and the Rohingya in particular.

Instances of hate speech we found included townships declaring themselves to be Muslim free, accusations that Yangon mosques were being used to house weaponry and that the Islamic State (IS) was planning to blow up Shwegadon Pagoda, the country's most sacred Buddhist shrine.

Just after the project closed, the Tatmadaw launched its campaign of ethnic cleaning against the Muslim Rohingya in August 2017. Almost a year later, Facebook finally took down many of the worst instances of hate speech IWPR had found and reported on.

"IWPR is more than happy to help the IIMM and its work in whatever way we can, especially given our monitors never used their own personal computers or email addresses to protect their own safety and security," said IWPR's Davis. "The raw data lies outside of Myanmar, and we have a responsibility to go through it, because as an organisation that looks to help build peace and support justice, nothing is more important than bearing witness and holding people to account."

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AMERICAS

North & Central America

Why the Julian Assange case is the most important battle for press freedom of our time (Salon) By Chris Hedges
October 29, 2021

For the past two days, I have been watching the extradition hearing for Julian Assange via video link from London. The United States government is appealing a lower court ruling that denied the U.S. request to extradite Assange — not denied, unfortunately, because in the eyes of the court he is innocent of a crime, but because, as Judge Vanessa Baraitser in January concluded, Assange's precarious psychological state would likely deteriorate given the "harsh conditions" of the inhumane U.S. prison system, potentially "causing him to commit suicide." The U.S. has charged Assange with 17 counts under the Espionage Act and one count of trying to hack into a government computer, charges that could see him imprisoned for 175 years.

Assange, with long white hair, appeared on screen the first day from the video conference room in HM Prison Belmarsh. He was wearing a white shirt with an untied tie around his neck. He looked gaunt and tired. He did not appear in court, the judges explained, because he was receiving a "high dose of medication." On the second day he was apparently not present in the prison's video conference room.

Assange is being extradited because his organization, WikiLeaks, released the "Iraq War Logs" in October 2010, which documented numerous US war crimes — including video images of the gunning down of two Reuters journalists and 10 other unarmed civilians in the "collateral murder" video, the routine torture of Iraqi prisoners, the covering up of thousands of civilian deaths and the killing of nearly 700 civilians who had approached too closely to U.S. checkpoints. He is also being targeted by U.S. authorities for other leaks, especially those that exposed the hacking tools used by the CIA known as Vault 7, which enables the

spy agency to compromise cars, smart TVs, web browsers and the operating systems of most smartphones, as well as operating systems such as Microsoft Windows, macOS and Linux.

If Assange is extradited and found guilty of publishing classified material, it will set a legal precedent that will effectively end national security reporting, allowing the government to use the Espionage Act to charge any reporter who possesses classified documents, and any whistleblower who leaks classified information.

If the appeal by the U.S. is accepted, Assange will be retried in London. The ruling on the appeal is not expected until at least January.

Assange's September 2020 trial painfully exposed how vulnerable he has become after 12 years of detention, including seven in the Ecuadorian embassy in London. He has in the past attempted suicide by slashing his wrists. He suffers from hallucinations and depression, takes antidepressant medication and the antipsychotic quetiapine. After he was observed pacing his cell until he collapsed, punching himself in the face and banging his head against the wall, he was transferred for several months to the medical wing of the Belmarsh prison. Prison authorities found "half of a razor blade" hidden under his socks. He has repeatedly called the suicide hotline run by the Samaritans because he thought about killing himself "hundreds of times a day."

James Lewis, the lawyer for the U.S. government, attempted to discredit the detailed and disturbing medical and psychological reports on Assange presented to the court in September 2020, painting him instead as a liar and malingerer. He excoriated the decision of Judge Baraitser to bar extradition, questioned her competence and breezily dismissed the mountains of evidence that high-security prisoners in the U.S., like Assange, are subjected to Special Administrative Measures (SAMs), and held in virtual isolation in supermax prisons, suffering psychological distress. He charged Dr. Michael Kopelman, emeritus professor of neuropsychiatry at the Institute of Psychiatry, Psychology and Neuroscience, King's College London, who examined Assange and testified for the defense, with deception for "concealing" that Assange fathered two children with his fiancée Stella Morris while in refuge in the Ecuadorian embassy. He said that, should the Australian government request Assange, he could serve his prison time in Australia, his home country, after his appeals had been exhausted, but stopped short of promising that Assange would not be held in isolation or subject to SAMs.

The authority repeatedly cited by Lewis to describe the conditions under which Assange will be held and tried in the United States was Gordon Kromberg, assistant U.S. attorney for the Eastern District of Virginia. Kromberg is the government's grand inquisitor in cases of terrorism and national security. He has expressed open contempt for Muslims and Islam and decried what he calls "the Islamization of the American justice system." He oversaw the nine-year persecution of the Palestinian activist and academic Dr. Sami al-Arian, and at one point refused his request to postpone a court date during the religious holiday of Ramadan. "They can kill each other during Ramadan, they can appear before the grand jury. All they can't do is eat before sunset," Kromberg said in a 2006 conversation, according to an affidavit filed by one of Arian's attorneys, Jack Fernandez.

Kromberg criticized Daniel Hale, the former Air Force analyst who was recently sentenced to 45 months in a supermax prison for leaking information about the indiscriminate killings of civilians by drones, saying Hale had not contributed to public debate, but had "endanger[ed] the people doing the fight." He ordered Chelsea Manning jailed after she refused to testify in front of a grand jury investigating WikiLeaks. Manning attempted to commit suicide in March 2020 while being held in the Virginia jail.

Having covered the case of Syed Fahad Hashmi, who was arrested in London in 2006, I have a good idea of what awaits Assange if he is extradited. Hashmi was also held in Belmarsh and then extradited in 2007 to the U.S. where he spent three years in solitary confinement under SAMs. His "crime" was that an acquaintance who stayed in his apartment with him while he was a graduate student in London had raincoats, ponchos and waterproof socks in his luggage at the apartment. The acquaintance planned to deliver the items to al-Qaida. But I doubt the government was concerned with waterproof socks being shipped to Pakistan. The reason, I suspect, Hashmi was targeted was because, like al-Arian and like Assange, he was fearless and zealous in his defense of those being bombed, shot, terrorized and killed throughout the Muslim world while he was a student at Brooklyn College.

Hashmi was deeply religious, and some of his views, including his praise of the Afghan resistance, were controversial, but he had a right to express these sentiments. More important, he had a right to expect freedom from persecution and imprisonment because of his opinions, just as Assange should have the freedom, like any publisher, to inform the public about the inner workings of power. Facing the possibility of a 70-year sentence in prison and having already spent four years in jail, much of it in solitary confinement, Hashmi accepted a plea bargain on one count of conspiracy to provide material support to terrorism. Judge Loretta Preska, who also sentenced the hacker Jeremy Hammond and human rights attorney Steven Donziger, gave him the maximum 15-year sentence. Hashmi was held for nine years in Guantánamo-like conditions in the supermax ADX [Administrative Maximum] facility in Florence, Colorado, where Assange, if found guilty in an American court, would almost certainly be imprisoned. Hashmi was released in 2019.

The pre-trial detention conditions Hashmi endured were designed to break him. He was electronically monitored 24 hours a day. He could only receive or send mail with his immediate family. He was prohibited from speaking with other prisoners through the walls. He was forbidden from taking part in group prayer. He was permitted one hour of exercise a day, in a solitary cage without

fresh air. He has unable to see most of the evidence used to indict him, which was classified under the Classified Information Procedures Act, enacted to prevent U.S. intelligence officers under prosecution from threatening to reveal state secrets to manipulate the legal proceedings. The harsh conditions eroded his physical and psychological health. When he appeared in the final court proceeding to accept a guilty plea he was in a near-catatonic state, clearly unable to follow the proceedings around him.

If the government will go to this length to persecute someone who was alleged to have been involved in sending waterproof socks to al-Qaida, what can we expect the government to do to Assange?

A society that prohibits the capacity to speak in truth extinguishes the capacity to live in justice. The battle for Assange's liberty has always been much more than the persecution of a publisher. It is the most important battle for press freedom of our era. And if we lose this battle, it will be devastating, not only for Assange and his family, but for us.

Tyrannies invert the rule of law. They turn the law into an instrument of injustice. They cloak their crimes in a faux legality. They use the decorum of the courts and trials to mask their criminality. Those, such as Assange, who expose that criminality to the public are dangerous, for without the pretext of legitimacy the tyranny loses credibility and has nothing left in its arsenal but fear, coercion and violence. The long campaign against Assange and WikiLeaks is a window into the collapse of the rule of law, the rise of what the political philosopher Sheldon Wolin calls our system of inverted totalitarianism, a form of totalitarianism that maintains the fictions of the old capitalist democracy, including its institutions, iconography, patriotic symbols and rhetoric, but internally has surrendered total control to the dictates of global corporations and the security and surveillance state.

There is no legal basis to hold Assange in prison. There is no legal basis to try him, an Australian citizen, under the U.S. Espionage Act. The CIA spied on Assange in the Ecuadorian embassy through a Spanish company, UC Global, contracted to provide embassy security. This spying included recording the privileged conversations between Assange and his lawyers as they discussed his defense. This fact alone invalidated the trial. Assange is being held in a high-security prison so the state can, as Nils Melzer, the UN special rapporteur on torture, has testified, continue the degrading abuse and torture it hopes will lead to his psychological if not physical disintegration. The architects of imperialism, the masters of war, the corporate-controlled legislative, judicial and executive branches of government and their obsequious courtiers in the media are guilty of egregious crimes. Say this simple truth and you are banished, as many of us have been, to the margins of the media landscape. Prove this truth, as Assange, Chelsea Manning, Jeremy Hammond and Edward Snowden have by allowing us to peer into the inner workings of power, and you are hunted down and persecuted.

Assange's "crime" is that he exposed more than 15,000 unreported deaths of Iraqi civilians. He exposed the torture and abuse of some 800 men and boys, aged between 14 and 89, at Guantánamo. He exposed that Hillary Clinton in 2009 ordered U.S. diplomats to spy on UN Secretary-General Ban Ki-moon and other UN representatives from China, France, Russia and the U.K., spying that included obtaining DNA, iris scans, fingerprints and personal passwords, part of the long pattern of illegal surveillance that included the eavesdropping on an earlier UN secretary-general, Kofi Annan, in the weeks before the U.S.-led invasion of Iraq in 2003. He exposed that Barack Obama, Hillary Clinton and the CIA orchestrated the June 2009 military coup in Honduras that overthrew democratically-elected president Manuel Zelaya, replacing it with a murderous and corrupt military regime. He exposed that George W. Bush, Barack Obama and Gen. David Petraeus prosecuted a war in Iraq that under post-Nuremberg laws is defined as a criminal war of aggression, a war crime, which authorized hundreds of targeted assassinations, including those of U.S. citizens in Yemen. He exposed that the United States secretly launched missile, bomb and drone attacks on Yemen, killing scores of civilians. He exposed that Goldman Sachs paid Hillary Clinton \$657,000 to give talks, a sum so large it can only be considered a bribe, and that she privately assured corporate leaders she would do their bidding while promising the public financial regulation and reform. He exposed the internal campaign to discredit and destroy British Labour Party leader Jeremy Corbyn by members of his own party. He exposed how the hacking tools used by the CIA and the NSA permit the wholesale government surveillance of our televisions, computers, smartphones and anti-virus software, allowing the government to record and store our conversations, images and private text messages, even from encrypted apps.

He exposed the truth. He exposed it over and over and over until there was no question of the endemic illegality, corruption and mendacity that defines the global ruling elite. And for these truths alone he is guilty.

How Canadian taxpayers were made complicit in the murder of an Afghan family (Rabble) By Matthew Behrens
October 29, 2021

Long-forgotten amid the chaotic airlifts out of the Kabul airport in late August of this year is an incident in which Canadian taxpayers contributed to the murder of 10 members of an Afghan family, seven of them children.

Zemari Ahmadi, who worked for the U.S. aid organization Nutrition and Education International and had applied for refugee resettlement in the U.S. was the target of the lethal August 29 MQ-9 Reaper "hunter-killer" drone attack. The surveillance and targeting drone cameras that had been used to follow his every move that deadly day are made by L-3 Wescam, a Canadian-subsidized war manufacturer about to expand from its long-time Burlington, Ontario facility to a 330,000 square foot location in

nearby Waterdown.

Initially described by Joint Chief Chairman General Mark Milley as a “righteous strike,” the Pentagon claimed its Hellfire missile attack on a residential street was justified because of an alleged “imminent threat” to evacuation operations, even though the airport was three kms away. As reported by the New York Times, those killed were Ahmadi and three of his children (Zamir, 20, Faisal, 16, and Farzad, 10); Ahmadi’s cousin Naser, 30; three of Ahmadi’s brother Romal’s children (Arwin, 7, Benyamin, 6, and Hayat, 2); and two 3-year-old girls, Malika and Somaya.

According to the New York Times report, most of those killed were completely “shredded,” leaving behind only “fragments of human remains.” We only know this because, unlike most drone strikes – which tend to take place in rural areas where fact checking Pentagon claims about the victims’ identities can prove difficult – this one occurred in a densely populated Kabul neighbourhood.

While the U.S. military continued to spin its baseless justification for the attack based on so-called evidence of terrorist threats, a Times investigation countered Pentagon claims that the driving and behaviour of Mr. Ahmadi were suspicious, noting “the evidence suggests that his travels that day actually involved transporting colleagues to and from work. And an analysis of video feeds showed that what the military may have seen was Mr. Ahmadi and a colleague loading canisters of water into his trunk to bring home to his family.”

The MQ-9 Reaper (using the Canadian-produced Wescam MX-20 Electro-optical/Infrared (EO/IR) tracking and targeting system) allowed the hunter-killer drone operators maneuvering joysticks from remote bases in the U.S. to track Ahmadi’s vehicle as it drove around Kabul. The Americans claimed that he had stopped at an ISIS safe house, but their own footage revealed that in fact, it was where he worked – the long-established office of Nutrition and Education International. The Pentagon said it decided to strike because of the “reasonable certainty” that no women, children or noncombatants would be killed as Ahmadi returned home. Yet, relatives of Ahmadi said as soon as they saw him pulling into his driveway, family members came out to welcome him home. They would have been seen clearly by the drone operators via the Wescam system, but the order to fire went ahead regardless. Because of a deadly airport attack the previous week, Joe Biden reverted to the old stand-by of flexing muscles no matter the civilian cost. The apparent “America won’t be pushed around” counter-action was to fire first and respond to questions later.

Half a world away in the Golden Horseshoe area that Wescam has long called home, it is unlikely that company executives gave a second thought to the fact that their products had once again proven their efficacy with bloodshed.

For 20 years, protesters have gathered at the entrance to Wescam, setting up graveyards with the names of hundreds of drone strike victims, illustrating in vivid detail the parent company’s connections to torture and being hauled off in handcuffs for trying to conduct citizens’ weapons inspections of the facility.

For two decades, drone strikes have been the face of long-distance “over the horizon” warfare waged by soldiers who go to work at video terminals, push buttons to fire Hellfire missiles as effortlessly as making a move on Playstation and return home in time for dinner and taking the kids to soccer practice.

Wescam prides itself on being a world leader in drone technology, and Ottawa is only too pleased to keep them awash in federal tax dollars. In 2015, Wescam received a \$75-million “repayable contribution” (they call it a contribution because it’s almost never repaid) to continue supplying technology used not only in overseas war zones, but also by domestic police forces and border agents.

There is no clearer Canadian example of a company that profits from the intersectionality of state violence than Wescam. Indeed, its systems are used by border agents to prevent migrants from gaining asylum, by police to terrorize the racialized communities they occupy, by militaries as a low-cost kill-chain alternative, and by Hollywood movies that celebrate this violence. As then-federal industry minister James Moore said in distributing the cash, “WESCAM surveillance and targeting technology has been used to help police forces conduct manhunts and track marijuana grow-ops here in Canada. Abroad, Canadian armed forces have used similar aerial systems during Canada’s 10-year mission in Afghanistan to capture high-value targets.”

Among numerous other contracts, in July 2020, the blood-stained Crown entity Canadian Commercial Corporation announced a \$380-million contract to supply an “indefinite delivery, indefinite quantity” of the MX-Series of Wescam’s surveillance and targeting products for the U.S. army.

Wescam is also a proud supporter of the brutal Saudi regime, announcing a deal in 2019 where “we can significantly broaden our support for Saudi government and military forces.” Part of that arrangement entailed the opening of a maintenance centre by L-3 Wescam in the Saudi capital, Riyadh. The CEO of Taqnia Defense and Security Technology Co., enthused: “We look forward to maintaining L3 WESCAM’s portfolio of products while providing exceptional service to its regional customers.”

Wescam technology has been used as part of the unending war crimes campaign led by the Saudis against the people of Yemen, as

documented by the likes of researcher Antony Fenton.

Canada is now considering a new, \$5-billion purchase of armed drones. There is little doubt that this will be a slam dunk contract award for Wescam. That inside knowledge is perhaps why they have busy preparing a 330,000 square foot factory just north of Hamilton. Even if it fails to win the Ottawa tender, the company should have no trouble keeping a positive balance sheet, with products being exported to over 80 countries.

Among the recipients of Wescam's hunter-killer technology is Turkey. In September 2020, a Project Ploughshares report found that the Turkish military, supplied by the Burlington company, "has committed serious breaches of international humanitarian law and other violations, particularly when conducting airstrikes."

Turkey has also exported its purchased Wescam technology to armed groups in Libya, "a blatant breach of the nearly decade-old UN arms embargo." These exports also violate the Canadian government's own Arms Trade Treaty obligations.

Ploughshares's research also revealed that Wescam maintains an authorized service centre for the Turkish weapons company Baykar. Turkey is the third-biggest recipient of Canadian weapons exports (valued at over \$152 million). After having temporarily suspended weapons sales to Turkey in October 2019 after that country's latest invasion of Syria, Canada announced an extension of the embargo in spring 2020.

Turkish strongman Recep Erdogan was furious and confronted Trudeau about it. Erdogan was especially peeved, since at that time Trudeau had lifted a pause on weapons exports to the Saudi regime in Yemen. According to one Turkish official, Trudeau "said they would take some steps to alleviate Turkish concerns regarding the exports; that they would review everything case by case."

Middle East Eye reported, "Turkey was giving utmost importance to the import of the optics and surveillance systems from the Canadian firm Wescam for its military drones." It did not take long for Global Affairs Canada to grant an exemption for Wescam to continue those weapons exports a month later.

Turkey was apparently worried that its capacity to wage drone warfare would be limited, given battlefield losses in Syria and Libya. That resumption of weapons sales came just as the group Genocide Watch openly questioned why Turkey was not before the International Criminal Court for war crimes committed during its multiple incursions into Syria. They noted that:

"In areas under Turkey's control, civilians have been subjected to horrific crimes against humanity committed by Turkish forces and Turkish supported militias. Kurdish towns have been bombed and destroyed, some with white phosphorus, a war crime. Hundreds of civilians have been summarily executed. Kurdish and Yazidi women have been kidnapped and subjected to sexual slavery. Secret prisons hold hundreds of Kurds who are routinely tortured."

During those incursions, schools and hospitals were bombed, as were civilian convoys fleeing the violence, and nearly 180,000 Kurds were forcibly displaced in an act that even U.S. officials named as an act of "ethnic cleansing."

Similar genocidal attacks against Kurds have been launched by Turkey in northern Iraq, with Ploughshares pointing out, "In 2018, Turkey began the practice of targeted killings in Iraq, becoming only the second country in the region, after Israel, to undertake extraterritorial targeted killings."

When one senior Kurdish leader was assassinated by a Turkish drone in Iraq, footage of the attack was proudly shared on Wescam's own website, though it was erased after the Canadian embargo in spring 2020. Wescam's MX-GCS EO/IR imaging system has also reportedly been integrated into the Belgian-made Cockerill turret of the Turkish FNSS Kaplan armoured fighting vehicle.

Meanwhile in Libya, where battling forces have all committed war crimes, Turkey is exporting its own drone technology with Wescam targeting systems, in violation of a decade-old UN arms embargo. Ploughshares shared pictures of downed drones that had been built with Wescam targeting cameras.

Turkey also employs Wescam drone technology in ongoing domestic repression and murder by drone against Kurdish people, including reports in December 2019 that Turkish drones "participated in airstrikes against Kurdish organizations in at least 11 provinces in southeast Turkey."

The Intercept noted last year as well that Turkish drones (which, notably, rely on Wescam technology) are a "near constant presence in the skies in the country's southeast. Nearly every day, a Turkish drone, usually a TB2, either fires on a target or provides the location of a target that is subsequently bombed by an F-16 or attack helicopter." Hundreds of people have been killed in these strikes.

In 2019, Amnesty International reported that Turkish operations demonstrate "an utterly callous disregard for civilian lives,

launching unlawful deadly attacks in residential areas that have killed and injured civilians.” Ploughshares concludes that “there is a clear and demonstrable substantial risk that the further export of Wescam sensors to Turkey could cause harm to civilians and facilitate breaches of IHL [International Humanitarian Law].”

While export permits to Turkey were cancelled in April, 2021, a week later, Global Affairs produced a stunning report that essentially opened the door to the renewal of the same weapons exports at a time when media and Parliament would not be alert to such a reversal, with one memo advising the Minister: “The approval of the specific permits mentioned in this memorandum is not expected to garner media attention, as the process is not public. (...) Parliamentary scrutiny is expected to be limited given the current COVID-19 crisis.”

In a move that would make Orwell squirm, Global Affairs acknowledged that “credible evidence that certain Canadian military goods and technology exported to Turkey, namely sensors equipped on Turkish UAVs, have been used in the conflicts in Nagorno-Karabakh, Libya and Syria.” Remarkably, Global then declared that “there is no substantial risk that Canadian military goods and technology exported to Turkey would be used to undermine peace and security, or to commit or facilitate” human rights violations and that “there is no reason to take any action in relation to the remaining permits” for exports to Turkey. Further on, they claim that “there is no substantial risk that Canadian exports of military goods and technology to Turkey would undermine peace and security, either nationally or regionally.”

Lawyers Anaïs Kadian and Emilie Béatrice Kokmanian produced a piercing critique of the Global Affairs report, *Canada: Human Rights Champion or Pawn to Autocratic Regimes in the Global Arms Trade*. Their response highlights the inconsistencies and outright falsehoods peddled by a Global Affairs department which plays a much stronger role justifying weapons sales than it does in promoting peaceful diplomacy.

The authors point out that Global Affairs perfidy extends to a “troubling lack of transparency in the process itself: permit approvals are not public, thus escaping scrutiny from the media and Canadians.” They conclude that Canada failed to abide even by its own fairly limited criteria in approving weapons exports.

As Wescam executives relish the booming business of warfare, drone resisters have blown the whistle on this insidious process of killing.

“The truth is that we could not differentiate between armed fighters and farmers, women, or children,” Lisa Ling, a former drone technician with the U.S. military, told Emran Feroz, an independent journalist and the founder of Drone Memorial. “This kind of warfare is wrong on so many levels.”

Former intelligence analyst Daniel Hale was condemned last July to 45 months in the penitentiary for leaking documents that illustrated the global network of drone warfare links and high rate of civilian casualties. He informed the court at his sentencing, “I am here because I stole something that was never mine to take — precious human life. I couldn’t keep living in a world in which people pretend that things weren’t happening that were. Please, your honor, forgive me for taking papers instead of human lives.”

While thousands have been killed by drone warfare, their lives have been easily dismissed because, as Hale told the court, the U.S. military labels everyone killed in drone attacks — among them, some 2,200 children — as “enemies killed in action” unless proven otherwise, just as Ahmadi’s family in Kabul were listed until reporters uncovered the truth. “With drone warfare, sometimes nine out of 10 people killed are innocent,” Hale said. “You have to kill part of your conscience to do your job.”

Rarely addressed in such discussions is the fact that, even if the target is allegedly guilty of some offence or another, killing them in the absence of a fair, open, transparent trial is the gravest violation of due process. Drone warfare has conveniently removed the judicial process, through which embarrassing details about our own criminality could be brought to light.

This returns the spotlight to the provider of these hunter-killer weapons systems — Wescam — and its government promoter, Global Affairs Canada. These are not inaccessible organizations hiding away on remote islands producing illicit goods. They are located in very visible buildings and seen by thousands of travelers every day who drive by, perhaps never thinking about what goes on behind their doors. Their work is made possible by our tax dollars. Their work can be easily interfered with and shut down when we act on our conscience.

When Daniel Hale released his trove of documents illustrating the extent of drone warfare criminality, *New York* magazine asked, “Why did no one seem to care?” In light of the relative silence of the Canadian government and people following the murder of an Afghan family in Kabul in which we are all complicit, we should be asking ourselves the same question.

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South America

Colombia asks ICC to shelve crimes against humanity probe (Colombia Reports) By Adriaan Alsema
October 27, 2021

The government of President Ivan Duque reportedly asked the International Criminal Court (ICC) to shelve a preliminary investigation into crimes against humanity in the country.

According to newspaper El Espectador, the government asked ICC prosecutor Karim Kahn to close the preliminary investigation that was opened in 2004.

Kahn is visiting the South American country this week in order to determine whether or not to continue close the file on Colombia.

The Duque administration requested an end of the investigation, claiming that several “mechanisms to achieve peace after 50 years of conflict” have been created over the past few years.

Since the ICC opened its investigation, two transitional courts have taken force to seek justice for crimes committed by State actors, demobilized FARC guerrillas and former AUC paramilitaries have taken force.

Transitional Justice Tribunals

Justice and Peace system: The Justice and Peace Tribunal came into life in 2005 to investigate crimes against humanity committed by the demobilized paramilitary organization AUC, which demobilized between 2003 and 2006.

Special Jurisdiction for Peace

The Special Jurisdiction for Peace took force in 2018 as part of a peace process with now-defunct guerrilla group FARC and is investigating crimes against humanity committed by the former guerrillas, the security forces and third parties.

The Supreme Court surrendered a report on the results of investigations into crimes against humanity committed by congressmen and governors, according to El Espectador.

In a letter to Kahn, the Americas director of Human Rights Watch, Jose Miguel Vivanco, asked the ICC prosecutor not to shelve the preliminary investigation.

According to Vivanco, closing the investigation would be “premature and counterproductive for the goal to secure access to justice of the victims of serious international crimes.”

“We urge you to keep the preliminary examination open and intensify your efforts to engage with national authorities, victims’ associations and their representatives, other civil society organizations, Colombia’s international partners and other interested parties in efforts to ensure that genuine national processes are in place in the country.” - HRW Americas director Jose Miguel Vivanco Kahn can decide to either maintain or close the preliminary investigation, or to press formal criminal charges against alleged war criminals.

While in South America, the ICC prosecutor will also visit Venezuela over a pending preliminary investigations into crimes against humanity allegedly committed by the authoritarian regime of President Nicolas Maduro.

Despite War Crimes Tribunal, Guerilla Violence Persists in Colombia By Peter Jones
November 2, 2021

Nearly five years ago, then-President of Colombia Juan Manuel Santos signed a peace deal with the nation’s most dominant guerilla group — a feat for which he would win the Nobel Peace Prize. In theory, President Santos’ accord with the FARC, or the Revolutionary Armed Forces of Colombia, had ended a 52-year civil war that had claimed the lives of some 220,000 Colombians. In practice, the war continued.

The Santos peace deal authorized the Special Jurisdiction of Peace (JEP), a tribunal tasked with “investigating, clarifying, prosecuting and punishing the most serious crimes committed over the more than 50 years of armed conflict in Colombia.”

Colombia's new president, Iván Duque Márquez, has made several efforts to block and alter the tribunal. In 2019, he vetoed six of its articles for "reasons of inconvenience." This move was intended to fuel popular support by bashing the unpopular tribunal. In response, a coalition of Colombian human rights activists wrote to the United Nations, "we express our deep concern at the attempts to seriously damage the Agreement's implementation." Little ultimately came of the dispute; the JEP continued to hear cases of wartime violence.

However, even as the JEP considers past war crimes through a lens of reflection and reconciliation, guerilla violence persists throughout rural Colombia. FARC has officially disarmed itself, but smaller rebel groups like the National Liberation Army (ELN) and The Gulf Clan continue to terrorize the country's most at-risk communities.

The outcome? A nation whose judicial institutions mask ongoing violence with rhetoric that evokes an undue sense of closure. Although it's hard to denigrate any institution which advances justice — even if slowly — the Colombian government would be better advised to spend its resources fighting the continuing violence rather than reviewing a conflict that hasn't yet ended.

The JEP was established in Santos' 2016 peace agreement as the mechanism by which the government and rebel groups could initiate transitional justice, closing a bloody chapter in Colombia's history as more than 7,000 FARC guerrillas relinquished their arms.

"Transitional justice" is an important term to note here, as it has been employed as an excuse for the tribunal's relatively light sentences. "Transitional justice, by definition, is modest," said Nestor Raul Correa, the tribunal's first director, in 2018. The tribunal has the power to sentence guilty defendants who do not initially admit their culpability to between 15 and 20 years in prison. But defendants who plead guilty from the onset may receive merely two to five years of an "alternative sentence," which often does not include any jail time. These sentences are largely restorative rather than punitive, including house arrest and community service. Unsurprisingly, many Colombians decry the tribunal's weak executive arm.

Outrage regarding the mildness of the sentencing stems from the conflict's brutality, which began in the 1960s when left-wing activists took up arms against the Colombian government. Most of these guerilla groups, including FARC, opposed the government's move to privatize natural resources and claimed to fight for lower-class rural interests against those of urban elites. Instead of hurting those in power, the wrath of these guerilla groups was felt most by poor countryside residents. Guerilla landmines, many of which lay in the rural warzones, have killed or maimed nearly 4,000 civilians and counting. Further, the National Center for Historical Memory, a Colombian agency, reported that 80,000 of the people who went missing during the conflict have never been recovered. Yet, many of the FARC militants who committed these war crimes will walk free.

In a 2016 statement, Amnesty International said they have "repeatedly criticized the fact that the sanctions will not reflect the gravity of some of the crimes committed." The group also commented on the need to halt further violence: "The armed conflict with the FARC may officially be over, but other conflicts remain ... while paramilitary groups continue to be the most serious threat to human rights, especially in the countryside."

Indeed, they are. Regardless of the tribunal's own efficacy (or lack thereof), violence rages on in the jungle villages throughout Colombia's northwest.

Just last August, at least 1,150 people were forced to leave their homes when guerilla violence broke out in the rural village of Dipurdú del Guasimo. Members of The Gulf Clan stationed themselves in the village and, after interrogating villagers and vandalizing property, clashed with ELN fighters later that week. The two groups are locked in conflict over illegal gold mines and drug trafficking routes, both of which the FARC controlled before their disarmament left a power vacuum. Village residents were forced to flee by foot or by boat to neighboring communities like Medio San Juan.

In September, Medio San Juan itself was hit by guerilla violence. 347 residents left the municipality when the threat of inter-group conflict became imminent. Many of those same Dipurdú del Guasimo residents had to flee yet again.

Paradoxically, these forced nomads are trapped. As Human Rights Watch explains, "Fears of landmines, threats by armed groups, and getting caught in the crossfire have limited the ability of nearly 2,800 people in Chocó to leave their communities, a situation known as 'confinement.'" Civilian groups are forced to wander from one community to another, simultaneously unable to remain in one place nor truly escape.

These communities represent only one example within the larger network of Colombian guerilla violence, which threatens broad swaths of rural Colombia. Dissident militants who previously fought for FARC are active in the rural eastern and northeastern provinces of Colombia, where human rights groups say villagers face "murder, sexual violence, child recruitment, kidnappings, and forced labor." In January 2019, a car bomb in Bogotá — allegedly placed by the ELN — detonated outside a police academy, killing 22 cadets.

The JEP's moral legitimacy is not a straightforward issue: It is difficult to denigrate an institution that advances "justice" in any capacity. Yet the tribunal has brought justice slowly and mildly, ignoring existing violence as it lumbers on.

President Duque, ineligible for a second term, will cede the presidency next May. Some claim his political party, the Democratic Center — among the most conservative and powerful in the Colombian government — is losing support. Thus, the prospect of a peaceful future will depend on his successor.

Duque faced fiery criticism in 2019 for opposing the JEP and FARC peace deal; critics charged that he “undermined the deal’s prospects for success.” The potential of a new administration offers hope for a departure from the anti-justice rhetoric that has plagued the Colombian political sphere throughout Duque’s term.

So the ELN guerillas believe, anyway. “Let us not forget that those who are now in government were radically opposed to the peace processes,” stated ELN commander Aureliano Carbonell in an interview with Brasil de Fato and Peoples Dispatch. “But in any case, the ELN is willing, and has expressed it publicly, to reestablish a space for negotiations.”

Hopefully, with a new political administration and a renewed disdain for violence, the Colombian government will funnel resources into aiding rural conflict zones and providing humanitarian support to civilian victims. While violence persists in the northern rainforests, the JEP’s reconciliatory language is an affront to current victims of guerilla abuses.

With smart and appropriate government action, Colombian leadership can one day bring both justice and peace.

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TOPICS

Truth and Reconciliation Commission

Amnesty and Accountability in Seychelles (Just Security) By Justin Loveland

October 22, 2021

The ongoing truth and reconciliation process in Seychelles provides a window into a contested area of the international law of transitional justice: amnesties. The Truth, Reconciliation, and National Unity Commission of Seychelles (TRNUC) has the power to grant amnesties in specific circumstances, and what effects those grants of amnesty will have and how they will be received will offer clues about the status of amnesties in international law.

In the past, the power of truth commissions to grant or recommend amnesty has been so contentious that it has jeopardized international support for such commissions, support which is needed in many contexts to effectively achieve truth and reconciliation. The international community has demonstrated skepticism toward amnesty, though (as discussed below) despite the rhetoric, there is no clear basis in international law to oppose amnesty. Often a necessary feature of the peace mediation and transitional justice process(es), conditional amnesties have been used consistently and strategically by states in post-conflict or

post-transition settings for decades. This article explores the contested history and present of amnesties through the illustrative case of the TRNUC, which is poised to start amnesty proceedings later this year.

A Brief History of Transitional Justice in Seychelles

The Truth, Reconciliation and National Unity Commission of Seychelles (TRNUC) recently entered the third and final year of its mandate to investigate and make recommendations on claims of human rights violations committed during or in relation to the coup d'état of 1977. Formed in 2018 with a mandate from 2019 through 2022, the TRNUC was established to provide clarity about the period of one-party rule (1977-1993) and the human rights abuses that occurred under authoritarian president Albert René, who took power in the coup d'état following the country's independence from British colonial rule in 1976.

The one-party state officially lasted from the coup in 1977 until 1993, when the current constitution establishing a multiparty democracy entered into effect. However, the Commission has already received evidence that the impacts of the one-party state – including some ongoing human rights violations by officials such as President René, who remained in power after 1993 – lasted much longer. René stepped down in 2004 (after being president for 27 years), but his party maintained control of the government until recently. It was not until 2016 that the opposition achieved a majority in the National Assembly, and not until October 2020 that an opposition candidate finally won the presidency, the first such transfer of power in the 44 years since independence.

Investigations are ongoing under the TRNUC's mandate in hundreds of cases, covering alleged human rights violations from wrongful denial of the right to employment and unjustified acquisition of property or business, to enforced disappearances and murder. The determinations being drafted on each admissible complaint are expected to be completed in time for the Final Report to be handed over to the Government in August 2022. Personally, I have been fortunate to work with the Commission as one of 20-30 external actors supporting the TRNUC from outside the Seychelles: my ongoing role has involved advising the Chairperson and broader Commission on various legal and human rights issues, including amnesty; managing the other international consultants and interns on their respective projects; and assisting in capacity-building among international stakeholders.

As is common among truth and reconciliation mechanisms, part of Seychelles' truth-seeking process includes an amnesty-for-truth procedure, whereby pursuant to the Act that established it, the TRNUC may grant an amnesty upon the full and frank disclosure by the applicant of all facts regarding the event in question and a statement of sincere apology to the victim(s). While the Commission has not yet used this power, it has a few dozen amnesty proceedings expected to begin later this year. But what does "amnesty" mean in this context?

What is "Amnesty" in the Truth and Reconciliation Context?

Numerous definitions of "amnesty" abound in legal and academic literature, but it must be recognized up front that the term itself is unfortunate. "Amnesty" implies a link to amnesia, or a sense of forgetting and forgiving. While forgiveness remains a potentially sought-after aspect of reconciliation, the perception of forgetting is both regrettable and misleading, as most modern truth commission-based amnesties, including those permitted by the TRNUC Act, require a full disclosure of the applicant's role in the events in question. A proper amnesty process, therefore, does not encourage the public to forget injustices, but rather amplifies complementary truth-seeking processes.

Put simply, an amnesty is a legal bar against civil and/or criminal liability for actions that occurred in the past. It is very much like a pardon, the main distinctions being that pardons apply exclusively after conviction and lift criminal penalties, but do not expunge the conviction itself, whereas amnesty can apply at any time, pre- or post-judgment, and also nullifies legal liability absolutely. Similar to a pardon, an amnesty is an extraordinary remedy which should only be used sparingly, on a case-by-case basis, and never unconditionally or for entire groups of perpetrators (known as "blanket amnesties").

Highly controversial, amnesties in transitional justice environments have been seen as embodying the tension between the goal of peace and the ideal of justice. By removing the prospect of prosecuting the applicant, who, as an inherent aspect of their testimony, confesses to having committed certain crimes, amnesty is seen as a fundamental failure of the state to prosecute and punish offenders and provide society with the retribution it craves. This is felt particularly intensely in the transitional justice context, which necessarily entails "justice" during or after a country's "transition" from one political or social system to another. Indeed, it is understandable for the public – and particularly those who believe they are owed reparations for past abuses – to feel that amnesty is a miscarriage of justice and an obstacle to reconciliation.

However, as many have pointed out, it is precisely in these transitional contexts where the state is least likely to be able to prosecute offenders, given the often-turbulent political change, the need to maintain a likely-fragile peace agreement, the lack of resources or infrastructure to hold trials, and many other potential factors. In Seychelles, the courts were seen as politically influenced and ineffective even after the return of multiparty democracy in 1993. Now, the tourism-dependent country has struggled financially during the COVID-19 pandemic, which has further contributed to case backlogs and a lack of resourcing throughout all sectors. In such a context, amnesty can actually support the state's duty to investigate, as the popular truth-for-amnesty procedure is a core mechanism – and sometimes the only mechanism – by which certain facts and stories are unearthed.

This dynamic illustrates that in order to have a meaningful transition toward lasting peace, a measure of strategic amnesty might be necessary. It is important to remember that amnesty does not signify an absence of accountability, and it may leave open compelling methods of pursuing justice, such as alternative sanctions, reparations, plea agreements, or non-judicial or community-based forms of accountability.

International Law on Amnesty

Notwithstanding one's position as to the moral or political justifications of amnesty, the legality of the practice under international law, where one might expect to find either prohibition or vindication of amnesty, is surprisingly ambiguous.

States have consistently declined to prohibit or even recognize amnesties in treaties, other than the Additional Protocol II to the Geneva Conventions, which requires States parties to "endeavour to grant the broadest possible amnesty" at the end of non-international armed conflicts. Some do see an implicit prohibition of amnesty stemming from the duty of the state to investigate and *aut dedere aut judicare* ("either extradite or prosecute"), in treaties such as the Genocide Convention (art. 4), Geneva Conventions (Convention IV, art. 146), Convention against Torture (art. 7), and Convention on Enforced Disappearance (art. 11). Yet none of these treaties dictate that all perpetrators must be prosecuted in a traditional court setting, let alone specify sentencing requirements, and a few even recognize the discretion of national authorities in deciding whether to prosecute – evidence of flexibility on the part of States parties in applying certain amnesties.

The fact that amnesty has not been codified into international law one way or the other is echoed in the similarly murky status of customary international law on this issue. As has been discussed at length, including by the Special Rapporteur on crimes against humanity, there is insufficient state practice, let alone *opinio juris*, to suggest the existence of a binding rule prohibiting amnesty even for Rome Statute crimes. The hundreds of amnesties granted since World War II show that notwithstanding the above treaty commitments, States will continue to entertain the idea of amnesty where they deem it to be necessary.

The various intergovernmental and regional human rights systems similarly cannot agree on the (im)permissibility of amnesty. The U.N. and European Union, as well as nongovernmental organizations (NGOs) such as the International Committee of the Red Cross, maintain a policy of opposing amnesty for Rome Statute crimes and gross violations of human rights, including in the context of peace negotiations. Though these players have not all adopted clear policies toward amnesties for other crimes, there seems to be a general distaste for amnesty, perhaps stemming from the suggestion of the early Princeton Principles on Universal Jurisdiction that amnesty is largely inconsistent with states' obligations to provide accountability for serious crimes under international law – though even this source dealt only with the Rome Statute crimes and torture, piracy, and slavery, and did not mention the permissibility of amnesties for other, lesser crimes. On the other hand, the African Union considers amnesties to be permissibly "used for a wide range of purposes, particularly as part of political transitions and before criminal processes commence," even emphasizing certain positive objectives of amnesties in the post-conflict period. The African Commission on Human and People's Rights similarly notes that although "human rights advocates are often predisposed to reject the use of amnesties in [transitional justice], it is clear that in at least some cases amnesty, particularly qualified or conditional amnesty, may be necessary in pursuing [transitional justice] objectives."

Amnesty as a Practical Barrier

It is perhaps in part due to this contentious backdrop that it is unusual for a truth commission to have the power to grant amnesty; many have had the power to recommend amnesty, but only two have had the power to actually bar civil and criminal liability based on the testimony received. The Seychelles TRNUC is just the second, after the paradigmatic but controversial South African Truth and Reconciliation Commission, empowered to grant amnesty for the human rights violations under its mandate.

Naturally, this has imperiled the TRNUC's search for international support, which it has undertaken since the beginning – when only half of its budget was approved by the national government, a tradition that has continued each year to date – in order to make achievement of its mandate more attainable. Transitional justice scholarship has increasingly grappled with the extent to which truth commissions are creatures of politics – from appointments of commissioners to budgeting to inter-agency cooperation – and as such must not only rely on the domestic government (from which they must also be independent and impartial) but also operate within the sphere of international relations. This is even more true for the many (read: virtually all) truth commissions that are under-resourced and under-supported domestically.

The road to securing additional monetary and technical assistance can be bumpy for those truth commissions with the need and the drive to look for it, and it has been all but unachievable for the TRNUC, particularly in the context of prospective amnesty proceedings. In Seychelles, the diplomatic community has refused time and again to offer a modicum of assistance even for the aspects of the TRNUC's work relating to truth-seeking and victim support, which is most of its mandate.

As a legal consultant, I was tasked with gaining technical support and funding for the Commission, to no avail: some of the embassy representatives, Foreign Ministries, and U.N. agencies were cordial but refused to lead the charge, seeing their involvement as meddling in the sovereign affairs of another State; some simply never returned my calls or emails; and some took

specific issue with the TRNUC's amnesty power when they eventually declined to even make a statement in support of the victims that have come before the Commission.

The Commission's amnesty power has hindered attempts to gain international support, despite the international community's involvement in helping to develop guidelines for the amnesty process. One actor in particular, the U.S. State Department, helped us to craft detailed Amnesty Guidelines which establish a number of preconditions and conditions that are to be built into any grant of amnesty; contain procedures for notifying the public, conducting public hearings, and sharing truth with the nation; and further delineate the requirements for petitioning for amnesty, including protecting victims' rights and due process rights of perpetrators. Further, the TRNUC Act stipulates that a grant of "amnesty shall not affect any order by the Commission for remedies, reparations or rehabilitation," and the Guidelines contemplate several ways in which amnesties granted by the TRNUC would contribute to reparations and reparative justice. As such, the Guidelines complement the requirements in the TRNUC Act by honing the Commission's amnesty power and increasing the prospects that any grant(s) of amnesty it makes will be seen as legitimate. But even this was not good enough: the U.S. Office of Global Criminal Justice, which had been helpful in the beginning, refused to engage further when we did not try to pursue a controversial legislative amendment removing the TRNUC's power to grant amnesty for unlawful killing, torture, and enforced disappearance – the violations under its mandate that amount to gross violations of human rights.

One More Year

The timing or sequencing of amnesty within the broader transitional justice process is important. In this respect, it is notable that the TRNUC is in its final year, with yet many investigations ongoing: there are more "truths" still to be revealed, and the Commission, and by extension the broader population, could stand to gain much from the facts that may be unearthed in the amnesty hearings it holds. These hearings will be crucial in achieving its mandate in tandem with many parallel priorities, such as creating a full public record of the evidence it receives in hearings, currently being archived on YouTube; conducting research and preparing the scores of background chapters that will constitute its Final Report; and drafting determinations in the more than 360 admissible cases of alleged human rights violations, which will also constitute a volume of its Final Report.

A strategic mixture of truth processes, selective prosecutions (which the TRNUC will undoubtedly recommend as part of its Final Report), and amnesties could therefore complement one another by allowing fuller investigations, revealing or at least preserving fuller truths, and eventually resulting in more wholesome conciliative and reparative effects for both victims and perpetrators throughout the islands. As the Commission hurries to complete its mandate on time, amnesties may provide a key tool to reconcile and achieve the Commission's lofty mission.

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Terrorism

White supremacist terror case sparks fear among Scots Muslims (BBC News) By Connor Gillies
October 30, 2021

The case of a white supremacist who idolised right-wing mass killers has caused "anxiety and fear" among Scotland's Muslim communities.

Zara Mohammed, secretary general of The Muslim Council of Britain, said the case of 24-year-old Sam Imrie in Fife was "shocking and worrying".

Imrie, from Glenrothes, was convicted of terrorism charges on Wednesday.

He was arrested in 2019 for posting messages online saying he was planning to set fire to the Fife Islamic Centre.

Ms Mohammed, who is based in Glasgow, told BBC Scotland's The Nine programme: "Not only is it shocking to believe that someone would want to do this, especially to places of worship, but the hatred that fuelled his intentions.

"For Muslim communities in Scotland it has built a bit of anxiety and fear that people are willing to carry out such horrible acts towards our community."

During the trial, the High Court in Edinburgh was told that Imrie was a loner who left school at 14.

He became "steeped" in right-wing ideology and started to "hate" Muslims after looking at extremist content on websites such as 8Chan and messaging app Telegram.

Imrie posted online: "All my heroes are mass murderers."

He was said to have "glorified" the activities of Anders Breivik - the terrorist who slaughtered 77 people in Norway in 2011.

And he also studied the exploits of the far right activist who slaughtered Muslim praying at their mosques in New Zealand, in 2019.

Imrie had posted a comment online about how he was thinking about carrying out an attack and was considering live-streaming it. In court he said his comments were a joke and he was not serious about setting a mosque on fire.

Ms Mohammed said the New Zealand attack had been "fuelled" online and the terrorist was actually live-streaming his killing. She said Imrie appeared to have been inspired by that.

"I think we can't take it for granted how serious these things are and how they impact real lives and the consequences of them," Ms Mohammed said.

"It is worrying that we are seeing a rise in far right activity against mosques and Muslim communities and we need more done to resolve this."

Ms Mohammed said she had previously visited the Fife Islamic Centre.

She said: "I visited before and I have been in touch with local communities. It is a nice close knit community, it is really family centres and I think the shock that anyone would want to do this, especially to places of worship.

"These are places where kids have classes. It has put a lot of fear in our local communities and a lot of worry too."

On Wednesday, Imrie was convicted of a terrorism charge of making statements on Telegram and Facebook which encouraged acts of terrorism.

A second charge stated Imrie made a "record of information" which would be useful to somebody who was committing acts of terrorism.

He was acquitted of a terrorism charge which stated that he engaged in conduct in "preparation" of terrorism acts.

Pat Campbell, Police Scotland's Assistant Chief Constable for Organised Crime, Counter Terrorism and Intelligence, said: "Sam Imrie was a socially-isolated-individual who displayed hateful intentions and the potential consequences of his actions do not bear thinking about.

"Police Scotland welcomes the outcome of the trial, which brings to a close what was an extremely complex investigation." Imrie is expected to be sentenced at the High Court in Glasgow on 24 November.

Palestinian groups branded terrorists by Israel say they are being silenced (BBC News) By Yolande Knell
October 31, 2021

The leaders of six Palestinian civil society organisations branded terrorist groups by Israel say the move will harm human rights unless it is reversed.

Last week Israel declared that the groups were a front for a militant faction which has committed deadly attacks against it since the 1960s.

Israeli envoys with access to secret intelligence were due in Washington this week to explain the decision.

It shocked international donors and divided Israel's own ruling coalition.

The six groups identified were:

al-Haq

Addameer

Defence for Children International - Palestine

Bisan Center for Research and Development

Union of Agricultural Work Committees

Union of Palestinian Women's Committees

Israeli defence minister Benny Gantz accused the groups - which all receive foreign aid - of diverting funds to the Popular Front for the Liberation of Palestine (PFLP), a charge they strongly reject.

The PFLP, a small, left-wing group that does not recognise the State of Israel, carried out a number of armed attacks and aircraft hijackings in the 1960s and '70s. It was also behind several suicide attacks during the second Palestinian intifada (uprising) in the early 2000s.

"This is a ridiculous narrative, a ridiculous accusation," said al-Haq's director, Shawan Jabarin, suggesting that Israel had failed to silence rights groups challenging its occupation of Palestinian Territories through other means.

"I think it is the last bullet in their hands and this is a political bullet because it has no legal basis and no security basis. I challenge them to prove what they said," he added.

Al-Haq is the most well-established Palestinian human rights group, which routinely highlights violations by Israel, the Palestinian Authority (PA) in the Israeli-occupied West Bank, and Hamas, the Palestinian Islamist group which controls Gaza.

The leaders of the groups spoke on Friday at an online event organised by Human Rights Watch, the Carter Center and others. "They are trying to illegalise us to make the international community fear communicating with us," said Sahar Francis, director of Addameer which promotes the rights of Palestinian prisoners in Israeli prisons, adding that work with Israeli NGOs and individuals would be most affected.

With the activities of the groups now effectively outlawed by Israel, in principle their offices can be closed, their assets seized and their staff arrested.

The US State Department said that it had not been told in advance about the terrorist designation and that it would ask Israel to explain its reasoning.

On Tuesday, US spokesman Ned Price said: "We believe that respect for human rights, fundamental freedoms, and a strong independent civil society are critically important to democracy," in what was interpreted by some as a rebuke.

The European Union said it took the Israeli move "very seriously" and would seek further details from the Israeli authorities, in a statement on Thursday.

The EU exercises "maximum diligence" to avoid financing or supporting terrorist groups, the statement read, noting that past allegations by Israel that Palestinian civil society groups were misusing EU funds "have not been substantiated."

The United Nations, Israeli human rights groups and also international rights groups have strongly condemned the decision by the Israeli Ministry of Defence.

The PA has denounced it as a "grave violation of international law."

Despite the fierce criticism, Mr Gantz and senior security officials have not wavered. One official speaking to Israeli news site Walla said there was "ironclad" intelligence gathered about the organisations, including "unequivocal evidence including videos, photos, receipts for money transfers, and more" proving direct links to the PFLP.

However, the defence minister has continued to come under fire from within Israel's government - a fragile eight-party alliance that relies on the support of leftist politicians.

Health minister Nitzan Horowitz, who heads dovish Meretz, cautioned that as an occupying military power Israel needed to be "very careful in imposing sanctions on Palestinian civil organisations because there are political, diplomatic and, more importantly, human rights consequences".

Labour leader and transport minister Merav Michaeli said the way the announcement was made "caused Israel great damage with our greatest and most important friends".

Dozens Killed in ISIS Attack on Military Hospital in Afghanistan's Capital (The NY Times) By Thomas Gibbon-Neff, Sami Salak, and Taimoor Shah
November 2, 2021

At least 25 people were killed and more than a dozen were wounded during an attack by the Islamic State on a military hospital in the Afghan capital of Kabul on Tuesday, according to local officials, with gunfire and explosions echoing throughout the city into the afternoon.

The attack, which included armed gunmen and at least one suicide bomber, targeted the 400-bed Sardar Mohammad Daud Khan military hospital in one of Kabul's more affluent neighborhoods, where both wounded soldiers who fought for the former government and Taliban fighters were being treated.

Zabihullah Mujahid, a spokesman for the Taliban, said the attack was carried out by several members of the Islamic State, including a suicide bomber who detonated his explosives at the gate to the hospital. A car full of explosives outside the hospital also exploded, wounding dozens, and several Taliban fighters were killed and wounded in the ensuing gun battle, Mr. Mujahid said.

The Islamic State Khorasan, also known as ISIS-K, took responsibility for the attack hours later.

One of those killed was Mawlawi Hamdullah Rahmani, a senior commander responsible for the Taliban's Kabul corps and one of the first Talibs to enter the presidential palace after the government collapsed in August, said Wahidullah Hashimi, a Taliban government official.

One doctor at the hospital, who declined to be named out of fear for his safety, said that the gunmen had entered a ward filled with wounded Taliban fighters and shot them in their beds.

Another doctor who was hiding inside the hospital said he could still hear gunfire within the building early Tuesday afternoon. Another person inside said the attackers had entered several floors and opened fire on anyone they saw, adding that some doctors and nurses had locked themselves on the third floor.

The fall of the Western-backed government in August and the Taliban takeover of the country have been followed by an increase in attacks by ISIS-K across Afghanistan. The terrorist group has taken advantage of the Taliban's difficulty in securing urban centers.

A shopkeeper outside the hospital, who declined to be named, said the initial blasts had been 10 minutes apart, and there were a lot of people on the ground. He was wounded in the back, he added.

This complex attack on the Sardar Mohammad Daud Khan hospital is most likely the first of its kind for the Taliban to contend with: armed actors and a suicide bomber entering a large, crowded building full of civilians. The Western-backed government dealt with such incidents by deploying commandos, who were almost always supported by NATO special operations forces.

The Taliban, known for carrying out these types of attacks during the past 20 years as insurgents, have little support or experience when it comes to dealing with such an event on their own.

Qari Saeed Khosty, a spokesman for the Ministry of Interior, confirmed on Twitter that there had been at least one explosion at the hospital and that Taliban forces were responding to the attack.

Islamic State suicide bombings in Kabul, the northern city of Kunduz and in Afghanistan's second-largest city, Kandahar, have killed at least 90 people and wounded hundreds over the past several weeks.

In August, an Islamic State suicide bomber killed roughly 170 civilians and 13 U.S. service members at the gates of Kabul's international airport.

The Sardar Mohammad Daud Khan military hospital has been attacked repeatedly in past years, by both the Islamic State and the Taliban.

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Piracy

The container feeder MSC Lucia was attacked and boarded in the Gulf of Guinea on Monday, according to multiple sources, and the Russian Navy has claimed credit for chasing off the assailants. The UK-operated MDAT-GoG piracy reporting center confirmed a boarding in the middle of the Gulf of Guinea on the morning of October 25, but did not identify the vessel involved.

The Lucia called at the port of San Pedro in Cote D'Ivoire last week, then transited to Lome, Togo on October 22. She departed Lome on the morning of the 24th and headed southeast across the Gulf of Guinea. At about 0900 GMT on the morning of the 25th, at a position about 150 nm to the northwest of the island of Sao Tome, MSC Lucia slowed from 14 knots to a halt, based on AIS data provided by Pole Star.

In a statement, the Russian Ministry of Defense said that the destroyer Vice-Admiral Kulakov received a distress signal from the MSC Lucia on Monday morning. The merchant vessel reported that armed attackers had approached via speedboat and climbed aboard. Lucia's crew had retreated to the engine room for safety.

In response, Kulakov launched her Kumov Ka-27PS helicopter carrying a boarding party of Russian marines. Upon seeing the approaching aircraft, the pirates fled the vessel, "got into a fast boat and headed towards the coast at full speed," the ministry said.

Iran Reports Second Successful Defense of Tankers from Somali Pirates (Maritime Executive) November 1, 2021

Iranian naval forces are reporting for the second time in less than a month that they have successfully prevented a suspected pirate attack on one of Iran's oil tankers in the region of the Gulf of Aden. Monday morning, Iranian state TV announced the successful defense of the tanker that they said was sailing in the region near Yemen before entering the Bab el-Mandeb Strait.

Four boats carrying between four and six pirates approached the unidentified Iranian tanker while the vessel was underway in the region. The pirates reportedly were armed, which is consistent with international agencies that warn Somali pirates tend to be well-armed with automatic weapons and RPGs.

"The escort team of the Iranian Army's Navy stationed on the oil tanker clashed with pirates," Iran's state news agencies reported. They believed the suspicious boats were approaching the tanker intending to hijack the vessel when the naval escort intervened. Iran reportedly fired warning shots to scare off the pirates.

Iranian officials said that their navy has increased its presence in the region to secure naval routes and protect merchant vessels and oil tankers. They said they will continue the patrols in the region which began in November 2008.

The naval activities are continuing in support of Iran's efforts to increase the number of tankers it is sending to Lebanon. Officials said they are seeking to protect the ships which are working to reduce the ongoing fuel crisis in Lebanon.

Two weeks ago, Iran reported that small boats had also approached two of its oil tankers in the Gulf of Aden. Again, an Iranian destroyer stationed in the region engaged the five pirate boats before they were able to reach the two tankers.

The reports of the recent attacks come as the ICC International Maritime Bureau said in its nine-month update that they had been no recent incidents in the overall region and only one reported for the whole of 2021. IMB said that while the opportunity for incidents had been reduced, that Somali pirates continue to possess the capability and capacity to carry out attacks in the region. They noted that international navies patrolling the region continue to coordinate with merchant vessels to identify and apprehend pirate groups. They encouraged against complacency when operating in the region.

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Gender-Based Violence

Taliban, women and children (The News) By Fiza Farhan
October 25, 2021

As the Taliban overtook Kabul and now-former president Ashraf Ghani fled the country, Afghanistan stands to face its most urgent humanitarian crisis in two decades.

More than 80 percent of the population has already been internally displaced due to the ongoing violence. With the goal of establishing an Islamic Emirate under strict Shariah, the new Taliban regime -- given its history of violent human rights violations -- is likely to become an especially brutal place for women and children.

In 2016, Human Rights Watch (HRW) reported a massive surge in the Taliban's recruitment of children as young as 13 years old into their militant ranks. A steady increase has been consistent since then, and now with state control in their hands, children are even more in danger now of recruitment into forced training and combat. This not only strips them of their most basic right to safety and education but is classified clearly as a war crime by the International Criminal Court.

For women in Afghanistan, the fear of what the future looks like is rampant. Under the last Taliban regime two decades ago, regular protocol restricted women from work, schooling, seeking healthcare, leaving their homes without male relatives or even being in their own homes without painted or covered windows. Sexual violence, abduction and forced marriage were common and women's safety therefore heavily disregarded. A 2001 report from the US State Department details the harsh rules and impacts of the last regime.

Now, the Taliban are making claims of wanting a peaceful transition to power and their desire to protect women's rights within the boundaries of Shariah. It would be a dire mistake to trust claims that the new regime itself would ensure safety of women and children without external intervention, given their past record and ideological standing. Human Rights Watch has accurately termed their latest claims as being a "major disconnect between what they said in TV interviews and what they did on the ground."

The very first days of their advance into Kabul more than proves exactly this. Within the first week, accounts of women across the country, particularly in Herat and Kabul, arose of being barred from entering their universities and workplaces. More horrifying were accounts of women and girls' abduction from their own homes into forced marriages. There are fears that women and young girls will be treated as little more than spoils of war for militants. Those who have escaped this violence continue to express fear for their lives, especially female journalists and women who have been vocal or empowered in their views against the regime. The UN High Commission for Refugees (UNHCR) has reported around 250,000 Afghans fleeing since May, of which 80 percent are women and children.

It falls then on the international community to look towards support and intervention mechanisms to protect the urgent safety and rights of women and children. While the US and other countries are assisting in evacuations and taking refugees, organisations including Unicef are working tirelessly on ground for the children who remain. The question now is what role exactly the international community should play.

An old favourite is targeted sanctions via the UN Security Council, but this would best be avoided. It goes without saying that vulnerable groups are most under threat when war conditions are worse. Pakistan should voice its opposition to measures which would cripple Afghanistan's economy further and aggravate greater Taliban violence.

Instead of negative sanctions, Pakistan and other countries need to collaborate closely with local Afghan stakeholders to certify that women's access to employment and education as well their freedom within those spheres is as little curtailed as possible.

We should focus on supporting local bodies providing urgent shelter and aid to women and children and working to safeguard those who have been displaced. Particular effort should be put towards aiding women and girls who have been victims of sexual violence, with special rehabilitation for them to include trauma therapy and shelter as they help to empower them for a safer future.

It is inevitable that many women will lose the places they have held in education and employment. For this reason, it is vital for us to help in also creating alternative opportunities for Afghani children and women to study and earn in safer environments. Humanitarian efforts should not just protect but also retain and empower the existing skills they have.

Local NGOs and social workers should be funded and helped to create women-run workspaces and teaching centres to maintain and build a form of independence even for those who have been or may find themselves displaced or under threat in their current situation. Since the takeover of Afghanistan by the Afghan Taliban, the uncertainty of their situation has been cast aside for outright dread; and women and children who now have the least say in state matters are counting on the supportive efforts of donor countries.

The writer is a leading global expert on issues pertaining to women's empowerment, gender mainstreaming, sustainable development, inclusive growth and impact investment, financial inclusion access to energy and climate change.

How Activists, Including Nobel Winner Nadia Murad, Are Advocating For Missing Yazidi Women And Children (Forbes) By Jackie Abramian

October 28, 2021

August 3, 2014, is seared in the memories of the Yazidis worldwide as the day ISIS

invaded the northern Iraqi region of Sinjar, home to predominantly Yazidi population and their ancient cultural, religious sites. Some 400,000 Yazidi fled to the neighboring Kurdistan Region of Iraq and thousands took refuge on Mount Sinjar remaining isolated and near starvation before world powers intervened.

Some 3,000 to 5,000 Yazidi men and elderly women who couldn't flee were slaughtered by ISIS (IS, Daesh). Weaponizing sexual violence, nearly 7,000 Yazidi women and girls, as young as nine, were enslaved, forcibly converted to Islam, married off to ISIS fighters and transferred throughout Iraq and eastern Syria. Those attempting escape were gang raped. The abducted boys, as young as seven-years-old, were converted into Islam and child soldiers. Following the Sinjar attacks, ISIS invaded the Nineveh Plains (northeast of Mosul), forcing over 120,000 people to flee. Finally, a coordinated rescue operation with Yazidi volunteer defenders, the Syrian Kurdish forces (YPG), Kurdistan Workers Party (PKK), and an international coalition led by the U.S., opened a safe passage from Mount Sinjar to Syria for thousands of Yazidi.

In his briefing to the UN Security Council this May, Karim Asad Ahmad Khan QC, Special Adviser leading the Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) reported that independent, impartial investigations in compliance with international standards and UN best practices, show "clear and convincing evidence that the crimes against the Yazidi people clearly constituted genocide" and "shocked the conscience of humanity."

On the 7th anniversary of the Yazidi genocide this year, Dr. Ewelina U. Ochab, co-founder of the Coalition For Genocide Response, together with partners, launched the #BringBackTheYazidis campaign on the opening of the UN General Assembly session. In a joint letter signed by nearly 100 organizations and experts, several world leaders were called to ensure the missing Yazidi women and children "are located and reunited with their families." It urged the powers to "locate the 2,763 Yazidi women and children, victims of forced or involuntary disappearances.....missing for seven years."

"We joined forces on the issue, taking further steps in our advocacy efforts," Ochab says the idea for the campaign germinated during discussions with Knox Thames, Senior Fellow at The Institute for Global Engagement, former U.S. Special Advisor for Religious Minorities at the State Department, when both published articles on the topic "calling for the search and rescue of the Yazidi women and children."

The #BringBackTheYazidis campaign has support from Free Yazidi Foundation and Nadia's Initiative, founded by Nadia Murad, who after fleeing her captives became a global voice for her community and sexual violence survivors. As the 2018 Nobel Peace Prize recipient, Murad is a leading advocate for survivors of genocide and sexual violence. Her international court testimonies against ISIS alongside her high-profiled attorney, Amal Clooney, captured world attention.

Abid Shamdeen, Executive Director of Nadia's Initiative. NADIA MURAD "Most of the world believes ISIS has been defeated and, with its defeat, a resumption of normalcy in Iraq and Syria. This is not true for the Yazidi community or the thousands of women and children still missing. Nadia's Initiative continues to advocate for their search and rescue," says Abid Shamdeen, Executive Director of Nadia's Initiative, and a Sinjar native. "While others may have forgotten, it is impossible for the community to forget those missing. Their absence is an open wound that hasn't healed."

Nadia's Initiative is developing its own programming and working towards the search and rescue of those still missing. But the work requires collective efforts from INGOs, the UN, and member states. In joining the #BringBackTheYazidis campaign as a leading partner, Shamdeen says they garner the support of powerful "global actors and push for the political will to act and create a task force to search for and rescue those still missing." To create a global movement, first they must identify where the women and children are located. Working with partners, he says improves coordinated rescue efforts and more importantly attempts to provide a closure for families who need to know if their loved ones "are alive or not, or to bury those who have passed."

The October 18, U.S. State Department Statement on Missing Yazidi Women and Children joint statement with the Office of International Religious Freedom, advocated for the displaced and missing Yazidis, and continued support for the care of the survivors. The statement was signed by 17 states including U.S., U.K, Albania, Armenia, Australia, Croatia, Denmark, among others.

Mia Bloom, an International Security Fellow at the New America Foundation, and Professor of Communication and Middle East Studies at Georgia State University who studied Yazidi survival in the hands of ISIS says the Yazidi children were "forced into domestic servitude, conscripted into militant activities alongside ISIS child recruits called 'Cubs of the Caliphate' and engaged in a "variety of tasks that commensurate with modern day child slavery." Yazidi boys aged 7-12, were trained as "frontline fighters, suicide bombers, car bombers, or guerrilla fighters, referred to as Inghemasi by ISIS."

The Yazidi (Female) Survivors Bill, passed this March by Iraqi lawmakers, allows the repatriation of the surviving women victimized by ISIS as victims of Genocide and calls for compensation, rehabilitation, and education for the remaining survivors. But Bloom says it intentionally "avoided any discussion (or mention) of the children born to Yazidi women (forcibly) impregnated by ISIS fighters." Virtually every Yazidi girl, ages 9 to 17, was "raped and many suffered from permanent physical damage" with

many unable to bear children in the future. This, Bloom says, further proves that “wartime gender-based violence is intended to break the women’s spirit.”

The Yazidi Supreme Council’s decision to reject ISIS offspring born to the Yazidi women because of sexual violence is a point of contention for Bloom who feels the women will be separated from their children and that the “children should not have to pay the price.”

Who Are The Yazidis?

“The Yazidi are an ethno-religious group, a numeric minority community living predominantly in Iraq,” explains Ochab.

The religious minorities in Iraq who call themselves Yazidi—which means “the servant of the creator” are concentrated in northern Iraq and are indigenous to the Kurdish regions. They emerged in the 12th-century by Sheikh Adi, who establishing his Adawiyya order, introduced his doctrines to the Kurdish population. Technically, as ethnic Kurds, the Yazidi speak the Kurmanji Kurdish dialect and practice a religion that predates Christianity and Islam but has elements of Christianity, Sufism, and Islam religions—with pre-Islamic mythology, symbols and traditions. Their belief in Tawûsê Melek (Peacock Angel) as an emanation of God entrusted to take care of the world, considers the Peacock Angel not a source of evil (as ISIS implies) but a leader of the archangels—not fallen or disgraced.

It is this story of a fallen angel as a worship figure that has led to the more than a century-long persecution of the Yazidi since in both Christianity and Islam the “devil” is presented as a fallen angel. ISIS used this perception to justify their brutalities against the Yazidi.

The Plight of the Missing Yazidi Women And Children

The exact number of the Yazidi killed by the ISIS is still unknown. Mass graves continue to be discovered. Nearly 300,000 Yazidi now live in refugee camps.

“We have done various advocacy to shed more light on the Yazidi situation, recognize the nature of the atrocities of Daesh, and ensure justice. With several such efforts, the missing women and children continue to be neglected in any domestic or international actions on the situation,” says Ochab. “We want to ensure that we find them. No negotiation here.”

With the world’s short attention span on various atrocities, the Yazidi story is now forgotten, says Ochab. But for the “women and children still enslaved—it is not over,” she says, hoping that the lesson learned is “to not ignore early warning signs of such atrocity crimes.” But she also admits that since the world has learned nothing over the last seven years, it’s critical to talk about similar atrocities “whether cases of genocide, or where sex slavery is used against women and children.”

“The Yazidis are no strangers to marginalization and oppression. The community has been subjected to dozens of genocides throughout its history. ISIS is the most recent manifestation of targeted ethnic cleansing and systemic subjugation,” says Shamdeen. “Yazidis are peaceful people who want nothing more than the chance to thrive in life. Their history has forced the community to live in constant survival mode. It is the goal of Nadia’s Initiative to empower Yazidis not just to survive, but to thrive. This is a chance that all peoples across the world deserve. Yet too many are deprived of their basic human rights and resources needed to pursue a better life.”

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Commentary and Perspectives

Colombia: Crimes against humanity against indigenous people in Sierra Nevada must be punished (International Federation for Human Rights) October 25, 2021

On the occasion of the visit to Colombia of the new Prosecutor of the International Criminal Court (ICC), Mr. Karim Khan, to continue the ICC’s monitoring of the preliminary examination of the situation in Colombia, the International Federation for Human Rights (FIDH) and the José Alvear Restrepo Lawyers’ Collective (Cajar) call on the ICC to maintain the preliminary examination, to assess the relevance and authenticity of judicial proceedings into those most responsible for crimes against humanity and, if no significant progress is found, to move on to the investigation stage.

As part of an effort to document international crimes and impunity, FIDH and Cajar will be submitting today the report "The wound in the heart of the world: Crimes against humanity committed against indigenous peoples of the Sierra Nevada de Santa Marta, Colombia". In doing so, they call the Office of the Prosecutor of the ICC to prioritise the monitoring of cases where victims belong to indigenous groups and call on the Special Jurisdiction for Peace (JEP) to open a macro-case that considers the impact of mass killings against indigenous people and the role of Colombian security forces in the expansion of paramilitary groups.

As revealed by the report FIDH and CAJAR publish today, 180 members of indigenous groups of the Sierra Nevada of Santa Marta, Colombia were victims of crimes against humanity perpetrated between 2002 and 2009, by the Colombian army and by paramilitary groups.

These crimes were perpetrated as part of a systematic attack against the civilian population of the Sierra Nevada, putting at serious risk the physical and spiritual survival of the Wiwa, Kankuamo, Arhuaco and Kogui indigenous people, guardians of the heart of the world, the Sierra Nevada of Santa Marta.

The report identifies the existence of two patterns: murders committed against indigenous people by members of the army in the form of "false positives" and murders committed directly by paramilitary groups, with the support, tolerance, or acquiescence of the State. These facts involve the line of command of the Second Brigade, the Tenth Brigade, and the First Division of the Colombian National Army. The investigation is based on information obtained through documentation workshops, documentation provided by indigenous groups themselves, collective litigation on these crimes, and an FIDH fact-finding mission.

The selection of members of indigenous communities as victims of "false positives" by the military reveals that these crimes have a racist and stigmatising dimension. The report also details that, of the 180 murders, 46 correspond to "false positives" and 134 to murders by paramilitaries. These 134 murders have gone almost entirely unpunished due to the extradition of paramilitary leaders responsible for them, their non-cooperation with the Justice and Peace tribunals and the lack of investigation about the state actors that tolerated or supported those crimes. While the JEP has proceeded with the investigation of some murders of indigenous peoples of the Sierra Nevada of Santa Marta directly attributable to state agents as "false positives", to date there have been no prosecutions or sentences incriminating the high-level leaders of the Colombian armed forces responsible, by action or omission, for these crimes.

The end of impunity and access to the truth about the crimes against humanity described in this report constitute an essential guarantee for the non-repetition of these murders. The current situation in the Sierra Nevada continues to present severe risks for the survival of its indigenous peoples.

Today, a reconfiguration of forces is taking place in the area, at the hands of armed groups that control the main licit and illicit activities in the Sierra in search of greater territorial control, some of which maintain links with former paramilitary groups. The current reconfiguration has caused the destruction of cultural property, killings of community supporters, control of mobility, forced recruitment of minors, and forced displacement of the population. It is important to remember that in 2020, 47 indigenous leaders were assassinated, adding to the 262 indigenous leaders assassinated since the signing of the peace agreements.

Protecting Schools from Attack during Wartime (Human Rights Watch) By Zama Neff

October 26, 2021

Nearly two decades ago, I first heard brave Afghan students and teachers describe armed attacks on their schools and threats to their lives as they struggled to learn and teach. Today, I am in Abuja, Nigeria, for the Fourth International Conference on Safe Schools, where governments are meeting to appraise their commitments to protect education from attack during armed conflict.

I've attended all four conferences in person, but this one is unique in several ways. While global in scale, it is the first held on the African continent, and in a country where attacks on education have led to the shuttering of many schools. Nigeria and its neighbors have been hit hard by these attacks; however, some have also been trailblazers in innovative policy and practice to protect education.

Another development setting the Abuja conference apart is the large number of countries that have now endorsed the Safe Schools Declaration, the intergovernmental political commitment on which the conferences focus. Since the declaration's launch in 2015, 112 countries have joined.

With so many countries now committed to protecting education during war, implementing those commitments is more urgent than ever. Globally, attacks on students, teachers, schools, and universities rose by one-third in 2020 compared with 2019, while the Covid-19 pandemic caused widespread school closures.

This week I'll be listening to officials from ministries of education, defense, justice, and foreign affairs from around the world discuss challenges to keeping education safe, share good practices, and examine adapting them to different contexts. Since 2015

over a dozen countries have revised their military guidance, including the United Kingdom, Denmark, New Zealand, Ecuador, and Switzerland. Last year, the Central African Republic criminalized attacks on schools and occupation of schools. Ukraine, Mali, and Nigeria have drafted plans to protect schools from attack. Many new laws and policies support reductions in the use of schools and universities for military purposes, a practice that can make them targets of attack, and which among early endorsers of the Safe Schools Declaration, declined between 2015 and 2020.

This shows that progress is possible if governments act. And if they do, this gathering will bring us closer to a world in which students and educators can study in safety, even during war.

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WORTH READING

Intelligence Sharing in Multinational Military Operations and Complicity under International Law (International Law Studies)

By Karen McGregor Richmond and Sebastiano Piccolo

October 27, 2021

It is a fundamental tenet of the law of evidence, spanning all jurisdictions, that witness testimony should ideally be delivered in open court by the individual who observed the event in question, or by the expert whose technical knowledge is relied upon. A notable exception to this principle has emerged in the field of international criminal justice, where courts and tribunals may allow 'summarising witnesses' to present a summation of witness testimony. In the case of Ayyash et al., the Special Tribunal for Lebanon extended the principle, allowing voluminous expert opinion evidence to be presented in factual summation. This article analyses such approaches, utilising doctrinal methods alongside empirical Wigmorean analysis, to assess the probity of these sui generis practices. The results are placed in legal-theoretical perspective, demonstrating that international courts and tribunals are departing from an overarching obligation to integrate international and domestic standards in respect of expert testimony.

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