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War Crimes Prosecution  
Watch

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*A Global Pro Bono Law Firm*

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

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## AFRICA

## NORTH AFRICA

### Libya

**Haftar's forces kidnap women in Derna, eastern Libya (The Libya Observer)** By Abdulkader Assad  
May 27, 2019

**Khalifa Haftar's forces stormed Monday dawn the house of Al-Bahbah family in western Shiha area in Derna and kidnapped three women, a source from the city in eastern Libya said.**

The source, who asked to be unnamed, added that Haftar's forces, including a person named Al-Amin Al-Fakhiri, broke into the house and robbed it - taking gold and money.

The source indicated that daily life conditions after Haftar's forces control on the city in last summer as an "open prison" as Haftar's opponents cannot do anything in the city, even when their houses get raided at night for their opposition.

Last week, Haftar's forces kidnapped three women from Bin Khayal family and took them to an unknown location after storming their house in Derna.

Interior Security Directorate of Haftar's so-called general command - most of them are from Gaddafi's regime - and notorious Awliya Al-Dam (Blood Owners) brigade have been doing kidnaps and assaults on families in Derna under the pretext of having their sons being part of Derna Shura Council.

**UNHCR secures release of 96 detainees from Libya's Zintan detention centre (UNHCR)**  
June 4, 2019

**Ninety-six people were yesterday relocated to safety from the Zintan detention centre in Libya's Tripoli to a Gathering and Departure Facility. The group were from Somalia, Eritrea and Ethiopia, and included two newborn babies.**

UNHCR, the UN Refugee Agency is providing the group with food, shelter, medical assistance including psycho-social

support, as well as clothes, shoes, hygiene kits and blankets. They will remain at the facility while they await evacuation outside the country.

Conditions in Zintan are dire. Living areas are severely overcrowded and lack proper ventilation. In some parts of the centre, toilets are overflowing and are in urgent need of repair. As a result, solid waste and garbage has piled up inside the cell for days and presents a serious health threat.

Tensions amongst the detainees are rising as they become increasingly agitated and desperate.

In total, 654 refugees and migrants remain held in Zintan. All available options must be immediately pursued to release the remaining detainees.

With no detention centre in Tripoli currently suitable for hosting refugees and migrants, in part due to the ongoing hostilities, UNHCR reiterates its call to the international community to carry out further evacuations of refugees out of the capital.

New detainees are being brought to the detention centres, after being rescued or intercepted off the coast of Libya, faster than the rate at which people are being evacuated.

More people (1,224) were returned to Libya by the Libyan Coast Guard in May alone than in the rest of 2019 combined.

Renewed efforts are needed to prevent people who are rescued or intercepted on the central Mediterranean from being taken back to Libya.

Amongst other factors, the extremely volatile security situation inside Libya means there is no safe port in the country suitable for disembarking rescued refugees and migrants.

**Lawyers sue EU for migrant deaths, atrocities at Libyan torture houses (Business Standard)** By Maurice Stierl  
June 5, 2019

**In the same week that more migrant lives were lost at sea, the EU's migration policy in the Mediterranean has been brought to the attention of the International Criminal Court (ICC).**

It emerged on June 3 that the ICC had received a legal submission calling for the EU and some of its member states to face prosecution for enacting migration policies “intended to sacrifice the lives of migrants in distress at sea”.

The sharply worded submission was brought by international lawyers who have asked the ICC to open an investigation into EU migration policies and whether a prosecution could be mounted under international law.

The lawyers assessed European migration policies in the Mediterranean over recent years, paying particular attention to the end of Italy's military-humanitarian rescue operation Mare Nostrum in 2014 and the subsequent shift to policies focused on deterrence. Their submission claims that this shift toward deterring migrants from crossing the Mediterranean to reach the EU resulted in:

(i) the deaths by drowning of thousands of migrants, ii) the refoulement of tens of thousands of migrants attempting to flee Libya, and iii) complicity in the subsequent crimes of deportation, murder, imprisonment, enslavement, torture, rape, persecution and other inhuman acts, taking place in Libyan detention camps and torture houses.

According to the ICC submission, these “crimes against humanity” were consciously perpetrated by the EU and member states in the belief that sacrificing migrant lives at sea would stop other migrants from making risky voyages across the Mediterranean.

**Sending migrants back to Libya**

The authors assert that European authorities have “channeled their policies” of deterrence through the so-called Libyan coastguard. Interceptions of migrant boats by the Libyan authorities have resulted in tens of thousands of people being sent back, or refouled, to Libya in recent years – and my research is showing they are increasingly being co-ordinated by Italian and EU authorities from the air.

I've have been told by people working for NGO search and research organisations, that a greater presence of European helicopters and aeroplanes patrolling the Mediterranean, for example those of the EU military operation EUNAVFOR MED, have been observed over the Mediterranean in the last few months. These aircraft have reportedly informed the Libyan coastguard about the whereabouts of migrants boats so that they can intercept them.

This increased aerial involvement of EUNAVFOR Med aircraft and helicopters stems from a European Council decision in late March 2019 to suspend the deployment of the operation's ships, but strengthen surveillance by air and reinforce its support for the Libyan coastguard.

The result is that migrants are being forcibly returned to Libya, an active war-zone, where they are held in inhumane detention camps. NGOs have documented that many migrants have been exposed to systematic forms of torture, sexual violence, and extortion at these camps.

The submission to the ICC highlights clearly what migrants and their supporters continue to experience and witness on a daily basis: the violent consequences of European border and security policies that have turned the Mediterranean Sea into the deadliest border in the world.

In response to the ICC submission, an EU spokesperson highlighted the EU's respect for human rights and international and European conventions, emphasising that its: "Priority has always been and will continue to be protecting lives and ensuring humane and dignified treatment of everyone throughout the migratory routes". But the reality at sea is a different one – European non-assistance has become routine in the Mediterranean.

Spotted from the air

On June 2, a shipwreck occurred off the coast of Libya leaving dozens of people presumed dead.

This will further raise the Mediterranean death toll that has surpassed 500 fatalities in 2019 already, despite a dramatic decrease in migrant crossings. On the same day, the survivors of another Mediterranean voyage testified after disembarking in Genoa, that they had lost travel companions at sea – despite the fact that Italian and other authorities had been alerted to their odyssey and were monitoring it.

After spotting the migrant boat with about 100 people on board on May 29 and relaying their distress, the civil reconnaissance aircraft Moonbird, run by the NGO Sea-Watch, observed that the Italian navy vessel P490 didn't carry out a rescue operation despite being in the vicinity of the boat in distress. In the evening that day, the Alarm Phone, an activist hotline supporting migrants in distress at sea, of which I am a member, was also alerted to this boat.

Despite raising awareness about the emergency situation in public and directly with European coastguards, it took nearly a day until a rescue operation was launched. Because of this delay, the migrants, including many children, had to endure a second night at sea.

The daily dramas in the Mediterranean are not the result of a lack of European engagement at sea. As the submission to the ICC highlights, they are the consequence of European migration policies that have actively "turned the central Mediterranean to the world's deadliest migration route."

Decades of research has shown that the unabated criminalisation of migration has led to an increase in migrant fatalities around the world as those seeking to escape by crossing borders have had to revert to longer, more expensive, and more dangerous migration routes. Those dying in the Mediterranean today are the inevitable result of Europe "protecting" its borders.

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## CENTRAL AFRICA

### Central African Republic

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

**CAR's Truth and Reconciliation Commission begins work (Journal du Cameroun)**

May 29, 2019

**The Central African Republic's Truth and Reconciliation Commission created within the framework of the Khartoum peace agreement signed in Bangui in February, began work in earnest on Tuesday under the auspices of the Minister of Justice and Keeper of the Seals, Flavien Mbata. Article 11 of the Khartoum agreement provides for the establishment of an inclusive commission, which objective is to work on all aspects of the conflict, including the issue of victims, investigating crimes throughout the country and the qualification of offences.**

The members of the commission are representatives of armed groups, the government, as well as other signatories to the Khartoum agreement, including countries in the sub-region, the African Union and the United Nations.

### **Armed group in C. Africa agrees to remove barricades (Journal du Cameroun)**

May 31, 2019

**A movement accused of the massacre of more than 50 villagers in Central African Republic last week has agreed to dismantle roadblocks on its territory, an official statement seen Friday said.**

Saidou Aliou, delegate of the armed group 3R on a joint committee following up a peace pact, pledged Thursday that his movement would take down the barriers, according to the statement released by the committee.

The 3R militia has already handed over three members to the authorities, describing them as rogue elements who murdered the civilians, but the government has maintained an ultimatum for the group to surrender other suspects.

On May 21, an armed group attacked several villages in the northwest near the town of Paoua, not far from the border with Chad, killing at least 50 civilians and wounding many others.

A government source said that when the 3R's three men were questioned in Paoua, they declared they had led a group of 22 men in the raids.

The massacre was the worst single loss of life since the government and 14 armed groups in February signed a peace pact aimed at bringing order to a deeply poor country that plunged into violence after a coup in 2013.

A UN source said that 3R, which takes its name from the "Return, Reclamation and Reconciliation" process after conflicts, called meetings with villagers and then shot them indiscriminately.

The government and the UN stabilisation mission in the CAR, MINUSCA, delivered the ultimatum to 3R a day after the killings.

It gave the group 72 hours to take down its roadblocks and disband as well as surrendering the suspects.

On Wednesday, a lobby group drawn from the political opposition and civil society organisations issued a communique denouncing a lack of "strong action" by the government after the ultimatum expired.

In Thursday's statement, the follow-up committee also announced new structures closely to survey violations of the peace pact and monitor the use of barriers, illegal taxation and the occupation of official buildings by armed groups.

The peace accord negotiated in Sudan's capital Khartoum with groundwork done by the African Union from 2017 is the eighth deal aimed at resolving conflict in the CAR since 2013.

In the patchwork of ethnic and religious communities making up the country, 3R claims to represent the Fulani people, who traditionally include the semi-nomadic herders of west and central Africa.

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**35 Dead as Sudan Troops Move Against Democracy Protesters (The Associated Press)** By Bassam Hatoum and Samy Magdy  
June 3, 2019

**Sudan's ruling military moved to crush the protest movement opposing its grip on power as security forces overran the main sit-in site in the capital Monday, unleashing furious volleys of gunfire, burning down tents and killing at least 35 people, witnesses and protest leaders said.**

With the assault, the generals signaled an end of their tolerance of the pro-democracy demonstrators, who for months have been camped outside the military's headquarters as the two sides negotiated over who would run the country after the April ouster of longtime strongman Omar al-Bashir.

The head of the military council said early Tuesday that protest leaders shared blame for the violence, accusing them of dragging out negotiations and seeking to keep other sectors of Sudanese society out of an interim government. Gen. Abdel-Fattah Burhan also said that the council was cancelling all its agreement with protest groups and would call elections within seven months.

After their protests succeeded in forcing the military to remove al-Bashir, pro-democracy demonstrators had stayed in the streets, demanding the generals move to the background and allow civilians to lead the transition.

The dispersal of the sit-in now risks escalating violence even further. Scattered by the bloody assault, protesters vowed to keep up their campaign, suspending talks and calling for a general strike and civil disobedience. They urged nighttime marches across the country.

"This is a critical point in our revolution. The military council has chosen escalation and confrontation," said Mohammed Yousef al-Mustafa, a spokesman for the Sudanese Professionals' Association, which has spearheaded the protests.

"Those are criminals who should have been treated like al-Bashir," he said. "Now the situation is either them or us, there is no other way."

Burhan's statement said military leaders would investigate Monday's violence. He didn't mention security forces, but said protests leaders bore blame for the volatile situation, because they have been "extending the negotiations and seeking to exclude other political and security forces" from participating in any transitional government.

The council and protest leaders had made progress during talks in May over an interim Cabinet and legislative body, but they split over the make-up and leadership of a sovereign council that was being discussed to govern Sudan during a three-year transition.

Burhan said the military council would now move to form an interim government to prepare for elections, which he said would be internationally supervised. He said the council was cancelling all its agreements with protest leaders.

Earlier, the military council said in a statement that Monday's violence erupted when security forces tried to clear an area adjacent to the protest camp. It said people being chased by the troops fled into the sit-in site, leading to the shooting deaths and injuries.

Activists said the assault appeared to be a coordinated move, with other forces attacking similar sit-ins in Khartoum's sister city of Omdurman and the eastern city of al-Qadarif.

The attack came on the day before the Eid holiday that ends Ramadan, the holy month when Muslims fast during daylight hours. Large numbers of troops from the military, police and Rapid Support Forces — an elite unit that during the anti-al-Bashir protests had vowed to protect the sit-in — moved in on the gathering after overnight rains, activists said.

"They are surrounding the sit-in from all directions," one activist, Amal al-Zein, said early in the assault, in which the forces burned tents and arrested those trying to flee.

An Associated Press journalist heard gunshots and explosions, and saw buses and soldiers on foot blocking roads leading to the protest site. In online videos, protesters were seen running and ducking as barrages of gunfire echoed. Smoke rose from tires set ablaze by the protesters.

Demonstrators stood behind low barricades of bricks and dug-up pavement, and some threw stones before being driven back by walls of blue-clad security forces carrying sticks. One video showed police swarming around a protester sprawled on the ground, beating him with sticks. In another video, residents opened their doors to shelter those who ran.

The Sudan Doctors' Committee said the death toll had risen to at least 35 by early Tuesday with the killing of five people in the city's Bahri district. The group said it was difficult to count deaths in areas outside the military complex in Khartoum. Hundreds of people were wounded, many by gunfire, the group said.

Medical personnel and wounded were trapped in clinics as troops overran the area.

"Wounded people are lying on the ground in the reception area as there are not enough beds," said Dr. Azza al-Kamel of the Royal Care hospital.

Hundreds were arrested, said al-Zein and another activist, Hisham Shalabi. Photos posted online showed dozens of men and women lined up on the pavement, sitting or lying face down, under guard by troops.

The assault ended the sit-in at the heart of the movement that echoed the 2011 Arab Spring uprisings — although Sudan's sought to learn from the mistakes of other protesters. Protest leaders insisted the removal of al-Bashir after 30 years in power was not enough. Tens of thousands remained in place in Khartoum and other camps around the country, demanding a fast transition to civilian rule.

The negotiations had imposed a degree of peace. But tensions mounted in recent weeks as the talks yielded little progress. Protesters demanded the military have only limited involvement in a transitional government, but the generals have resisted relinquishing power.

Just over a week ago, Burhan met with his two top allies, the president of Egypt and the crown prince of the United Arab Emirates. Those leaders backed al-Bashir's removal and have given strong support to the military council. They also deeply oppose movements such as those that swept the region in 2011.

After Monday's violence, the Sudanese Professionals' Association called for closing main roads to "paralyze public life" across the country. The Forces for Declaration of Freedom and Change, which has represented protesters in the negotiations, called for toppling the military council and more street protests.

U.N. Secretary-General Antonio Guterres condemned the crackdown and called for authorities to allow an independent investigation, his spokesman Stephane Dujarric said. "There was use of excessive force by the security force on civilians," Dujarric said.

The U.N. human rights chief, Michelle Bachelet, expressed alarm at reports that live ammunition was used, including "next to, and even inside, medical facilities."

The embassies of the United States and Britain also expressed concern. Amnesty International urged the U.N. Security Council to consider imposing sanctions on members of Sudan's ruling military council.

The military "has completely destroyed the trust of the Sudanese people and crushed the people's hope for a new era of respect for human rights and respect for the right to protest without fear," said Sarah Jackson, Amnesty International's deputy regional director for East Africa.

### **South Sudan: Government Forces Abusing Civilians (Human Rights Watch)**

June 4, 2019

#### **Government soldiers carried out extensive abuses against civilians during counter-insurgency operations in South Sudan between December 2018 and March 2019 in Yei River state, Human Rights Watch said today.**

The soldiers shot at civilians, looted extensively, burned homes and crops, and chased thousands of residents from their villages. Human Rights Watch also documented accounts of rape and sexual violence by soldiers.

"Civilians are being targeted, killed, and raped, as government operations try to root out rebels in Yei River state," said Jehanne Henry, associate Africa director at Human Rights Watch. "All parties need to put a stop to the crimes against civilians and ensure accountability, while the government should help people regain their homes and livelihoods."

Between March 14 and 21, Human Rights Watch interviewed 72 displaced people in Yei River state who witnessed the government operations in various locations in Mukaya and Otego counties. Researchers also spoke with ceasefire monitors, aid workers, UN staff, and state government officials including the governor of Yei River State.

South Sudan's leaders signed a "revitalized" peace agreement in September based on a collapsed 2015 peace deal, but the conflict continued, primarily in Yei River state, where the National Salvation Front (NAS), an armed group formed in March 2017 by former Deputy Chief of Staff Thomas Cirillo, continues to fight the government forces. Parties to the peace deal were to form a Transitional Government of National Unity on May 12, but that has been postponed to November 12.

While government soldiers were responsible for most of the abuses in the recent operations, rebel groups have over the past two years also attacked civilians and prevented aid workers from reaching civilians in need, Human Rights Watch found. Both National Salvation Front and the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) under former Vice President Riek Machar abducted dozens of civilians in and around Yei in October and December, credible sources said.

In response to NAS attacks on their positions, starting in December, government forces began operations against the groups in parts of Yei, Lujulo, Morobo, Mukaya, Otego, and Mugwo counties. The operations caused approximately 9,000 people to flee to the town of Yei and another 5,000 to the Democratic Republic of Congo. In early March, operations displaced approximately 1,400 more people into Yei, according to officials of UNHCR, the United Nations refugee agency.

In most cases, witnesses told Human Rights Watch, rebels had already left the areas before government forces arrived or tactically withdrew during the operations. They said that soldiers surrounded and entered villages in search of rebels, attacked civilians, detaining some, shot in the air or at animals, then proceeded to loot property, destroy and burn homes, and to force everyone to flee.

"They were randomly shelling," said a 60-year-old man from Morsak in Otego county. "It started on January 30 at 5 p.m. and the next morning they came into the villages with guns shooting at civilians. [...] We have 120 households there and they were mostly looted and burned, even the food items."

A 50-year-old farmer, who witnessed an early March attack on another village in Otego county, said that soldiers burned crops and looted clothes, bikes, and motorbikes "[They] are now are selling some of our things in the market," he said.

Several older people and people with disabilities were not able to flee. Nicholas Taban Dario, chief of Pisak village in Otego county, said that during attacks on the area in March, at least five older people and people with disabilities were left behind, including a blind woman in her 60s and a blind man in his 70s.

Families were also separated during the skirmishes. "After I ran from the shelling, I went to look for my parents at home," said a 14-year-old boy from Morsak. "Some soldiers were there, they found me and two of them started beating me with a stick on my back and shoulders. I ran away from them and they ran after me shooting at me." He said he escaped to Yei on foot but did not know where his parents were.

Many of those interviewed in Yei had been displaced by the fighting multiple times. During 2017, approximately 60 to 70 percent of the population in Yei town fled to refugee settlements in Uganda.

Yei River state authorities have denied the scale of displacement. County commissions have pressed displaced people to return home immediately and discouraged aid agencies from providing services to them in town. However, thousands of people remain displaced in Yei, unwilling to risk moving back to their villages and face more fighting and abuse.

Government officials also denied the extent of the violations or the need for justice. The Yei River state governor said that soldiers were "sometimes undisciplined" but that the crimes were not government policy. In late March, weeks after meeting with Human Rights Watch, the governor publicly called on the soldiers to stop harassing civilians. "I want good relationship with the civilians and the bad things done by you [soldiers] must come to an end," he said. "I want protection and respect for the civilians."

The government of South Sudan has yet to address accountability, including by making progress in establishing an African Union hybrid court envisioned in the 2015 and 2018 "revitalized" peace deal. The hybrid court would be an important forum to provide justice for the most serious abuses committed in the conflict. South Sudanese authorities should immediately proceed with endorsing an outstanding memorandum of understanding on the court with the African Union Commission. The government's inaction and long delays meanwhile provide ample grounds for the AU Commission to proceed unilaterally with establishing the court, Human Rights Watch said.

Authorities should go a step further and ensure all displaced people in need have access to humanitarian aid, Human Rights Watch said.

"While the situation now in Yei may be calm, abuses against civilians have not been addressed," said Henry. "Authorities should acknowledge the scope of the abuses inflicted on civilians, enable justice for victims, and prioritize getting aid to those in need."

When fighting broke out in South Sudan in mid-December 2013, the Equatoria region in the south near the upper reaches of the White Nile remained relatively calm. However fighting spread to the Equatorias in July 2016, when Machar fled from Juba through Yei River State to the Democratic Republic of Congo.

In 2017, fighting between government forces and an allied militia, Mathiang Anyoor, and the opposition SPLM/A-IO, and abuses by both sides forced hundreds of thousands of civilians to flee to refugee settlements in Uganda. In March 2017, Thomas Cirillo Swaka formed the National Salvation Front (NAS), citing abuses by government forces and Mathiang Anyoor.

The new armed group abducted civilians including aid workers in 2018. A Bangladeshi UN peacekeeper was killed in June on the Yei-Lasu road when unidentified armed men opened fire on an aid convoy. The SPLM/IO committed abuses including killings, rape, and abductions. Government forces also committed abuses, including a May 2018 attack on Emmanuel Christian college in Goli, Yei county, killing, raping, beating, and detaining both child and adult students over a 12-hour period.

The September 2018 agreement officially ended fighting between the SPLM/A-IO and the government, but Cirillo did not sign the peace deal and continued to fight the government and the SPLM/A-IO.

In late December, the government began a military offensive to flush out the NAS, starting on the Yei-Maridi road and then moving on to various locations in Mukaya and Otego counties.

Human Rights Watch researchers who visited Yei River in March could not reach the sites where reported abuses occurred but sought to determine the credibility of many of the allegations by interviewing multiple witnesses to the same events.

Witnesses interviewed said that soldiers generally shot weapons in the air, but also at animals and people, looted property, and took it away in army trucks or to their barracks on foot. In some cases, they forced civilians to be porters. Some witnesses said that before they fled, they saw soldiers setting fire to homes or bushes near homes.

John, 22, from Lotore in Mukaya county, said soldiers beat him and demanded to know where rebels were, then looted his property:

There were five of them and they beat me on my shoulder and stomach. [...] I didn't know where the rebels were, so I took them to the main road about two miles away. They had taken our clothes, shoes, radio, money, and random other things in the house.

A woman from Morsak in Otego county said that government forces arrived on January 31 and that she and other villagers fled due to heavy gunfire. Upon returning to her house after five days in the bush, she said, she found "everything was taken." Soldiers also looted a church in Yondori in Mukaya county, where civilians had stored some of their belongings in the hope that soldiers would not target a church. Interviewees said the soldiers took chairs, benches, plates, and personal property.

"Regina" from Logo in Otego county, who like some of the others interviewed did not want their real names used for fear of reprisals, said soldiers arrived on March 6, fired shots, and told civilians to flee to Yei town. They then proceeded to loot and burn and to occupy the village for many days. "The soldiers collected my household items and burned my house and other property down," she said. "I only came with a small bag and my six children. I tried to go back five days later for food but still found soldiers around."

"Amule," 56, from Logo in Otego county said:

The soldiers reached the village and went to the houses and asked, "Where are the people?" A group of about 12 soldiers found me at my home and asked me where my family is. I said they [are] in Yei. Then they pointed a gun at me and told me to say where all the people went. They threatened to torture me. Then they just left, taking my motorbike, 10 goats, food, clothes, radio. Now the house is empty, and I only have the clothes on my back.

"Mary," from Ombasi in Otego county, said that during the operation in early February, three government soldiers found her and her grandfather in their home, beat them and forced them to carry looted property:

They wanted me to carry goods for them, but my grandfather stopped them. They beat my grandfather [who is] in his 70s, first accusing him of being a rebel and then told him to carry a bucket of onions, flour, and cassavas to their barracks in Morsak primary school. They hung them on his neck behind his back with a rope. When he collapsed under the weight, the soldiers kicked him and beat him with a rope and stick.

"Aputu," from Yondori in Mukaya county, said that four soldiers intercepted her and two other women as they fled to Yei in early March. The soldiers made the women carry the four sacks of cassava, groundnuts, and flour that they had carried when they fled to the soldiers' barracks, then chased the women away, beating them with sticks.

Human Rights Watch could not confirm the total number of people killed but spoke to witnesses to at least two killings. In one case, government soldiers killed Isaac Malesh, a peasant farmer in his 30s in Goja on February 15. His 28-year-old wife said that she, her husband, and five children had been farming that day and she had gone home to make lunch. Four soldiers carrying guns and in uniform found her and, speaking in Arabic, asked her for something to eat, looted her home, and killed her husband:

When my husband arrived, they asked where he was coming from. He said he was just from the farm. They said you are a rebel. They tied his hands against a tree and slaughtered him with a knife. In front of the children. They then cautioned me that...If you don't leave here and we return and find you, we will kill you and your children. So, I fled to Yei.

Government soldiers also killed 45-year-old Dennis Lasu Edward, sub-chief in Girim boma, Mukaya county on February 6. A family member who witnessed the killing said two soldiers accused Dennis of being a rebel, told him to accompany them to the barracks, but then shot him in the back on the way there.

The Mukaya county commissioner, Simon Festo, told Human Rights Watch in March that the soldiers responsible for the killing were drunk, were in custody, and would be punished. But Human Rights Watch has not been able to get information about any progress in the case.

Government forces arrested and detained civilians, mainly men, on accusations of being rebels or rebel supporters or to force them to provide information about the rebels.

Soldiers arrested a man and his two sons from Lorega village, in Mukaya county on January 3 and detained them for three days in a house close to Mukaya primary school that soldiers used as barracks:

They tied our hands and took us [to the school where] there were people from each boma [an administrative unit] of Mukaya. We were six men in total. They were asking us about rebels and where their bases were. After three days we were released.

In some cases, detainees were transferred to Yei town and detained in the military barracks.

Dennis Bidal, a carpenter in his 30s, and Clement Mabe, a 27-year-old peasant farmer, were arrested in Pisak in March and detained in the army's main barracks in Yei on accusations of being NAS rebels. Both men remain in detention but have not been charged or presented before a court of law, credible sources told Human Rights Watch.

Soldiers arrested Stephen Remo, a 38-year-old man from Ombasi village, Otogo county, during an operation in early March, accused him of being a rebel, and took him to the main barracks in Yei, where he remains detained with at least one other man in his 60s, said a family member.

Rape has been a consistent feature of South Sudan's war, committed by all parties to the conflict. Human Rights Watch heard of at least two rapes and an attempted rape during recent government operations.

One of the survivors, a woman in her late 50s, said that in late February a soldier made her carry looted property, beat her with a gun, and raped her in Morsak:

When we reached the riverside, he said put down the luggage. He started shooting around me and then hit me with his gun and said, "Mama lie down, I want to have sex with you." I said, "Why would you do this; I am a born again Christian and you are like my son." He beat me again and then forced himself on me."

A 56-year-old man from Lorega in Mukaya said soldiers attempted to rape his 31 year--old daughter in early March:

I heard my daughter shouting my name. Her home is just 100 meters away from my home. And I ran in that direction, she was running toward me and I saw a soldier chasing after her and I was crying, "My daughter, my daughter, what is the matter?" The soldier stopped when he saw me there."

Health workers in Yei said they treated nine survivors of rape in February and early March, who told them soldiers had raped them.

Both SPLM/A-IO and NAS have been implicated in serious abuses against civilians – including abducting and detaining aid workers, killing and detaining civilians, and attacking aid and civilian vehicles on main roads. Fighters also occupied empty school buildings and restricted civilian movement to government areas. Civilians perceived to support one rebel group over the other, faced reprisals.

In early October, SPLM/A-IO abducted 45 civilians from Minyori, north of Yei. Witnesses said that the fighters took women and girls who were abducted as "wives" and forced men and boys to fight or killed them. Credible sources said that on October

23, the SPLM/A-IO killed seven civilians and raped two women in Kenyira market after they fought NAS in the area.

In early December, NAS abducted 6 people on the Yei- Kaya road and another 15 on the Yei-Lasu road in early December.

Civilians from Morsak and Goja in Ootogo said that NAS soldiers harassed and threatened them not to move into government-controlled territories.

A 24-year-old man from Dimo 2 in Mukaya said that NAS fighters beat him when he refused to join them:

I was beaten by NAS [in December 2018]. They found me at home and wanted to take my things. They were many I couldn't count. They had different kinds of uniform and civilian clothing. They spoke local language. They beat me because they wanted me to join them. They told me I was supporting government soldiers.

A 31-year-old woman from Goja in Ootogo said that NAS was restricting civilian movement to Yei:

First it was NAS rebels who came there and then it was government. The rebels stopped people from coming to Yei.... I was not even able to come to Yei to get my pregnancy card for ante-natal care.

Human Rights Watch was unable to independently verify reports of abductions, arrests, and detentions of civilians by NAS, including of 10 civilians apparently detained in Ombasi in January on accusations of supporting the government.

### **Hemeti - the warlord who may control Sudan's future (BBC)**

June 5, 2019

#### **Mohamed Hamdan "Hemeti" Dagolo is the vice-president of Sudan's ruling military junta and, at present, probably the most powerful man in Sudan.**

He has the potential to shape the future of a broken country, but as the commander of one of Sudan's most prominent paramilitary forces, he leaves a trail of human rights abuse allegations from Darfur in his wake and has recently been accused of allowing those same forces to kill demonstrators in Khartoum.

Hemeti has said that the use of force was necessary in Darfur in order to protect its civilians and an "independent investigation" will be launched into the military's use of violence in Khartoum. Any person who had "crossed boundaries" would be punished, he said.

But he also defended the violence suppressing the protesters, explaining they had been infiltrated by rogue elements and drug dealers, and firm action was warranted.

"We will not allow chaos and we will not go back on our convictions," he said. "There is no way back. We must impose the respect of the country by law."

Hemeti was a close political ally of Sudan's former President Omar al-Bashir, but as protests against the former leader escalated in December, his loyalty soon wavered.

When demonstrations in Khartoum began, Hemeti was the first high-ranking official to express his support, telling the government to "provide services and decent living to the people".

He said "the corrupt, whoever they are, should be referred to justice," the state-owned Sudanese News Agency reported on 25 December.

Hemeti switched sides to force the president out of power on 11 April and was named vice-president of Sudan's Transitional Military Council (TMC) two days later.

Although the TMC's president is Abdel Fattah al-Burhan, Hemeti is the one at the forefront of negotiations with Western diplomats.

He is reportedly supported by the politicians who created the Janjaweed, the militia comprising of Arab groups who sowed fear into residents of the Darfur region of western Sudan during the conflict there.

BBC Africa editor Fergal Keane calls Hemeti "the most likely leader of a counter-revolution" and an "outsider" in the military elite.

Another factor behind Hemeti's power is his support from regional allies: Egypt, Saudi Arabia and the United Arab Emirates.

Stability in Sudan is in their interest and they are very unlikely to impose sanctions on the TMC. However, Saudi Arabia has said it is concerned with developments in the region and urged the two sides to engage in dialogue.

According to Al Jazeera, Hemeti went to meet Saudi Arabia's crown prince Mohamed Bin Salman earlier in May, promising to support the country against "all threats and attacks from Iran and Houthi militias" and to continue sending Sudanese troops to help the Saudi-led coalition in Yemen.

It would be in the Saudi prince's interest to return the favour and maintain a strong relationship with Hemeti.

Hemeti grew up in a Chadian Arab clan, fleeing war to live in Darfur in the 1980s.

War in Darfur broke out in 2003, when marginalised black African clansmen in the region formed a rebel movement against the government. The army fought back, joined by paramilitary forces including the infamous Janjaweed, who were accused of riding their camels and horses into villages, killing the men, raping the women and stealing whatever they could find.

Since 2005, the International Criminal Court (ICC) has been investigating allegations of genocide, war crimes and crimes against humanity in Darfur. The case involves a range of Sudanese government officials, and both Janjaweed and rebel leaders.

Hemeti's uncle is Juma Dongolo, a chief of one of the Arab groups which span the Chad-Sudan border.

Hemeti himself dropped out of primary school to trade camels and also offered security to commercial convoys in Darfur during the conflict. He was a savvy businessman and soon became rich, reports BBC Monitoring.

In 2003, as the Darfur rebellion began to gather momentum, Hemeti helped mobilise clansmen to fight alongside government forces. This earned him the support of President Bashir.

He became leader of the Border Guards, a group of Darfur militias supporting the government.

In 2013, the Rapid Support Forces (RSF) was formed to help regular forces fight rebels in Darfur. A year later, the group was recognised by the government as a "regular force", but critics say it is merely a reincarnation of the Janjaweed.

Former President Bashir is wanted by the ICC for the alleged war crimes, genocide, and crimes against humanity committed in Darfur.

Although he has not been named by the ICC, Human Rights Watch accuses Hemeti of overseeing civilian abuses including "torture, extrajudicial killings and mass rapes" in Darfur as well as in separate conflicts in the southern Blue Nile and Southern Kordofan states.

Human Rights Watch said that during two counterinsurgency campaigns in Darfur in 2014 and 2015, the RSF "burned and looted homes, beat, raped and executed villagers," supported by the Sudanese army and Janjaweed militia.

On 19 May 2014, Hemeti said that the RSF was protecting the people of Darfur. He warned that the RSF would "take a firm stance against anyone who tried to undermine the security and stability of citizens".

Chants about Darfur have played an active role in the latest protests in Khartoum, with demonstrators shouting: "We are all Darfur!" and "Darfur is our home! Revolution! Revolution!"

Despite witnessing Hemeti's alleged brutality in both Darfur and Khartoum, the unarmed protesters say they will not give up their fight.

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## **Democratic Republic of the Congo**

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## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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

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

**Cameroonian soldiers accused of killing baby as family flees (The Guardian)** By Ruth Maclean and Brenda Kiven  
May 27, 2019

**The parents of a baby allegedly murdered by Cameroonian soldiers last Monday have gone into hiding, afraid speaking out will make them a target for the authorities.**

Pictures of the dead four-month-old Martha Neba were circulated online, along with a graphic video showing her body on a sofa with bullet casings nearby and her aunt crying as an unknown man filming the video accused Cameroon's military of killing her.

"Let them come and kill me too," screamed Martha's aunt, Gladys Lum, in anguish.

It appeared to be the latest attack in a bloody conflict between government forces and separatist rebels from the central African country's anglophone regions, one in which civilians have been repeatedly caught in the crossfire.

The conflict was ignited in 2016 with a peaceful demand by teachers and lawyers in the country's anglophone regions to use English in courtrooms and schools, but degenerated into war after the authorities shot and killed protesters in October 2017. Anglophone rebels are now fighting for a separate state. Under the country's octogenarian president, Paul Biya, in power since 1982, the numerous deaths and detentions have created an atmosphere of intense fear.

The family was visiting Muyuka in the South-West region so that four-month-old Martha could be presented to her grandfather. She was asleep on the sofa in his house, her mother was cooking behind it and her father relaxing out front when they heard gunshots.

"I quickly told my wife to run," said Martha's father, Funi Neba. "She went and hid around our neighbour's house, I went right into the forest. On my way back I met a man who told me about the incident. I rushed home and saw my daughter on the chair. They damaged my daughter. I was seeing a bullet inside her head. You know how soft a baby's head can be."

According to a neighbour, the men were arguing as they left the house, with one asking another why he had shot such a young child.

When she saw her daughter, Martha's mother, Emilia Agbor, collapsed. Martha was buried the next day, then the video of her appeared on social media. When soldiers came to the house asking for her parents, they went on the run, scared of reprisals for speaking out.

"The military shot my child," Agbor said. "They are the ones who shot my child. Right now we are in the bush, we are running from government. I am afraid."



The government denied what it said were false accusations, with René Sadi, the communications minister, giving his version of events in a statement. He said Neba was a former secessionist rebel, now rehabilitated, and that he and most of his family had fled when his ex-comrades, armed with knives and hunting guns, attacked his home. The baby had been killed with a knife, not a gun, he said, and the subsequent video had been staged in order to “demonise” the country’s armed forces.

He did not explain how he knew this, and did not announce an investigation into the baby’s death.

Neba, in hiding, said he was not a rebel but a banana plantation worker who had worked for months without pay.

“If the government can come out and say I am a separatist, I don’t have what to say to them, other than that God who created us all knows that I am innocent,” he said.

“My father stayed back, he said they should come and kill him since they have already done their worst. He questioned why they killed the innocent child, (when) they could have rather killed him.”

Amid killing, sexual violence, kidnapping, the burning of villages and hospital attacks, 530,000 people have fled their homes in the anglophone South-West and North-West regions. Many are living in extremely precarious situations, without sufficient food, clean water or medical care. Many are living in areas unreachable by humanitarian organisations. Suspected separatists are routinely tortured, according to human rights groups.

Cameroonian soldiers were accused of burning down 70 houses in an attack on Mankon, in the North-West region, on Wednesday 15 May, dragging a man from his house and killing him in the street, according to human rights organisations. The defence ministry announced an investigation.

Houses and villages are commonly burned down by the military: the locality of Kikaikelaki has suffered particularly in recent weeks, caught in the crossfire between the military and separatists, and reportedly being looted by the military. One resident who built water catchments that provided hundreds of people with clean water during the crisis had his house and possessions razed.

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## Mali

**UN report calls for maintaining Mali mission, bolstering Mopti deployment (TheDefensePost)** By Fergus Kelly  
June 4, 2019

**United Nations Secretary-General Antonio Guterres warned of a “high risk” of atrocities in Mali in a report that calls for maintaining U.N. peacekeeper numbers and beefing up the U.N. mission’s presence in the strife-torn center of the country.**

In the report to the Security Council reported by AFP on Monday, June 4, Guterres said he was “appalled” by the upsurge in violence in Mali, and called on the government to strengthen its response to extremist groups.

“If these concerns are not addressed, there is a high risk of further escalation that could lead to the commission of atrocity crimes,” Guterres wrote in the report sent to the council on Friday.

At least 157 people, including 46 children, were massacred in Ogossagou in the central Mopti region on March 23. MINUSMA, the U.N. stabilization mission in Mali, later said the massacre could be a crime against humanity.

In April, Mali’s Prime Minister Soumeylou Boubeye Maiga warned the Security Council that a big drawdown of MINUSMA personnel could put at risk fragile gains made to contain the threat from extremist groups.

Maiga later resigned along with the entire government after weeks of protests over security in the center of the county.

With security worsening, Guterres recommended that there be no drawdown of the U.N. peacekeeping force, despite calls by the United States for cuts to blue helmet missions worldwide.

The MINUSMA mission should be extended for a year with its troop ceiling of 13,289 unchanged along with the maximum deployment of 1,920 police, Guterres said.

As of March, MINUSMA had 12,644 military and 1,734 police personnel, 454 staff officers and 39 experts deployed from more than 50 U.N. partner nations. The mission has a budget of more than \$1 billion.

The Mali mission is considered the U.N.'s most dangerous, with 125 MINUSMA peacekeepers killed in attacks since deployment in 2013, and 18 this year alone. In the most recent deadly incident, a Nigerian peacekeeper was killed and another injured in an attack in Timbuktu in central Mali, while three Chadian peacekeepers were injured in a roadside bomb attack in Tessalit in the north of the country on the same day.

Guterres recommended that MINUSMA strengthen its presence in the center of the country, where attacks have been the deadliest, by deploying one or two police units, or about 280 police.

In addition, a U.N. camp in northern Mali could be handed over to Malian forces, freeing up 650 personnel for reinforcement in the central Mopti region, the report said.

The Security Council is set to vote on renewing MINUSMA's mandate on June 27. In response to U.S. pressure, the council has requested that Guterres draw up options for "a potential significant adaptation" of MINUSMA. But the council also cautioned that changes to MINUSMA should enhance the blue helmets' ability to support the peace deal "without jeopardizing the stability of Mali and its region."

#### Mali – key to security in the Sahel

Once considered a beacon of democracy and stability in Africa, Mali in recent years has been dogged by a coup, civil war and Islamist terrorism.

In 2012 a Tuareg separatist uprising against the state was exploited by Islamist extremists linked to al-Qaeda who took key cities in the desert north.

France began its Operation Serval military intervention in its former colony early the next year, driving the jihadists from the towns, and the MINUSMA peacekeeping force was then established.

But the militant groups morphed into more nimble formations operating in rural areas, and the insurgency has gradually spread to central and southern regions of Mali and across the borders into neighboring Burkina Faso and Niger. Large swathes of Mali remain outside government control.

The French mission evolved in August 2014 into the current 4,500-strong Operation Barkhane, which has a mandate for counter-terrorism operations across the Sahel, including 2,700 soldiers in Mali to support poorly-equipped local military forces. Troops deployed to Barkhane work alongside other international operations, including MINUSMA and the regional G5 Sahel joint counter-terrorism force that aims to train and deploy up to 5,000 personnel.

The U.N. Security Council in December 2017 authorized MINUSMA to provide assistance to the G5 Sahel joint Force but only in Malian territory. That support can include medical and casualty evacuations, the provision of fuel, water and food, as well as U.N. engineering plant equipment and material and uniformed MINUSMA engineering units to assist in preparation of bases.

#### G5 Sahel Joint Force funding still lacking

U.S. President Donald Trump's administration has taken a harder line on U.N. funding in general, cutting contributions and pushing for cost-saving reforms. It is also seeking to streamline peacekeeping operations to reduce costs and make them more effective.

National Security Advisor John Bolton in December said the U.S. will seek to wind down long-running U.N. peacekeeping missions that do not bring long-term peace.

The U.S. has also resisted new U.N. funding for peacekeeping initiatives led by African organizations.

However, last November, an ambitious push by African countries to secure U.N. financing for future African Union-led peace missions faced strong resistance from the United States.

In February, leaders of the G5 Sahel group of African nations again called for regular U.N. funding and other aid to help tackle cross-border jihadist insurgency in the region.

Guterres has pledged to pursue support for the G5 Sahel Joint Force. The Secretary-General, as well as France, has lobbied for regular U.N. funding, but the U.S has pushed back against direct funding for the force.

Last month, Burkina Faso appealed to the Security Council to form an international coalition to help governments of the Sahel region fight insurgents, and again called for more support for the regional G5 Sahel Joint Force.

Foreign Minister Alpha Barry said that addressing the threat from extremists was a “major emergency to prevent a collapse of our states and avert generalized chaos on our continent, which would have multiple repercussions for the rest of the world.”

He argued that the threat from extremists in the Sahel should be tackled with same determination shown by world powers in Iraq and Afghanistan, and that the international community should “consider creating an international coalition that would tackle terrorism on the territories of the G5 and in the entire Sahel.”

Barry said the G5 countries are spending a large part of their budgets – 18 to 32 percent – on security, to the detriment spending on social services, but that despite this spending the security situation is deteriorating.

He said the Joint Force was now “on its feet” – 90% operational in the west, 74% in the center and 75% in the east – and has carried out seven operations in 2019, but still lacks heavy equipment needed to achieve full operational capacity. He again called for a new U.N. support system to enable the Joint Force to transition into full operationalization. At the same May meeting, Guinea’s Bintou Keita, the Assistant Secretary-General for Africa in the Departments of Political and Peacebuilding Affairs and Peace Operations, said the security situation in the Sahel region, the worsening humanitarian crisis, poor governance and a lack of resources combine to make fertile ground for violent extremism.

Keita said the full operationalization of the Joint Force should be accelerated, but noted that even when fully operational, the force cannot fight terrorism and stabilize the region sustainably by itself.

Many Security Council members at the meeting called for “predictable” U.N. funding for the Joint Force, but U.S. Ambassador Jonathan Cohen said bilateral assistance remains the best way to support the Joint Force, and expressed disappointment with calls for funding under Chapter VII of the United Nations Charter.

Despite almost doubling U.S. assistance to the G5 Sahel member states to almost \$111 million, that support to Burkina Faso, Chad, Mali, Mauritania and Niger takes the form of “bilateral security cooperation efforts,” rather than direct funding for the joint force, a U.S. Africa Command spokesperson told The Defense Post in November.

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## Liberia

**Liberia: ‘General Mosquito’ Issues Disclaimer on Woewiyu U.S. Indictment (Front Page Africa)** By

Henry Karmo

June 02, 2019

**A former major player in the Liberian Civil War, Christopher Vambo known by many as General Mosquito has issued disclaimer clearing Mr. Jucontee Thomas Woewiyu who was recently indicted by a US court for his role in the Liberian Civil war.**

In an interview with FrontpageAfrica he said, he was appalled after reading the United States Prosecutors’ Sentencing memorandum regarding the case: United States of America vs Jucontee Thomas Woewiyu, as published by CIVITAS MAXIMA, “especially the false and malicious” references made in the Memorandum with respect to a wholly fabricated relationship between Mr. Woewiyu and him before and during the 1992 battle known as Operation Octopus.

According to him, the statement is “flagrantly false” in its full content. “Mr. Woewiyu was not even in Liberia at the time when Operation Octopus was planned and executed. “It was an open secret within the NPFL that President Taylor did not want Woewiyu involve in anything to do with the planning of Octopus because Woewiyu was known as a friend of ECOMOG.

“It was Woewiyu who deployed ECOMOG throughout greater Liberia late 1991 or so. To the utter dismay of Mr. Woewiyu, President Taylor undeployed ECOMOG mid 1992 followed by Operation Octopus.

“Second, it is another farfetched lie that Mr. Woewiyu was involved in forcibly recruiting child soldier and delivering ammunition to the front-line fighters and their commander, Mosquito. As a former senior officer of the National Patriotic Front of Liberia, (NPFL), I must state unequivocally that Mr. Woewiyu was not involved in any of these activities.”

The Prosecutors Memorandum also states: “October 15, 1992, Witness CC was placed under the command of Christopher “Mosquito” Vambo. Witness CC moved towards Barnersville and engaged in a battle with ECOMOG, which deployed jets against them.

Witness CC personally received orders from Mosquito every day during Operation Octopus, and at one point, he and Mosquito picked up ammunition from Woewiyu near the Fendell campus. Mosquito saluted Woewiyu before speaking with him, after which Witness CC heard Woewiyu order that fifteen boxes of AK-47 and RPG ammunition be given to Mosquito. Witness CC also heard Woewiyu tell Mosquito to “take care of the front line,” and to “take care of the boys.”

Vambo furthered described as “complete lie” in that Woewiyu could not have done any of these things if he were not even in the country at the time of Operation Octopus. Furthermore, the military-command structure of the NPFL would not have connected him (Vambo) to the Minister of defense at no time.

“I have called this press conference today to debunk what was said by the prosecution is false and misleading. I also want to say that the prosecution intent is to jail an innocent man for crime he didn’t commit thus creating situation that didn’t happened. At no time I ever met Mr. Woewiyu or anyone connected to him or ever received any instruction from Mr Woewiyu during my days with the defund NPFL.

“It is my hope that this will be laid to rest this misinformation by the prosecutor team that I took instruction from Mr. Woewiyu during our dark history.

May God bless all of you for coming as we all pray and strive for the Upiftment of our beloved country Liberia.”

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## **EAST AFRICA**

### **Uganda**

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

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### **Kenya**

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

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

**MICT prosecutor calls for global action against Genocide denial (The New Times)** By Nasra Bishumba  
June 7, 2019

**The Chief Prosecutor for the International Residual Mechanism for International Criminal Tribunals (MICT), Serge Brammertz, has called for a globally binding legislation that makes it punishable to deny crimes which have been recognised by international tribunals.**

MICT took over from the International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the former Yugoslavia, after the two UN tribunals closed shop a few years ago.

Brammertz made the call Thursday, at the beginning of his two-day visit to Rwanda, which will see him revisit the work that has been done through a cooperation framework with different institutions in the country to ease delivery of justice by the Tanzania-based Mechanism.

The framework was signed six months ago.

In a joint news conference with Prosecutor General Jean-Bosco Mutangana, Brammertz said that the world was facing more genocide denial today than anytime before, that there was need to do more to put a stop to it.

“Genocide denial is an extremely serious issue but adding unfortunately, it is something that is much more present today than it was years ago. We need stronger reaction by the international community with regard to denial and I think there should be a legal mechanism to make it punishable everywhere and at all times,” he said.

**Glorifying war criminals**

Citing the example of Serbia and Yugoslavia, Brammertz said that some governments and other institutions continue to contribute to the distortion of facts by giving platforms to genocide deniers and, in some cases, financing their work in what he called ‘glorification of war criminals’.

“Individuals who have been convicted of genocide before are invited by governments to military academies to train the new generation of military men and women. You have a commission set up to somehow rewrite the history of the genocide in Srebrenica and then there is the Serbian Ministry of defence financing the publishing of a memoir of a war criminal who is sitting in prison. It is not right,” he said.

**Pursuing deniers**

Mutangana told the media that the Government will not rest until Genocide deniers are brought to justice.

“When a Rwandan denies the Genocide, we investigate and pursue their arrest but the onus is on the host (country) to cooperate, but whether it is now or later, they must face justice,” he said.

He commended France and Belgium who recently passed laws to punish Genocide denial, adding that both should serve as examples for the rest of the world.

“We have people in academia, media and other individuals who deny the Genocide against the Tutsi all the time. Some are Rwandan, others are not. Some participated in the Genocide, but it’s very encouraging that some countries are beginning to punish this. Belgium and France are onboard and this is a good sign that there is hope that others will follow suit,” he said.

The court, which was established to try masterminds of the Genocide against the Tutsi, is still looking for three key fugitives – Felicien Kabuga, the financier of the Genocide, former Minister of Defence Augustin Bizimungu, and notorious officer of Ex-FAR, Protais Mpiranya.

Case files for five other fugitives indicted by the tribunal but remain at large were referred to Rwanda for trial.

**Resettlement of Rwandan rebels labelled a 'frustrating' hypocrisy (The Guardian)** By Christopher Knaus  
May 30, 2019

**A 28-year veteran of migration law whose Rwandan clients have all been denied Australia’s protection says the resettlement of two members of a violent Hutu rebel**

## **group shows a “frustrating” double standard.**

Australia’s deal with the US to take in two former members of the Army for the Liberation of Rwanda, once designated a terrorist group by the US, has prompted consternation among some experts and lawyers. The pair were languishing in US detention after the collapse of a case against them for the slaughter of tourists in Uganda in 1999.

The decision to accept the pair is seemingly at odds with the government’s otherwise tough and vigorously applied “character test”, which can be used to refuse or cancel visas for those with historic links to criminal groups.

Michaela Byers, of Michaela Byers solicitors, says she has represented half a dozen Rwandans trying to build a new life in Australia as refugees.

The government, she said, had taken a hard line against all of them. None had been successful in their applications.

“They were applying as refugees, they [the government] just didn’t believe them, they just didn’t believe what they said happened to them in Rwanda,” Byers said. “It’s hard to believe, when you have knowledge of the conflict there.”

One Rwandan she represented was denied asylum, despite his fears he would be killed if he returned home. He said he had fallen out with the ruling Rwandan Patriotic Front and was involved with the Rwanda National Congress, an exiled opposition group. The government did not believe his claims and he did not win his appeals.

Byers said it was frustrating that the government had fought vigorously against her clients while waving through resettlements from the US.

“But it’s not surprising at all,” she said. “I find it’s all very arbitrary. There never seems to be any consistent rule or fairness at all.”

In a current case, Byers is representing a Sri Lankan man who was accepted as a refugee but excluded from a protection visa because the government said it believed he had committed a war crime.

“I believe there is no grounds at all. It is all speculation, and even the country information wasn’t consistent with that finding,” Byers said.

Old traffic offences had been used to fail clients on character grounds. “So they seem to have two standards that they are applying ... they’re all over the place, usually adversely,” Byers said.

“But this case, because it has something to do with an arrangement with the US, none of that applies, obviously.”

The character test can be used to block visas if a person “has or has had an association with someone else, or with a group or organisation, whom the minister reasonably suspects has been or is involved in criminal conduct”.

The character test can be overridden if the government or minister decides accepting a person is in the national interest.

On Thursday the judge who sat on the two men’s asylum bid in the US told the ABC he had ruled against them because he believed them to be dangerous, regardless of whether they committed the Bwindi murders.

“I didn’t have any evidence that either of these individuals did the killing, but they were there when the killing occurred, and therefore, they would be considered persecutor of others, and a danger,” he said.

A University of Queensland migration law expert, Peter Billings, said it was open to the government to use the character test to block the pair’s entry into Australia, had it wanted to.

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## **Somalia**

**Somalia's frightening network of Islamist spies (BBC News)** By Mary Harper  
May 27, 2019

**Somalia's militant Islamists remain relatively undiminished, despite a 12-year UN-backed campaign against them, largely thanks to its sophisticated web of spies, writes the BBC's Mary Harper.**

Often, when I return to the UK from Somalia, I get a phone call from al-Shabab. It usually happens even before I talk to my family, while I am waiting for my luggage or in a taxi on the way home.

Once, after a trip to the south-western Somali town of Baidoa, I was given a detailed account of what I had done and where I had been.

"You walked to a bank but it was shut. You knocked on the doors and tried to open them. You took some photos," said the man from al-Shabab, an affiliate of al-Qaeda.

"Your bodyguards were not at all professional. They were wandering about, chatting amongst themselves with their guns slung around their shoulders, instead of keeping watch over you."

When I ask members of al-Shabab how they know all these things, how they can be so accurate, my contacts simply tell me they have friends everywhere.

I tell them I am scared they know my itinerary so intimately, but they tell me not to worry as they have far more important targets than me. However, they do say I could be in "the wrong place at the wrong time" and suffer the consequences.

'They are everywhere'

I presume some of the people who track my movements in Somalia are part of the militant group's ruthless intelligence wing, the Amniyat. Others might be people who work on a "pay-as-you-go" basis, receiving small sums for imparting information.

Even more terrifying is the way the militants track people they want to recruit, threaten or kill.

"Al-Shabab are like djinns [spirits]. They are everywhere," said one young man the militants wanted to punish because he sold fridges and air conditioners to members of the UN-backed Somali government and the African Union intervention force [Amisom], both considered enemies by al-Shabab.

Another man who had defected from al-Shabab explained how, one day, a member of the group called him to tell him the colour of the shirt he was wearing and which street he was walking down on a particular day at a particular time.

Others have spoken about how militants come to their houses and places of work inside Mogadishu to threaten or try to recruit them. All this, despite the fact that the group "withdrew" from the capital in August 2011.

Who are Somalia's al-Shabab?

"The Amniyat is the veins of the organisation. It is all-powerful. If the Amniyat was destroyed, there would be no al-Shabab," says Hussein Sheikh Ali, a former security adviser to the Somali president and director of the Hiraal Institute, a Mogadishu-based think tank.

He says the Amniyat is more than an intelligence unit.

"It literally controls al-Shabab. As well as its core purpose which is intelligence gathering, it deals with sensitive areas of security. If a senior member of al-Shabab is sick or injured, the Amniyat will deal with it. It manages finances of a secret and delicate nature, and plans the big terror attacks inside and outside the country."

People in the Amniyat are better paid than other members of the movement. They have spread their tentacles far and wide, including in place considered to be safe.

'At home in enemy territory'

One time, when I didn't leave the heavily protected international airport, and stayed in accommodation on the base, a militant called to say it knew I had been in Somalia.

Mohamed Mubarak, a researcher based in Mogadishu, estimates that the number of people in the Amniyat ranges from between 500 and 1,000.

"They are designed to live in enemy territory. They spend most of their time in government territory," he says.

According to Mr Mubarak, women play a crucial role in helping members of the Amniyat.

"Women support the Amniyat. They are part of its infrastructure. Al-Shabab wives have to help them by providing a bed for the night, feeding them, transporting things for them and passing on messages."

The Amniyat is highly secretive. Its members hide their identities from each other. Mr Mubarak explains how Amniyat cells do not know the details of other cells. Members cover their faces when they meet amongst themselves, even within the same cell.

"Only their leaders know their faces," he says.

'Like Stalinist secret police'

The Amniyat has a number of different departments. The main one focuses on intelligence and counter-intelligence, while others deal with bombings and assassinations.

People who defect from al-Shabab are terrified the Amniyat will track them down.

Defectors in a rehabilitation centre said the only way they could be safe from al-Shabab would be to flee Somalia.

Although the US has increased airstrikes in Somalia in recent months, it is facing great difficulty in destroying al-Shabab. This is partly because so many members of the Amniyat hide in plain sight in government territory, making them impossible to target.

According to Richard Barrett, a former director of British global counter-terrorism operations who now works in Somalia, the Amniyat is "the elite of al-Shabab, with a reputation both inside and outside the movement as efficient, ruthless and disciplined".

"There is no doubt that much of al-Shabab's success in government-held areas can be ascribed to the Amniyat," he says. "It is a Stalinist secret police with extensive powers and operational latitude."

**Diplomatic tensions between Kenya, Somalia spike in wake of maritime dispute (IOL)** By Mel Frykberg  
June 3, 2019

**Rising tensions between Kenya and Somalia over political and economical interests have seen the two East African countries also spar pettily over border and immigration rules.**

When Somali President Mohamed Abdullahi Farmaajo flew to South Africa last week to attend the inauguration of President Cyril Ramaphosa, he avoided Kenyan airspace, the East African reported.

This followed Nairobi recently barring three Somali officials from attending a cross-border conflict management programme after they were refused visas by the Kenyan embassy in Mogadishu.

Furthermore, last Tuesday, Kenyan aviation authorities insisted that all planes landing at Wajir airport in northern Kenya undergo security checks after banning unaccompanied luggage on aircraft from Somalia.

In response, an angry Mogadishu urged its officials to boycott the UN-Habitat Assembly held in Nairobi last week.

However, according to analysts the real underlying issues are competing economic and political interests as Western, Asian and Gulf powers scramble for the vast gas and oil deposits in the Indian Ocean triangle coveted by the two countries.

The deterioration in relations between the two neighbours can be traced to the ongoing maritime border dispute in the resource rich region of the Indian Ocean, a dispute which is currently before the International Court of Justice in The Hague, Netherlands.

The area in the Kenya-Somalia maritime border dispute is about 100,000km<sup>2</sup>, forming a triangle east of the Kenya coast.

At play are oil companies from the West - Norway, the US, UK, France, Netherlands and Italy - and the political divide in the Middle East that pits a group of countries led by Saudi Arabia and United Arab Emirates against those led by Qatar, jostling for an upper hand in Mogadishu, reported the East African.

This ongoing dispute has now conflated to bickering over bilateral and internal issues which are threatening the region, a situation exacerbated by Somalia's instability and political volatility.



## EUROPE

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

[Official Court Website \[English translation\]](#)

#### **Bosnian war-crimes suspect detained in Romania (The Republic)**

May 29, 2019

**Romanian police say they have detained a man suspected of war crimes committed in 1992, during the wars in the former Yugoslavia.**

Police from the regional department in the Black Sea port of Constanta said Wednesday that Zoran Stojcic, a 57-year-old with dual Swedish-Bosnian citizenship, was detained with assistance from Romania's International Police Cooperation Center and the Constanta immigration service.

Romania's General Police Inspectorate said Stojcic will be detained for 24 hours, after which a Constanta court will decide on his arrest for up to 30 days, pending his possible extradition.

#### **Joint Statement by National War Crimes Prosecutor's Offices and UN Mechanism Chief Prosecutor Following Regional Conference (UN International Residual Mechanism for Criminal Tribunals)**

May 23, 2019

**From 20 to 22 May, high-level delegations from the Prosecutor's Office of Bosnia and Herzegovina, the Prosecutor's Office of the Federation of BiH, the Prosecutor's Office of Brčko District, the Cantonal Prosecutor's Office of Una-Sana Canton, the State Attorney's Office and specialized county prosecutor's offices of Croatia, the Special Prosecutor's Office of Montenegro, the War Crimes Prosecutor's Office of Serbia and the UN Mechanism Office of the Prosecutor participated in the Regional Conference of War Crimes Prosecutors, held in Belgrade, Serbia, convened by the War Crimes Prosecutor's Office of Serbia and UNDP in partnership with the United Kingdom and Italy.**

The primary topic of discussion was regional cooperation in war crimes cases. Following the conclusion of the conference, the offices represented made the following joint statement reflecting their main conclusions and commitments.

The participating offices agreed that more prosecutions are still needed for war crimes committed in conflicts in the former Yugoslavia, and that cooperation between their offices is critical to achieving this. Currently, cooperation faces many challenges which need to be addressed.

To significantly improve cooperation, the participating offices agreed to identify specific cases suitable for transfer between their offices and commence necessary discussions. It was further agreed that it is necessary to raise the level of victims' trust in regional cooperation.

To this end, the Mechanism Office of the Prosecutor will as needed facilitate the progress of transferred cases. Participating offices from Bosnia and Herzegovina, Montenegro and Serbia desire continued assistance from the Mechanism OTP to build capacity and support the implementation of their respective mandates.

Finally, the participating offices underscored the importance of regular communication, and therefore the Prosecutor's Office of Bosnia and Herzegovina offered to convene a subsequent conference.

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

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

#### **Ahead Of Possible Release, Kosovar Victims' Family Fears Hero Status For Serbian War Criminal(Radio Free Europe Radio Liberty) By Branka Mihajlovic**

May 28, 2019

#### **War criminals or war heroes?**

For Ilir Bytyqi, whose three brothers were killed in Serbia in 1999, the distinction has become so lost that it makes him nauseous. Literally.

So, as the June 17 hearing at the UN war crimes court on the early release of Vlastimir Djordjevic approaches, the 46-year-old U.S. citizen born to ethnic Albanian parents once again feels uneasy.

Bytyqi, and many others, fear that Djordjevic will become the latest war criminal to have joined Serbian politics after serving a sentence thanks in part to the government and media, which have promoted them as heroes.

In an attempt to avoid that, the family has started a campaign to prevent Djordjevic from being granted an early release at a June 17 hearing at the Mechanism for International Criminal Tribunals (MICT), which has taken over from the former International Criminal Tribunal for the former Yugoslavia (ICTY).

An online petition with more than 1,700 signatures asks the court to keep Djordjevic behind bars until he demonstrates "rehabilitation" and "substantial cooperation with authorities in revealing where any more mass graves may be located."

#### **'Treated Like Heroes'**

"I'm sick of war criminals being treated like heroes," he says of Djordjevic's possible release and what could follow. "Djordjevic ordered my brothers kidnapped and taken to a site where he had recently dug a mass grave for 75 people. He is responsible for my brothers' murders and should not be granted early release until he shows he is reformed."

Djordjevic was convicted in 2011 of crimes against humanity and war crimes against Kosovar Albanians in 1999, including organizing the transfer of bodies and interments in Serbia and a subsequent cover-up. He has not admitted guilt in the killings.

Ilir Bytyqi (file photo) Ilir Bytyqi (file photo) Ylli, Agron, and Mehmet Bytyqi, all U.S. citizens like Ilir, headed to their parents' homeland, Kosovo, to fight against Serbian forces in the then-autonomous province's battle for independence during the bloody breakup of the former Yugoslavia.

Though the war was over, the three were arrested one night in 1999 after they crossed an unmarked border line into Serbian territory. They were taken into custody and eventually sentenced for illegally crossing the border.

According to Serbian court records, the brothers were immediately arrested again as they left prison and transported to a police training center where they were executed on July 9, 1999.

Two years later, their bodies, and those of dozens of other Kosovars, were discovered on the top of a mass grave in Serbia. The bodies had been burned in a mass fire.

#### **'Adding Injury To The Wounds'**

Ilir and his family say court documents from the ICTY show Djordjevic ordered the extrajudicial detention and eventual

deaths of the brothers, and then was directly involved in covering up the mass murder of thousands of Kosovars.

"In our own family's case, Djordjevic has admitted to ordering Ylli, Agron, and Mehmetto be detained and taken to the active crime scene at Petrovo Selo -- all without judicial involvement," the family says in a letter to the MICT.

Estimates put the number of missing from the conflict at around 1,650, two-thirds of whom are ethnic Albanians. The remainder are Serbs and Roma.

Vlastimir Djordevic at a court in The Hague in 2011 Vlastimir Djordevic at a court in The Hague in 2011 The early release of Djordjevic, who was sentenced by the ICTY in 2011 for "participating in a joint criminal enterprise in 1999, whose aim was to change the ethnic balance of Kosovo to ensure Serbian dominance in the territory" has raised fears that he will be elevated from criminal to hero in Serbia.

Many critics say Serbian leaders still treat the Balkan wars as a series of civil wars and ignore the role played by Belgrade in fomenting them.

Even worse, says Gjon Bucaj, former head of the Pan-Albanian Federation of America, the release of convicted war criminals in Serbia has often been accompanied by their rehabilitation by authorities in the public eye.

"The release of criminals like this one adds injury to the wounds of their victims who were murdered, massacred, had their throats slit -- many are not accounted for yet after 20 years, thousands were raped, while criminals are treated like heroes and even hold high public positions," he says.

The Bytyqi family has accused Serbian President Aleksandar Vucic of repeatedly breaking promises to resolve the case and of refusing to keep the family up to date with the investigation.

Vucic has rejected the accusations and reiterated on May 28 in parliament his long-standing position that "there is no evidence of who committed the murder" of the brothers.

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

**Montenegro Convicts Ex-Soldier of Kosovo War Crime (Balkan Insight)** By Samir Kajosevic  
June 5, 2019

**Former Yugoslav Army soldier Vlado Zmajevic was sentenced to 14 years in prison for war crimes after being convicted of the murder of four ethnic Albanian civilians in the village of Zegra in Kosovo in 1999.**

The High Court in Podgorica on Wednesday sentenced Vlado Zmajevic to 14 years in prison for war crimes against the civilian population.

Zmajevic, who was part of Yugoslav Army forces fighting in Kosovo, was found guilty of the murder of four Albanian civilians in the village of Zegra near Gnjilane in Kosovo during the war in 1999.

Explaining the verdict, presiding judge Dragoje Jovovic said that the evidence presented by witnesses proved without doubt that war crimes were committed.

He said that Zmajevic himself acknowledged this during the investigation, although he later went on to deny it. Zmajevic's lawyer Ljiljana Koldzic said she was "shocked" by the verdict because she believes her client was convicted without any evidence.

Ljoro Markic, a lawyer for the victims' families, said he thought the prison sentence was inadequate.

This was a first-instance verdict and it can be appealed.

Zmajevic was arrested by Montenegrin police in 2016 in the town of Niksic.

This was the first war crime trial in Montenegro in several years; the country's judiciary has tried only six cases so far, which all concluded by 2013, the majority ending in acquittals.

**Kosovo's Push for 'Serbian Genocide' Tribunal 'Likely to Fail' (Balkan Insight)** By Serbeze Haxhiaj and Eve-Anne Travers  
June 4, 2019

**Kosovo MPs are calling for a new international tribunal to prosecute Serbs for alleged genocide in 1998-99, but experts argue that the initiative is politically-motivated and almost certain not to succeed.**

Kadri Veseli, the speaker of the Kosovo Assembly, sounds resolutely determined as he repeats that the country is committed to pushing forward its proposal for the establishment of a new international tribunal to try Serbs for genocide during the 1998-99 war.

"This tribunal it is not only possible but unavoidable," he told BIRN in an interview.

Former Kosovo Liberation Army fighter turned politician Veseli launched the initiative himself, and it was backed by the Kosovo Assembly at the end of last month.

Lawmakers approved a draft resolution that demands justice for a total of 186 massacres by Serbian forces in Kosovo and a new tribunal to try crimes against humanity and genocide against ethnic Albanians during the 1998-99 war.

"An international court is indispensable and unavoidable and it will happen because it serves justice and reconciliation for the future," Veseli said.

Two decades after NATO's air strikes ended the Slobodan Milosevic regime's control over Kosovo, Veseli argued that Kosovo's ethnic Albanians were subjected to planned and organised violence by the Serbian state which was "aimed at their extinction".

"This enterprise, under any law, including international law, cannot be defined in any other way except as an enterprise for physical extinction. This is known as genocide," he added.

He said that almost none of what he called "these genocidal acts" has been dealt with by an appropriate judgment by the Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY), the UN's Kosovo mission UNMIK, the EU's rule-of-law mission in Kosovo, EULEX, or by Serbian judicial institutions.

"On the contrary, Serbia has launched a campaign to deny the crimes they have committed. This endangers the outlook for the future, sustainable peace, [the EU-mediated] dialogue [between Pristina and Belgrade] and the historic agreement which is being sought [to normalise relations], but also the whole Western Balkans region," he declared.

Veseli's argument is that the Milosevic regime had the intent to destroy Kosovo Albanians as a group, thereby committing genocide as defined in the UN's Convention on the Prevention and Punishment of the Crime of Genocide.

But his call for a new international tribunal has been described as political opportunism by opponents within Kosovo, and dismissed by international experts as impractical and extremely unlikely to happen.

Questions have also been raised about the timing of the proposal, which comes as the Hague-based Kosovo Specialist Prosecution is expected to issue its first indictments of former Kosovo guerrillas for wartime and post-war crimes.

#### Cases against Serbia unsuccessful

Balkans expert Christian Axboe Nielsen, an associate professor of Southeast European Studies at Aarhus University in Denmark, said that the Kosovo Assembly's draft resolution raises many questions, one of the concerns being that certain politicians in the former Yugoslavia are only interested in prosecuting people from other countries or ethnic groups.

Nielsen described the initiative as a "political weapon".

"For Kosovo authorities, being interested only in genocide and in an international tribunal means that they are interested primarily in politics and national identity and not in prosecuting other crimes," he told BIRN.

Experts have repeatedly pointed out that there are practical reasons that mitigate against the establishment of a new court.

"I think the assembly speaker is aware that only the United Nations can have a mandate to create international tribunals," said the director of the Humanitarian Law Centre Kosovo, Bekim Blakaj.

At international courts, there have been few successful convictions of individuals for genocide. The crime is notoriously difficult to prove. The first conviction was for the mass killings in Rwanda in 1994, and the second was for the killing of Bosniaks from Srebrenica in 1995. More recently, two people were convicted last year of committing genocide in Cambodia from 1975 to 1979.

Attempts to prove that the Serbian state was responsible for genocide have also failed.

Both Bosnia and Herzegovina and Croatia initiated proceedings at the International Court of Justice, ICJ, claiming that Belgrade violated the Convention on the Prevention and Punishment of the Crime of Genocide.

In 2007, the ICJ determined that Serbia had failed to prevent the Srebrenica genocide, but was not responsible for it or complicit in committing the crime. Croatia's case was rejected in 2015, as was Serbia's counter-suit against Croatia.

Proving that an individual was responsible for genocide is also highly complex. After being set up in 1993, the ICTY took more than 1,000 witness testimonies and eight years before issuing its first genocide conviction, when it found former Bosnian Serb Army commander Radislav Krstic guilty.

The Humanitarian Law Centre Kosovo has collected evidence and witness testimonies from over 17,000 individuals about what they experienced during the Kosovo war, but Blakaj is not confident that the crime of genocide could be proven.

"No court or verdict has confirmed that genocide [happened] in Kosovo, neither a domestic court, nor in Serbia or in the ICTY," he said.

"We have documented almost every victim, and sometimes you have those elements [of the crime of genocide]; crimes were committed in a very planned, systematic way, it was an exact pattern of crimes – civilians were forced to leave villages, men were divided from women, they were killed, their bodies went missing, they were forced to leave Kosovo and leave their Kosovo identity behind. I don't know if this can be enough, it's very hard to document it all," he added.

'A vain political act'

Opposition parties in Kosovo see the tribunal initiative as a political manoeuvre by President Hashim Thaci and the ruling Democratic Party of Kosovo, PDK, to which Veseli belongs, coming against the background of potential war crimes indictments of former guerrillas turned politicians by Hague-based prosecutors.

Alulena Haxhiu from the opposition Vetevendosje (Self Determination) party, who is also head of Kosovo Assembly's legislation commission, argued that Kosovo needs a permanent parliamentary commission on war crimes, crimes against humanity, genocide and other war-related issues rather than a new international tribunal.

"Serbia keeps defending the atrocities of the 1998-99 war, but international courts can only be established by international bodies like the UN," she told BIRN.

"So this initiative is just a vain political act to deflect attention from the high level of crimes that are happening in the country," she added, referring to Kosovo's problems with corruption and organised crime cases.

Haxhiu said she was more in favour of establishing of a special court for war crimes within Kosovo itself, and changing the legal framework to allow the country's judiciary to try war crimes suspects in absentia.

Bekim Gashi, who lost all his family during the Kosovo war, also said he considers the initiative more of a political move than an attempt to seek justice.

However, he said he thought that the ICTY and domestic courts "have not brought solace for victims and reconciliation to the region" despite the fact that some important judgments convicting individuals were handed down.

Speculation has also arisen that the proposal is linked to Veseli's rumoured invitation to testify before the Hague-based Kosovo Specialist Chambers of Specialist Prosecution Office, or even aimed at deflecting allegations of fraud made against him.

Veseli has flipped between stating first that he intends to determine that the state of Serbia is responsible for the crime of genocide in Kosovo, and then proclaiming that the new tribunal will target individuals involved in committing crimes.

"He refers not just to Serbia as a whole but also to individuals who used to represent Serbian institutions," Blakaj noted.

"I have heard him on two or three occasions where he had messages for perpetrators in Serbia like, 'We are coming' and 'We are going to arrest you'. First, it's insane to think he could possibly get to Belgrade and arrest perpetrators there. But it's clear

from this that he's also thinking on an individual level," he added.

In the first major reaction from one of Kosovo's international allies, the British ambassador to Kosovo, Ruari O'Connell, highlighted the impracticality of the initiative.

"Kosovo cannot form an international tribunal. Kosovo has its own courts who should try war crimes," O'Connell wrote on Facebook last month.

Blakaj argued meanwhile that increasing the capacities of the war crimes department within the Kosovo Special Prosecutor's Office would be the most effective way to continue the pursuit of justice.

According to the Kosovo prosecution, more than 900 war crimes cases are waiting to be processed in the country.

"I don't see another way of bolstering the processes for war crimes trials. How would they do it? There is no real chance to have another UN court," said Blakaj.

Veseli insisted that his proposal will win international support.

"Be sure that the issue of the International Tribunal on Serb Genocide in Kosovo will get the greatest attention from the democratic world," he said.

"I have written a letter on my own initiative to all parliaments of friendly states, and the US Congress has already opened the doors to [wartime rape survivor] Vafije Krasniqi Goodman, who testified about wartime rapes in Kosovo [at the US House of Representatives' foreign affairs committee]. So the democratic world has already started to react and the tribunal will be unavoidable," he added.

Nielsen said however that it would be a surprise if there is "any positive reaction by the international community".

"If we talk in legal language, the burden of proof will be on those advocating for this tribunal, because they would have lot of convincing to do," he said.

**Croatian General Pleads Not Guilty in New War Crimes Trial (Balkan Insight)** By Anja Vladislavljovic  
June 3, 2019

**Wartime general Branimir Glavas, an MP in the Croatian parliament, pleaded not guilty at the opening of his latest retrial for the killings of Serb civilians in the eastern city of Osijek in 1991.**

Branimir Glavas, who has been a defendant in a series of trials for the killings of Serb civilians in Osijek for more than a decade, declared his innocence again on Monday as the latest proceedings against him opened at Zagreb County Court.

His five co-defendants – Ivica Krnjak, Gordana Getos Magdic, Dino Kontic, Tihomir Valentic and Zdravko Dragic, all former members of a Croatian Army unit in Osijek – also pleaded not guilty.

Glavas's defence argued that the offences could not be legally defined as a war crime, but as murders committed during the war, and that the indictment was based on unlawful evidence.

His lawyers also said that on Friday, Glavas filed a criminal complaint against one of the witnesses in the trial, Krunoslav Fehir, accusing him of the murder of one of the wartime general's alleged victims, civilian Cedomir Vuckovic.

Glavas's first trial started in October 2007 and encompassed two cases, codenamed 'Garage' and 'Sellotape'. In the 'Garage' case, Cedomir Vuckovic was forced to drink car battery acid in a garage in Osijek in September 1991.

When he ran out of the garage in pain, he was shot by Krunoslav Fehir, a member of the 1st Battalion of Osijek Defenders, which was commanded by Glavas.

Vuckovic died from the consequences of the poisoning. Glavas then allegedly came from his nearby office and ordered that a second prisoner, Dordje Petkovic, should be executed.

In the 'Sellotape' case, Glavas's unit arrested six civilians in November and December 1991 in Osijek and then tortured them in a basement in the city. They were then brought to the Drava riverbank, where the unit's members executed them, with their hands tied behind their backs with sellotape.

Glavas was first convicted in 2009 and sentenced to ten years in prison.

But on the day his verdict was read out at Zagreb County Court, sentencing him, he fled to neighbouring Bosnia and Herzegovina.

After the Croatian Supreme Court confirmed the verdict – lowering the sentence to eight years – the Bosnian state court sent him to prison in Zenica and then Mostar.

In 2016, Croatia's Supreme Court quashed Glavas's first-degree verdict, so the following year, his trial started again before Zagreb County Court.

In 2018, a retrial was ordered for Glavas, and his case was separated from the case against his five subordinates.

The Supreme Court then annulled the 2018 decision, paving the way for him to be retried yet again alongside his subordinates.

Glavas remains active in Croatian political life and leads the right-wing Croatian Democratic Alliance of Slavonia and Baranja party, which he founded. He is the party's only MP in the national parliament.

He was also one of the founders of the current ruling party, the Croatian Democratic Union, HDZ, although he split from it in 2005.

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## Turkey

### **Turkey Still Fears NATO, US Military Buildup in Greece (The National Herald)**

June 3, 2019

**Turkey is not backing off its claims that the United States wants to expand in Greece, with the backing of NATO, the defense alliance to which Turkey and Greece belong, which has said nothing about constant Turkish violations of Greek airspace and waters.**

Turkish Foreign Ministry spokesman Hami Aksoy had said Greece wants to draw NATO into disputes between the countries over sovereignty in the Aegean and East Mediterranean, as tensions got so high that Turkey's defense chief said he hoped war wouldn't break out.

That statement conceals Turkey growing concerns that NATO and the United States may be planning to increase the number of bases in Greece and its Aegean islands, defence policy expert John C. K. Daly said, according to the Turkish news site Ahval.

Aksoy said in a written statement that NATO Activity in the Aegean Sea should be carried out in a manner that does not prejudice its allies national policies.

Aksoy said that, in line with the collective understanding in NATO, "it had been agreed that the military vessels operating in the Aegean Sea under the NATO Activity would refrain from visiting the Aegean islands under demilitarized status according to international law, including with the aim of refuelling or port visits."

That was a reference to the Dodecanese Islands which Turkey says have a demilitarized status according to the 1947 Treaty of Paris and the 1923 Treaty of Lausanne of 1923 – which Turkish President Recep Tayyip Erdogan doesn't recognize as he wants return of islands ceded to Greece.

Greece noted as well that Turkey didn't sign the Paris treaty and that the demilitarized status lost its reason with the creation of NATO and the Warsaw Pact.

There's anxiety in Turkey that the US and NATO may be planning to deepen their military presence in the Eastern Mediterranean to include more bases in Greece and its Aegean islands, Daly said in an article for Eurasia Daily Monitor.

Turkish media in 2015 followed closely discussions in Greece over a potential U.S. or NATO base in the Dodecanese Islands, following former Greek Defence Minister Panos Kammenos' visit to Karpathos, adjacent to Turkey, Daly said.

The US is also seeking to protect its security interests in the Middle East, the Balkans, and the North Africa by joining the Eastern Mediterranean Partnership (EMP) of Israel, Greece, and Cyprus.

“Ankara’s response to Athens’ cozying up to Washington—particularly as Turkey’s own relations with the United States have continued to deteriorate—has been to demonstrate its own military prowess,” Daly said.

A day after Aksoy’s statement, Turkey started its largest military exercise in its history in the Mediterranean, Aegean and Black Sea.

Relations between the US and Turkey are strained with Turkey – which wants to buy US-made F-35 fighter jets, saying it would also go ahead with the purchase of a Russian S-400 missile defense system that the US fears could severely compromise NATO.

Yet, “President Recep Tayyip Erdoğan’s government presumably has no wish to see its positions in NATO and Washington diminished and supplanted by Greece,” Daly also wrote.

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## MIDDLE-EAST

### Iraq

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

#### **HRW condemns France 'outsourcing' of IS trials to Iraq (France 24)**

May 31, 2019

**Human Rights Watch on Friday condemned France's "outsourcing" of trials of Islamic State group suspects to "abusive justice systems", after seven of its nationals have this week been sentenced to death in Iraq.**

Two of them have "alleged that they were tortured or coerced to confess", the New York-based watchdog said in a statement.

"France and other countries should not be outsourcing management of their terrorism suspects to abusive justice systems," said HRW's acting Middle East director, Lama Fakih.

"These countries should not be sitting idly by while their citizens are transferred to a country where their right to a fair trial and protection from torture are undermined."

A Baghdad court sentenced a Frenchman to death on Wednesday for joining IS, bringing to seven the number of French jihadists on death row in Iraq. Yassine Sakkam's sentence came despite France reiterating its opposition to capital punishment this week.

In January, a group of 11 French citizens and one Tunisian was handed over to Iraqi authorities by a US-backed force which expelled the jihadist group from its last bastion in Syria.

Around 1,000 suspected foreign IS fighters are held in detention by this Kurdish force and Iraq has offered to put them on trial in exchange for millions of dollars, potentially solving a legal conundrum for Western governments but sparking rights concerns.

France has long insisted its adult citizens captured in Iraq or Syria must face trial before local courts, while stressing its opposition to capital punishment. Iraqi law provides for the death penalty for anyone joining a "terrorist group" -- even those who did not take up arms.

HRW said it had documented cases of Iraqi interrogators "using a range of torture techniques, including beating suspects on



the soles of their feet, internationally known as 'falaka', and waterboarding, which would not leave lasting marks on the person's body".

It also condemned "the routine failure of the Iraqi justice system to credibly investigate torture allegations".

Before that, in all but one case observed by HRW since 2016, trials had consisted of "a judge briefly interviewing the defendant, usually relying solely on a confession, often coerced, with no effective legal representation".

A group representing the families of French jihadists has asked the government in Paris to "do everything possible to stop this fatal chain of death sentences" and to try them "on our soil".

On Tuesday, Foreign Minister Jean-Yves Le Drian said France was stepping up efforts to stop Iraq executing those convicted.

### **3 PKK militants neutralized in N Iraq: Defense Ministry (Hurriyet Daily News)**

June 1, 2019

#### **Turkish security forces neutralized three PKK militants in northern Iraq as part of Operation Claw, Turkish Defense Ministry said on June 1.**

Turkish authorities often use the word "neutralized" in their statements to imply that the militants in question either surrendered or were killed or captured. So far 22 militants have been neutralized in Hakurk region since the operation began on May 27, the ministry said in a statement.

During the operation, many weapons and ammunition of the militants were also seized. The ministry also published the images of ammunition and rocket warheads.

The Turkish Armed Forces launched Operation Claw against the PKK on May 27.

The PKK is listed as a terrorist organization by Turkey, the U.S. and the EU.

### **Iraq: Series of deadly explosions hit Kirkuk (Aljazeera)**

May 30, 2019

#### **Several people have been killed and more than a dozen others wounded in a series of blasts that struck the city of Kirkuk, the Iraqi military has said.**

At least six improvised explosive devices went off on Thursday in the northern city and two more were defused by security forces, the military said in a statement.

It gave a death toll of three people and said 16 others were wounded.

Unidentified security officials told The Associated Press news agency that the blasts killed at least four people and wounded 23, while medical sources in Kirkuk's general hospital told Reuters news agency that at least five people were killed and 18 wounded.

There was no immediate claim of responsibility, but Saad Harbya, the head of Kirkuk security operations, blamed the Islamic State of Iraq and the Levant (ISIL or ISIS) armed group.

Speaking on Rudaw TV, he accused ISIL of trying to "retaliate against the harsh attacks by Iraqi forces", adding that the situation was under control.

The explosions reportedly struck in the centre of Kirkuk, in a commercial area that has several shopping centres, cafes and restaurants, sending people fleeing in panic.

The blasts went off in quick succession after iftar, the meal that breaks daylong fasting during the Muslim holy month of Ramadan, when streets are typically crowded with shoppers and people out having dinner.

Police blocked off all roads leading to the blast sites and were allowing only ambulances to transfer the wounded to nearby hospitals.

Iraq declared victory over ISIL, which once held large swaths of the country, in December 2017.

But ISIL has switched to hit-and-run attacks aimed at undermining the central government in Iraq's capital, Baghdad.

Its fighters have regrouped in the Hamrin mountain range in the northeast, which extends from Diyala province, on the

border with Iran, crossing northern Salahuddin province and southern Kirkuk.

## **Iraq: French Citizens Allege Torture, Coercion (Human Rights Watch)**

May 31, 2019

### **Two French citizens tried in recent days in Iraq for affiliation with the Islamic State (also known as ISIS) have alleged that they were tortured or coerced to confess, Human Rights Watch said today.**

Seven French citizens were sentenced to death in the trials between May 26 and 29, 2019, and another's verdict was postponed. At least one defendant said that Iraqi officers tortured him and another said that officers forced him to confess under duress and to sign a statement he could not read. Despite these allegations, the French foreign minister, Jean-Yves Le Drian, stated on May 29 that the defendants had "fair trials."

"France and other countries should not be outsourcing management of their terrorism suspects to abusive justice systems," said Lama Fakih, acting Middle East director at Human Rights Watch. "These countries should not be sitting idly by while their citizens are transferred to a country where their right to a fair trial and protection from torture are undermined."

The men are part of a group of foreign detainees, including at least 11 French nationals, whom the US-backed Syria Democratic Forces (SDF) transferred from northeast Syria to Iraq in early 2019. In these cases, because of the risk of torture and absence of fair trials, the transfers are unlawful, Human Rights Watch said. These abuses highlight the urgent need for countries like France that can guarantee due process, to ensure that their nationals can return to their home country. There, any national suspected of war crimes, torture, or other international crimes should be investigated and, if appropriate, prosecuted in trials that meet internationally accepted fair-trial standards.

The Karkh branch of Iraq's Central Criminal Court sentenced seven French citizens to death for ISIS affiliation and postponed the verdict of an eight, who alleged in court that he was tortured, until June 2. Court sources said that the other French nationals the SDF transferred from Syria will be charged and sentenced by the court in the coming days, including three on June 3.

One French defendant who appeared in court on May 27 told the court that officers tortured him in detention, two trial observers told Human Rights Watch. The presiding judge had the defendant lift his shirt, saw marks on his back and shoulder, and ordered a forensic medical exam and for the defendant to reappear in court on June 2. The judge did not ask for details about where or when the torture occurred, who had tortured him, or in what way, one observer said.

The observers said that a French defendant who was sentenced to death told the judge that officers had forced him under duress to confess and to sign a statement in Arabic that he could not understand. The observers said they understood his reference to duress to mean that he might be implying he was tortured. The judge asked him to lift his shirt and seemingly because there were no obvious signs of torture, sentenced him to death without asking any questions regarding the allegation.

Human Rights Watch has documented Iraqi interrogators using a range of torture techniques, including beating suspects on the soles of their feet, internationally known as "falaka," and waterboarding, which would not leave lasting marks on the person's body. Despite extensive, credible reports of torture in detention, Human Rights Watch has also documented the routine failure of the Iraqi justice system to credibly investigate torture allegations.

Over the last few years, Iraqi detainees charged with ISIS affiliation have been subjected to unfair trials that end with the death penalty. With the exception of one court, the trials Human Rights Watch has observed since 2016 have consisted of a judge briefly interviewing the defendant, usually relying solely on a confession, often coerced, with no effective legal representation. Authorities have also made no efforts to solicit victim participation in the trials, even as witnesses.

The United Nations Convention against Torture prohibits the transfer of detainees to a country where "there are substantial grounds for believing" they would be in danger of being tortured. Customary international law has a similar prohibition.

Several thousand Iraqi suspects and more than 2,000 non-Iraqi foreign ISIS suspects detained in northeast Syria by the SDF are at risk of transfer to Iraq for prosecution, with negotiations underway. In 2018, Human Rights Watch documented that the United States also transferred foreign ISIS suspects in northeast Syria to Iraq without apparent regard for the risk of torture and unfair trials in Iraq. A Reuters investigation documented at least 30 such transfers.

Neither the SDF nor any country should transfer detainees to Iraq for prosecution for terrorism or related crimes given the risk of torture and unfair trials, leading to the death penalty. In cases in which detainees have already been transferred to Iraq, those who transferred them are obligated under international law to monitor their cases to ensure that suspects are not mistreated and, if prosecuted, are tried fairly.

Countries with fair justice systems should take all possible measures to ensure that their nationals in custody in northeast Syria can return to their home country, where those suspected of war crimes and other international crimes should be investigated. These countries should ensure that trials of those charged with international crimes including rape, torture, killings, and other war crimes allow for victim and witness participation. For detainees in Iraqi custody, judges should investigate all credible allegations of torture and the security forces responsible, and order transfers of detainees to different facilities immediately after they allege torture or ill-treatment, to protect them from retaliation.

Human Rights Watch opposes the death penalty in all countries and under all circumstances. In Iraq, where the trials of ISIS suspects fail to meet even the most basic markers of due process, its application is of particular concern.

"The serious flaws in the Iraqi prosecutions, including torture, have been well documented," Fakhri said. "If countries like France do not want their nationals to face the death penalty, as representatives have claimed to the media, then they should bring them home for investigation and prosecution."

### **IS fight: US-led coalition says it killed 1,300 civilians in Syria and Iraq (BBC News)**

May 31, 2019

#### **The US-led coalition against the Islamic State (IS) group says it has unintentionally killed more than 1,300 civilians in Iraq and Syria since 2014.**

In a statement, the coalition said it had carried out 34,502 strikes since its air campaign against IS began there nearly five years ago.

A UK-based monitoring group says the true toll is much higher, estimating up to nearly 13,000 civilian fatalities.

The US-led action began after IS took over huge areas of territory.

It imposed brutal rule over millions of people who fell under its control and has carried out or inspired deadly attacks around the world.

The latest figure provided by the coalition is slightly higher than its previous admission eight months ago of 1,100 civilian deaths. It says it is still assessing 111 more possible cases of civilian fatalities.

The latest acknowledgement stands in stark contrast to the claims of human rights and monitoring groups, which say the actual death toll is many times higher.

Amnesty International's senior crisis response advisor Donatella Rovera accused the US-led coalition of remaining "deeply in denial" about the true scale.

"Today's acknowledgement of further civilian deaths underscores the urgent need for thorough, independent investigations that can uncover the true scale of civilian casualties caused by coalition strikes, examine whether each attack complied with international humanitarian law and provide full reparation to victims," she said.

Last month, an investigation by activists concluded that more than 1,600 civilians were killed in coalition attacks on the Syrian city of Raqqa alone during a five-month campaign to oust IS in 2017.

Raqqa had been the de facto capital of the jihadists' self-proclaimed "caliphate".

At that time, a coalition spokesperson told the BBC that "any unintentional loss of life during the defeat of [IS] is tragic. However it must be balanced against the risk of enabling [IS] to continue terrorist activities, causing pain and suffering to anyone they choose".

The coalition "methodically employs significant measures to minimise civilian casualties", the spokesperson said, and "always balances the risk of conducting a strike against the cost of not striking".

The monitoring group Airwars, which tracks allegations of civilian deaths, says the coalition may have actually killed between about 8,000 and 13,000 civilians to date.

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# Syria

## **Huge Wave of Syrians Flee Intensified Bombing on Last Rebel-Held Province (New York Times) By**

Carlotta Gall and Hwaida Saad

May 30, 2019

**Syrian doctors and humanitarian workers voiced growing alarm at the plight of civilians in northwestern Syria this week, as fighting intensified in the nation's last rebel-held province and hundreds of thousands of people fled north toward the Turkish border.**

Turkey has closed that border, after eight years of civil war in Syria spurred more than three million people to seek safety in its boundaries. Now, refugees are camping in open fields and in desperate conditions, moving repeatedly as Syrian and Russian forces have escalated artillery and aerial bombardments in a concerted attempt to advance into the province, Idlib.

Over a quarter-million people have been displaced in the past month and 160 people have been confirmed killed, the United Nations said on Thursday, warning of an impending disaster if the violence is not stopped. Officials say the actual number of dead is much higher than 160.

Video footage of the bombardments, and of dead and injured children being pulled from the wreckage of homes, has flooded social media. In one, a small girl screams as she tugs at the arm of her brother, trapped under rubble. In another, a teenager pulled from a crushed building is told that his brother, lifeless beside him, is sleeping.

"I saw some villages completely emptied or half-emptied of their residents," said Dr. Zaher Sahloul, the president of MedGlobal, an organization that sends medical teams to disaster regions, who risked the bombardments and threats from extremist groups to visit some of the most devastated areas this week.

He described seeing at least five attacks that caused multiple deaths, including one in the town of Ariha, which he said "was hit a few minutes after we drove away." At the end of the day, on his way back to Turkey, he and his driver heard the distinctive sound of cluster bombs exploding, he said.

Dr. Zaher said the scale of the bombing was equal to what he had seen in Aleppo, one of Syria's largest cities, which was largely destroyed in the years of fighting through 2016. "It's huge," he said. "I saw buildings completely knocked down."

Refugees were living in the open, moving from place to place, and often without facilities like toilets or kitchens. In Ma'ret Misrine, he came across 32 families who had already moved four times. "They carry their tents from one camp to another," he said. "The landowners are afraid if they build toilets their presence will be permanent."

The refugees are being corralled into a smaller and smaller area toward the Turkish border, many without shelter and the means of survival, he said.

"If the battles continue, we're expecting 600,000 displaced people, it will be a catastrophe," he said. "Crossing into Turkey is almost impossible, the borders are completely sealed."

Millions are threatened by the battle for the province, according to United Nations officials. "An estimated three million people in Idlib are caught up in the crossfire, with some living under trees or plastic sheeting on bare patches of land," Ursula Mueller, the United Nations assistant secretary general for humanitarian affairs, told the Security Council on Tuesday.

"There are no safe schools or clinics, no way to earn a living. Eight years of airstrikes and shelling, of deadly terrorist attacks and the constant fear of sending your child to a school that may be bombed later that day," she added.

The Syrian government is intent on seizing two main intersections in order to open the highway between Damascus, the capital, and Aleppo. Its forces have already gained control of 20 towns and villages toward that aim, according to political and military analysts — and laid waste to an area of some 30 square miles in the process.

Even if the fighting ceases, many people no longer have homes to return to, Dr. Zaher said.

Activists in Idlib said they were preparing to march to the Turkish border to protest for an opening, to ease the situation for the displaced people.

A grouping of Syrian humanitarian organizations based in Turkey also warned of the disastrous consequences of the intensified assault, and the lack of humanitarian support for the Syrian civilians in its path.

“In northwest Syria vulnerable civilians are living a nightmare,” the group said in a statement. The group included the Syrian Civil Defense, or White Helmets; the S.N.A., a group of 21 NGOs; and the Idlib Health Directorate, which coordinates health services.

President Recep Tayyip Erdogan of Turkey and President Vladimir V. Putin of Russia agreed in September on a plan to de-escalate the violence and separate the warring parties, but while both leaders have continued to voice support for the accord, they have also continued to support opposing sides in the war.

Russia insists that the Syrian government must eventually take control of Idlib and remove extremist Islamist militants in the region. Turkey has called for a cessation of hostilities for Idlib to remain under rebel control, to prevent further waves of refugees into Turkey and to give the rebels more leverage in a peace settlement.

The two leaders spoke by telephone this month, and while Mr. Erdogan remonstrated with Mr. Putin about the bombing of hospitals and schools — more than 20 health care facilities have been bombed in Idlib in 30 days — both men reiterated their loyalty to the agreement, according to a Turkish readout of the call.

A Turkish official insisted the agreement was by no means dead. Russian officials, including Mr. Putin, have stressed that they are committed to the agreement, he said, speaking on condition of anonymity because of his office’s rules.

But analysts following the situation said that the six-month agreement was in tatters.

Kerim Has, an analyst in Turkish-Russian relations based in Moscow, predicted that Russia was going to ensure the Syrian government gains control of Idlib bit by bit over the course of 2019.

“The Russian side is giving a more powerful signal by recent bombardments,” he said, that it would do nothing to prevent President Bashar al-Assad of Syria from seizing Idlib.

During the United Nations Security Council session Tuesday, Syria’s permanent representative to the body, Dr. Bashar al-Jaafari, repeated his government’s determination to retake Idlib.

Mr. Erdogan, who is juggling multiple pressures at home and abroad, does not want more Syrian refugees arriving in Turkey and has been reluctant to give up on his support for forces opposing Mr. al-Assad, Turkish officials and analysts said.

Turkey has not pulled out of any of its 12 observation posts in Idlib, the Turkish official said. Its defense minister, Hulusi Akar, has meanwhile been prominent in the news, visiting troops in southern Turkey and making public statements.

On the ground, the rebels seem to have received a recent boost. Syrian reporters say rebel forces have begun using more sophisticated weapons in the last two weeks, including antitank missiles, and have so far thwarted an advance on the ground by Syrian troops.

“By the middle of this month, the picture began to get clearer,” said Abdullah Almousa, a researcher in Syrian affairs in Istanbul. “It is clear that Turkey has decided to keep the Idlib card and not to allow Russia to make further progress.”

**In Syria, Even the Hospitals Are Not Safe (New York Times)** By Janine di Giovanni  
June 3, 2019

**After eight brutal years, it is hard to find anything shocking about the Syrian civil war. But somehow, the government forces under President Bashar al-Assad always find a way. On May 15, Syrian bombs destroyed the Tarmala Maternity and Children’s Hospital in Idlib, the 19th medical facility attacked since late April.**

Mr. al-Assad’s campaign against hospitals is not just inhumane — it represents one of the most repellent aspects of modern warfare. Hospitals were once off limits; even in conflicts where the international laws of war were routinely flouted, medical facilities were spared.

That has changed. Governments increasingly turn on civilians, and hospitals and medical workers are being deliberately targeted in an effort to silence them. Doctors are tortured and killed. Health care workers have been robbed, looted, beaten and murdered in Central African Republic, Congo, Lebanon and Myanmar.

Nowhere is this more obvious than Syria. In May, Rola Hallam, a British-trained Syrian anesthetist, crossed the border from Turkey into Ghandoura, a small town in the northern Aleppo countryside. After passing through several armed checkpoints, she reached the Hope Hospital for Children, which she and her colleagues had built in just three months in 2017.

Hope is the seventh hospital she and her team — an organization called CanDo — have built since 2016 after six medical facilities in Aleppo, including a children’s hospital, were destroyed by Russian and Syrian government planes.

She thought how she had planned the site of the new hospital, trying to find a place where it was less likely to be attacked. “That’s a question we should not have to ask,” she told me. “Hospitals should not be bombed.”

But in Syria, hospitals are a tool of war. Dr. Hallam said there have been 91 attacks since April 2017. This means that hospitals cannot treat the sick or dying. It means people with chronic illness have no care. No maternity clinics or diagnostic labs.

The government’s campaign against hospitals goes back to the beginning of the war, when the protests against the government started. President al-Assad, an ophthalmologist, believed that doctors who treated bleeding and battered protesters were themselves anti-government partisans.

Last month, a group of 400 Syrian medics, rescue workers and humanitarian activists signed a letter calling on the key players in northwest Syria — Russia, Turkey and members of the United Nations Security Council — to stop the bombing in the Idlib region, which is supposed to be a demilitarized zone.

President al-Assad says that the attacks are necessary because terrorists use hospitals as arms depots (an unfounded claim); he also says that most of the bombs that do hit hospitals are errant.

But Susannah Sirkin, the policy director of Physicians for Human Rights, believes that the bombings are systematic, amounting to crimes against humanity. She says that since 2011, her organization has documented 566 individual attacks on about 350 Syrian health care facilities. More than 890 medical personnel have been killed, some in attacks on the medical facilities where they worked.

What explains such an extensive and cruel campaign? In President al-Assad’s mind, somewhere along the line, “opposition” became a synonym for “civilians,” many of whom don’t support either side but just want to stay alive. The most threatening way you can terrorize a population is to bomb hospitals and kill doctors.

And by killing doctors, who are often the community leaders, you can break down society faster and force surrender quicker. You kill the very people who can heal a community. “When they kill one doctor, they kill 1,000 civilians,” Dr. Hallam said.

And there is another reason for the attacks.

In an isolated villa on the grounds of the United Nations in Geneva, war crime investigators are methodically going through thousands of hours of video recordings of bombings taken by civilians. This evidence will be used to build cases in war crimes tribunals. By killing doctors, the Assad regime and its Russian allies destroy further evidence — and witnesses.

It is the same reasoning behind so-called double-tap bombings, often deployed by Russian forces in Syria. Many rescue workers record their work — the famed White Helmets attach cameras to their bodies to document an attack and their response. As they get to work, though, another round of bombing begins, aiming to kill the very workers trying to save the victims of the original attack.

President al-Assad is intent on ending the war by taking the last piece of Syria to resist his control — Idlib. That is why so many hospitals in the area have been attacked over the past month.

“It’s a tactic to get people to surrender,” said Dr. Hallam, who tries to understand the logic of the bombers. “What goes through their minds as they decide to kill people in a hospital? I think war is so blinding. I think they dehumanize them so they don’t even see them as human beings, worthy of a breath.”

Dr. Hallam, who first arrived in Britain as an 11-year-old refugee who could not speak English, left Syria a few days after visiting Hope Hospital. For the moment, it is safe.

“Will I see the hospital again?” she said. “Will I see the staff again?”

Nothing and no one is ever safe in Syria, she said. Not even hospitals.

**Syria: Urgent, concrete actions needed, to protect children too young to ‘make sense of this senseless war’ (UN News)**

June 6, 2019

**“Three million people in Idlib need protection”, Najat Rochdi, Senior Humanitarian Adviser to the UN Special Envoy for Syria, said in a statement, adding that there was “grave danger” of a “humanitarian catastrophe” if the violence fails to end.**

Attacks and fighting are also impacting civilians in Government-controlled areas.

“Let me be clear”, said Ms. Rochdi, “the protection of civilians is paramount”.

She maintained that combatting terrorism – a justification often used by pro-Syrian Government forces for the assault on the last rebel-held area of Syria - “does not absolve any party from its legal obligations” to prevent attacks against civilians and civilian infrastructure.

“All warring parties must uphold their obligations under international law, and immediately stop attacks on civilians and civilian infrastructure, including medical facilities, schools, markets and places of worship, which may amount to war crimes”, she spelled out.

The Humanitarian Adviser underscored the principle of collective responsibility towards the victims of the conflict, “many of whom are too young to try to make sense of this senseless war”.

While the UN welcomed news that some 1,000 people and 526 third-party nationals have left the hugely-overcrowded Al Hol camp in the country’s northeast, it noted that the people who remain displaced there also need urgent protection and assistance, saying that “a durable solution is required”.

Some 91 per cent of the 72,000 people in the Al Hol camp are women and children, 65 per cent of whom are under-12.

Ms. Rochdi reminded all parties that under international law, all children, including those suspected of being associated with armed groups and or terrorist organizations, “are entitled to special care and protection

The protection of civilians is paramount – UN Humanitarian Adviser Najat Rochdi

“These children are victims, and must be treated first and foremost as such”, Ms. Rochdi stressed.

Due to a desperately short supply of basic goods and services, the situation for 29,000 people in the Rukban settlement near the Jordanian border, remains “critical”, she said, adding that it had been more than four months since they last received assistance.

“I call again today on Member States with influence to facilitate the immediate delivery of assistance to people in Rukban, and to support the UN’s request to assist those transiting to collective shelters and to people who have returned to (their) areas of origin”, stated Ms. Rochdi.

She appealed again on Thursday to the international Task Force members’ humanity to “deliver on their commitment and spare civilians who have already suffered for so many years, calling humanitarian assistance in Syria “a lifeline”.

“Urgent meaningful and concrete actions are needed”, she concluded. “It’s not only a humanitarian imperative, it’s a duty”.

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## Yemen

**Iran still supplying Houthis with ballistic missiles in Yemen, coalition says (The National)** By Mina Aldroubi  
May 28, 2019

**Iran is still supplying Yemen’s Houthi rebels with ballistic missiles and unmanned aircraft despite warnings of retaliation by the Arab Coalition, it said on Tuesday.**

“We have documented information on the supply of rockets by the Islamic Revolutionary Guards Corps (IRGC) to Yemen’s Houthi militias,” said Arab Coalition spokesman Col Turki Al Malki during a press conference in Riyadh.

The coalition “will not allow the rebels to continue targeting residential areas with rockets,” he said, adding that it will increase its activities to combat the threats posed by the Houthis.

He said the international community must do more to counter the rebel threat. The Iranian-backed rebels have increased

missile and drone attacks on Saudi Arabia in the past two weeks amid a standoff between the US and Iran.

"They are attempting to target Saudi cities with ballistic missiles," Col Al Malki said.

The militias are also "threatening the maritime navigation in Bab El Mandeb," he said, adding that the coalition managed to thwart more than 35 Houthi violations.

On Sunday, a Houthi drone armed with explosives was launched towards Jizan's airport.

The Saudi air force managed to destroy the drone.

A similar attack occurred last Thursday when Saudi defences intercepted a Houthi drone launched towards the city of Najran, also near the Yemeni border.

"The Houthis are committing war crimes by targeting civilians and passengers especially at Najran and Jizan airports," Col Al Malki said.

The rebels took responsibility for drone strikes on oil stations in Saudi Arabia on May 14, and later said they were planning attacks on 300 targets in Saudi Arabia, the UAE and their bases in Yemen.

The two countries are leading the military coalition that intervened in Yemen in 2015 to restore the internationally recognised government, which was pushed out of Sanaa by the Houthis in late 2014.

**Trump presses UAE on alleged human rights abuses in Yemen (Al-Monitor)** By Jack Detsch  
June 05, 2019

**The Donald Trump administration is calling on the United Arab Emirates to allow independent monitors to probe alleged incidents of torture in detention facilities in Yemen, just months after the Pentagon insisted that it had no evidence of detainee abuse.**

In a joint March report to Congress on US strategy in Yemen seen by Al-Monitor, the State and Defense departments and the US Agency for International Development said the United States had "raised serious concern with the UAE" over the alleged abuse and "urged them to conduct a thorough investigation and allow access for independent monitors."

Cmdr. Rebecca Rebarich, a Pentagon spokeswoman, told Al-Monitor on Tuesday that senior Defense Department officials raised the allegations with Emirati counterparts before submitting a separate report to Congress about the alleged abuses in December. In that report, the Pentagon said it had not found "credible information indicating that US allies or partners have abused detainees in Yemen."

The US pressure follows mounting evidence of torture and abuse in UAE-run prisons from the United Nations and human rights groups.

In July, Yemen Interior Minister Ahmed al-Maysari demanded that the UAE close secret detention facilities in southern Yemen, where The Associated Press reported that hundreds of prisoners had suffered sexual abuses. The UN-backed Group of Experts said in December that UAE-backed units raped, beaten and shocked prisoners and had hung detainees upside down. The UAE has reportedly barred independent monitors from accessing the jails.

Lawmakers who have called for an end to American support to the Saudi-led coalition gave the US administration credit for raising the allegations.

"I'm encouraged by the report that the Trump administration raised concerns with the UAE regarding the torture prisons in Yemen," Rep. Ro Khanna, D-Ca., who called for the Department of Defense to probe torture allegations last year, told Al-Monitor in a statement. "The US must never condone or be associated with torture and we must hold our partners and allies to the same standard. I hope the administration makes it clear to the Emiratis that this conduct is unacceptable and must stop immediately."

In the March strategy shared with Congress, the Trump administration called Saudi Arabia and the UAE "strong US counterterrorism partners" in the fight against al-Qaeda and the Islamic State in Yemen. The document also reveals that the United States provided support to the UAE for "several successful counterterrorism operations" in Yemen's Shabwah and Hadramawt provinces over the past two years.

Still, advocates against US involvement in the Yemen campaign have little faith that the United States will apply more significant pressure to stop the reported abuses.



“You can forgive my skepticism that the Trump administration or the Pentagon is actually applying any real pressure on the UAE over detention-related abuses, as it claims in this report to have done,” said a former US official, speaking not for attribution. “UAE stonewalling to date does not give much hope that they will allow access for independent investigators, including the UN Group of Experts, so that the truth about these abuses can be even further exposed, absent real US pressure to do so.”

The report comes on the heels of the Trump administration failing to comply with a series of requests from Congress to explain US involvement in Yemen, including the State Department’s refusal in February to say whether the Saudi-led coalition had cut down on civilian casualties in its four-year intervention against the rebel Houthis.

The administration said in the March strategy that rising civilian casualties had a “negative impact ... on our ability to resolve the conflict.” But experts who spoke to Al-Monitor largely criticized the report, which outlines objectives to resolve Yemen’s civil war and humanitarian crisis, degrade terrorist actors and counter Iran, saying it did little to clarify how the US would help to achieve peace.

“What’s most interesting is that they don’t have a strategy,” said Andrew Miller, a former National Security Council director during the Barack Obama administration. “This is another instance in which the administration has fulfilled the letter of the law but evaded the spirit by not showing how they plan to achieve these objectives.”

The US administration also appears increasingly worried about Yemen breaking up as a result of the war. The UAE supports the secessionist Southern Transitional Council.

“Any fracturing of the country into separate states, especially along pre-1990 borders, is likely to separate the majority of Yemen’s population from the country’s energy resources in a way that sets the conditions for perpetual conflict,” the report said.

Yet the fresh strategy is expected to do little to stop congressional anger over US involvement in the Saudi-led campaign against the Houthis.

On Tuesday, a bipartisan group led by the Senate Foreign Relations Committee’s top Democrat, Bob Menendez, D-N.J. and Trump ally Lindsey Graham, R-S.C., said they planned to introduce 22 resolutions of disapproval to give lawmakers the ability to review \$8 billion in arms sales to the region. The Trump administration declared an emergency with regard to Iran last month in order to bypass Congress on arms sales to Saudi Arabia, the UAE and Jordan.

Following a February CNN report that the Saudi-led coalition gave US-provided arms to al-Qaeda and other militant groups, members and staff are becoming increasingly wary of Saudi Arabia and the UAE’s effectiveness in fighting terror.

"It was just another piece of evidence that they don't share our values on human rights and [aren't] partners that we can trust," the House aide told Al-Monitor. "For them to be actively helping terrorists who we are supposedly trying to defeat was just sort of unbelievable."

A closed-door briefing with the full Senate by Secretary of State Mike Pompeo and Acting Secretary of Defense Patrick Shanahan in late May did little to convince lawmakers of the need for the additional arms.

“They said nothing about an emergency that would justify going around Congress for arms sales,” an aide to 2020 presidential candidate Bernie Sanders, I-Vt., told Al-Monitor. “If the situation was so serious in Yemen or elsewhere such that it would require that step, it seems like when you were briefing the Senate you might have mentioned that.” The aide said it was just the usual situation where Iran has taken steps that the administration perceived as threatening.

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## **Special Tribunal for Lebanon**

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

## **Israel and Palestine**

### **Palestinian families ordered to leave homes in Jordan Valley for military drills (Wafa)**

May 29, 2019

#### **Israeli forces ordered 15 Palestinian families to evacuate their homes to make room for military drills in the northern Jordan Valley.**

Aref Daraghmeh, former head of council of a Jordan Valley village, said that Israeli military vehicles raided Khirbet Humsa, Wadi al-Malih, Khirbet Samra and the outskirts of Ras al-Ahmar in the early morning hours and forced out 15 families to make room for military drills.

The families were forced out of their homes amid hot weather conditions with temperature reaching as high as 42°C and prevented from herding their livestock.

Daraghmeh added that with the military exercises taking place on a daily basis for the last 15 days, hundreds of dunums of barley and wheat were burned by Israeli artillery shells.

Had the families refused to evacuate upon the military order, they would have risked forced removal, expropriation of their livestock and retroactive fines.

Under international law, driving residents of an occupied territory from their homes is considered forcible transfer of protected persons, which constitutes a war crime. But residents of Palestinian communities in the Jordan Valley are no strangers to such disruptive Israeli policies.

The valley, which is a fertile strip of land running west along the Jordan River, is home to about 65,000 Palestinians and makes up approximately 30% of the West Bank.

Since 1967, when the Israeli army occupied the West Bank, Israel has transferred at least 11,000 of its Jewish citizens to the Jordan Valley. Some of the settlements in which they live were built almost entirely on private Palestinian land.

The Israel military has also designated about 46 percent of the Jordan Valley as a closed military zone since the beginning of the occupation in June 1967, and has been utilizing the pretext of military drills to forcefully displace Palestinian families living there as part of a policy of ethnic cleansing and stifling Palestinian development in the area.

Approximately 6,200 Palestinians live in 38 communities in places earmarked for military use and have had to obtain permission from the Israeli authorities to enter and live in their communities.

In violation of international law, the Israeli military not only temporarily displaces the communities on a regular basis, but also confiscates their farmlands, demolishes their homes and infrastructure from time to time.

Besides undergoing temporary displacement, the Palestinian families living there face a myriad restrictions on access to resources and services. Meanwhile, Israel exploits the resources of the area and generates profit by allocating generous tracts of land and water resources for the benefit of settlers.

Israeli politicians have made it clear on several occasions that the highly strategic Jordan Valley would remain under their control in any eventuality.

### **Israel Has Support in its War Crimes Debate with ICC - Analysis (Jerusalem Post) By Yonah Jeremy Bob**

May 29, 2019

#### **In 2018, the ICC Chief Prosecutor issued a report which seemed to signal that the ICC was close to a decision on whether to investigate allegations of war crimes in the Israeli-Palestinian conflict.**

One message that came out of Israel's third conference on Tuesday of top foreign military and academic experts on the laws of

war was that it has some key supporters and rising confidence regarding its positions on the International Criminal Court. This is not how the situation looked six months ago.

In December 2018, ICC Chief Prosecutor Fatou Bensouda issued a report that seemed to signal that the ICC was close to a decision on whether to delve deeper on allegations of war crimes in the Israeli-Palestinian conflict.

This could have put Israel in its most precarious position ever regarding war crimes charges and all of the legal, public relations and diplomatic fallout such a process might imply.

Bensouda even seemed intent on challenging the US for alleged war crimes for its abuse of detainees following the September 11, 2001, attacks.

What a difference six months can have.

Having had her visa canceled by the US and with the ICC facing a variety of diplomatic and economic threats from the US, Bensouda dropped her US case.

Also, while no one knows how Bensouda will rule regarding Israel, many in Jerusalem were concerned that the ICC would come out with a ruling against it as early as this past January or the early spring.

Now, the feeling is that there will be no new major developments with the ICC before the next annual report in December 2019.

This would seem to be supported by a policy memorandum by Bensouda's office in mid-May in which she admitted that her office had sometimes taken on more than it could chew.

Having tried and failed multiple times to bring high profile officials to trial for war crimes, including heads of state, Bensouda said that in the future, the ICC Prosecutor's Office would focus more on the achievable, including mid-level officials.

It is in this context that IDF Military Advocate General Maj.-Gen. Sharon Afek stated on Tuesday that Israel still does not recognize ICC jurisdiction over it.

As a good lawyer, he added the backup argument that even if the ICC did have jurisdiction in theory, in practice it must stay out of Israel's business since the IDF probes its own alleged war crimes and the ICC can only intervene when there has been no probe.

These would seem like strange arguments to make to some of the leading foreign military and academic experts on the laws of war for a country that the ICC Prosecution has been initially probing since January 2015, when Bensouda decided she had jurisdiction.

Making these comments in such an unapologetic manner as well as having sympathy from a significant number of the attendees signals that Israel is confident that it will have support regardless of what the ICC decides, and maybe is gaining confidence about the ICC's decision.

In other words, the IDF feels that the ICC would merely make itself look out of touch and less relevant if it decides against Israel.

This does not mean that foreign attendees agree with Israel on every specific military tactic and scenario. It also does not mean an end to the majority of the UN accusing Israel of war crimes. But there is now likely a broad desire by a growing number of foreign officials of other countries who fight terrorism to avoid an ICC focus on Israel, lest their militaries later be on trial since many of them utilize IDF tactics for combating terrorism.

**Facing the Facts: Israel Cannot Escape ICC Jurisdiction (Foreign Policy Journal)** By Ramzy Baroud  
June 5, 2019

**While it is true that Israel is not a signatory of the Rome Statute, Palestine has, since 2015, agreed to submit itself to the ICC's jurisdiction.**

The Chief Military Advocate General of the Israeli army, Sharon Afek, and the US Department of Defense General Counsel, Paul Ney, shared a platform at the 'International Conference on the Law of Armed Conflict', which took place in Herzliya, Israel between May 28-30.

Their panel witnessed some of the most misconstrued interpretations of international law ever recorded. It was as if Afek and

Ney were literally making up their own law on warfare and armed conflict, with no regard to what international law actually stipulates.

Unsurprisingly, both Afek and Ney agreed on many things, including that Israel and the US are blameless in all of their military conflicts, and that they will always be united against any attempt to hold them accountable for war crimes by the International Court of Justice (ICC).

Their tirade against the ICC mirrors that of their own leaders. While Israeli Prime Minister Benjamin Netanyahu's anti-ICC position is familiar, last April, US President Donald Trump virulently expressed his contempt for the global organization and everything it represents.

"Any attempt to target American, Israeli, or allied personnel for prosecution will be met with a swift and vigorous response," Trump said in a writing on April 12.

While Trump's (and Netanyahu's) divisive language is nothing new, Afek and Ney were entrusted with the difficult task of using legal language to explain their countries' aversion for international law.

Prior to the Herzliya Conference, Afek addressed the Israel Bar Association convention in Eilat on May 26. Here, too, he made some ludicrous claims as he absolved, in advance, Israeli soldiers who kill Palestinians.

"A soldier who is in a life-threatening situation and acts to defend himself (or) others (he) is responsible for, is receiving and will continue receiving full back-up from the Israeli army," he said.

The above assertion appears far more sinister once we remember Afek's views on what constitutes a "life-threatening situation", as he had articulated in Herzliya a few days later.

"Thousands of Gaza's residents (try) to breach the border fence," he said, with reference to the non-violent March of Return at the fence separating besieged Gaza from Israel. The Gaza protesters "are led by a terrorist organization that deliberately uses civilians to carry out attacks," Afek said.

Afek sees unarmed protests in Gaza as a form of terrorism, thus concurring with an earlier statement made by then-Israeli Defense Minister, Avigdor Lieberman, on April 8, 2018, when he declared that "there are no innocents in Gaza."

Israel's shoot-to-kill policy, however, is not confined to the Gaza Strip but is also implemented with the same degree of violent enthusiasm in the West Bank.

'No attacker, male or female, should make it out of any attack alive,' Lieberman said in 2015. His orders were followed implicitly, as hundreds of Palestinians were killed in the West Bank and Jerusalem for allegedly trying to attack Israeli occupation soldiers or armed illegal Jewish settlers.

Unlike democratic political systems everywhere, in Israel the occupation soldier becomes the interpreter and enforcer of the law.

Putting this policy into practice in Gaza is even more horrendous as unarmed protesters are often being killed by Israeli snipers from long distances. Even journalists and medics have not been spared the same tragic fate as the hundreds of civilians who were killed since the start of the protests in March 2018.

Last February, the United Nations Independent Commission of Inquiry on Gaza's protests concluded that "it has reasonable grounds to believe that during the Great March of Return, Israeli soldiers committed violations of international human rights and humanitarian law. Some of those violations may constitute war crimes or crimes against humanity, and must be immediately investigated by Israel."

In his attack on the ICC at the Herzliya Conference, Afek contended that "Israel is a law-abiding country, with an independent and strong judicial system, and there is no reason for its actions to be scrutinized by the ICC."

The Israeli General goes on to reprimand the ICC by urging it to focus on "dealing with the main issues for which it was founded."

Has Afek even read the Rome Statute? The first Article states that the ICC has the "power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute."

Article 5 elaborates the nature of these serious crimes, which include: "(a) The crime of genocide; (b) Crimes against humanity; (c) War crimes; (d) The crime of aggression."

Israel has been accused of at least two of these crimes—war crimes and crimes against humanity—repeatedly, including in the February report by the United Nations Independent Commission of Inquiry.

Afek may argue that none of this is relevant to Israel, for the latter is not “a party to the Rome Statute,” therefore, does not fall within ICC’s legal jurisdiction.

Wrong again.

Article 12 of the Rome Statute allows for ICC’s jurisdiction in two cases; first, if the State in which the alleged crime has occurred is itself a party of the Statute and, second, if the State where the crime has occurred agrees to submit itself to the jurisdiction of the court.

While it is true that Israel is not a signatory of the Rome Statute, Palestine has, since 2015, agreed to submit itself to the ICC’s jurisdiction.

Moreover, in April 2015, the State of Palestine formally became a member of the ICC, thus giving the court jurisdiction to investigate crimes committed in the Occupied Territories since June 13 2014. These crimes include human rights violations carried out during the Israeli war on Gaza in July-August of the same year.

Afek’s skewed understanding of international law went unchallenged at the Herzliya Conference, as he was flanked by equally misguided interpreters of international law.

However, nothing proclaimed by Israel’s top military prosecutor or his government will alter the facts. Israeli war crimes must not go unpunished; Israel’s judicial system is untrustworthy and the ICC has the legal right and moral duty to carry out the will of the international community and hold to account those responsible for war crimes anywhere, including Israel.

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## Gulf Region

**Trump Considers Emergency to Bypass Congress on Saudi Arms Deal (Bloomberg)** By Daniel Flatley, Margaret Talev, and Nick Wadhams  
May 23, 2019

**The Trump administration is considering using a rarely cited provision in the Arms Control Act to clear arms sales to Saudi Arabia over congressional opposition, according to a person familiar with the matter and U.S. lawmakers.**

The provision allows President Donald Trump to circumvent the normal approval process by declaring that an emergency exists that requires the sales to go through immediately “in the national security interests of the United States.”

Trump’s first foreign visit as president was to Saudi Arabia and he considers the kingdom a crucial ally in his efforts to isolate Iran. Yet both Democrats and Republicans have urged the U.S. to hold the Saudis accountable for the killing last October of columnist Jamal Khashoggi and for their role in Yemen’s civil war.

For more than a year, Senator Bob Menendez of New Jersey, the ranking Democrat on the Senate Foreign Relations Committee, has had a hold on \$2 billion worth of precision-guided munitions kits for Saudi Arabia and another \$1 billion sale to the United Arab Emirates over concerns about civilian casualties from the Saudi-led military campaign in Yemen.

He said Thursday in an interview that there would be bipartisan opposition if the Trump administration overrules this hold and other holds, and he warned that the companies involved may face consequences.

“Any attempt to export under that provision would be a violation of the Export Control Act,” Menendez said in an interview. “Do they want to subject themselves to the liability of that?”

Menendez said in a statement Thursday that he would “pursue all appropriate legislative and other means to nullify these and

any planned ongoing sales should the administration move forward in this manner.”

Such an emergency declaration, if cited, would seem to leave Congress with few options and little legislative recourse.

But Senator Lindsey Graham, South Carolina Republican and a Trump ally, said on Thursday evening that there was a bipartisan effort underway to figure out how to prevent the administration from following through with the declaration.

“The Senate always has tools to deal with the administration,” he said, without elaborating.

“There’s pretty widespread concern that now’s not the time to go back to business as usual with Saudi Arabia,” Graham said, adding that he had expressed his concerns to Secretary of State Michael Pompeo, who would play a major role in any decision.

Menendez’s hold on the sale has lasted much longer than it usually takes Congress to review arms deals.

Congress is typically notified by the administration of arms sales that exceed a certain threshold before the sales are completed. If the top Republican or Democrat on the House Foreign Affairs and Senate Foreign Relations Committees have any concerns, they can place an informal hold on the sale by refusing to consent to the notification process. This “informal hold” allows for those concerns to be worked out between the parties.

An emergency declaration circumvents that process and allow the sale to go through without the notification requirement. According to the law, the president is supposed to give Congress a “detailed justification for his determination, including a description of the emergency circumstances” and a “discussion of the national security interests involved.”

Arms sales to Saudi Arabia, which is the U.S.’s top weapons buyer, have become more controversial over the past year because of the Saudi-led military campaign in Yemen and concerns over civilian casualties there.

The killing of Khashoggi in the Saudi consulate in Istanbul worsened the kingdom’s relationship with Congress to the point where Republicans such as Graham have said they would oppose any sales to the kingdom until the matter was resolved. The U.S. and Saudi Arabia had total trade of \$42 billion in 2018, according to data compiled by Bloomberg.

The strongest bipartisan statement yet on U.S.-Saudi policy was a joint resolution to withdraw U.S. support for the war in Yemen, which prompted Trump’s second presidential veto. The Senate failed to override that veto on May 2.

Menendez said his April 2018 block on the order would continue until he sees evidence that the precision-guided technology involved in the sale actually does reduce civilian casualties by turning gravity bombs into more precise “smart” bombs, as the administration has claimed.

Menendez and Graham this year re-introduced their Saudi Arabia Accountability and Yemen Act, which includes a suspension of arms transfers to Saudi Arabia as well as sanctions against anyone hindering humanitarian aid to Yemen or supporting the Houthi rebels active in that country.

A 2018 United Nations investigation concluded the Saudi-led coalition may have committed war crimes in its disregard for civilian life. With roughly 17,700 civilian casualties in the four year conflict, Congress has hardened its attitude toward Saudi Arabia.

## **France: Authorities must stop arms-laden ship of shame bound for Saudi Arabia (Amnesty International)**

May 28, 2019

### **A Saudi Arabian cargo ship believed to be transporting Canadian armoured vehicles to Saudi Arabia must be stopped in France, Amnesty International said today, as the ship transited through the maritime port of Marseille-Fos.**

The organization warned there is a serious risk that the military material on board the Bahri Tabuk will be used by the Saudi Arabian armed forces to commit war crimes and other abuses in Yemen, and said there were legitimate reasons to fear that French munitions destined for Saudi Arabia may also be loaded at Marseille-Fos.

The Bahri maritime transport company’s calendar shows that the Bahri Tabuk was originally scheduled to sail to Genoa after its stopover in Canada but was redirected to Marseille instead.

On 9 and 10 May 2019 another Saudi Arabian cargo ship, the Bahri Yanbu, was prevented from docking at the port of Le Havre, where it was due to load a shipment of French weapons, following legal action by French NGOs and increased public scrutiny.

“We have grounds to fear that the shipment of arms which was blocked from being loaded on to the Bahri Yanbu will instead be loaded onto the Bahri Tabuk,” said Aymeric Elluin, Arms Advocacy Officer at Amnesty International France.

“We must not allow this ship of shame to load any dangerous shipment of French arms or to transport weapons from other countries, such as Canada, to Saudi Arabia. The arrival of the Bahri Tabuk is a new test of France’s willingness to respect its obligations under the Arms Trade Treaty (ATT) and the European Union Common Position on the control of arms brokering.”

As a signatory of these two international instruments, France must not allow the transit of a ship if there is a major or manifest risk that the arms being transported by the vessel will be used to commit or facilitate abuses such as war crimes.

On 28 May the media organization Disclose revealed that, according to its sources, the Bahri Tabuk was expected to load munitions in France for Caesar howitzers being sold to Saudi Arabia under the terms of the OASIS 6 contract. This shipment, were it to go ahead, would be in conflict with article 6.3 of the Arms Trade Treaty, which sets out that transfers must not be authorized if there is a risk that the equipment will be used to commit human rights violations, including war crimes.

France is one of many states party to the ATT, which continues to supply weapons to Saudi Arabia despite the clear risk of them being used to commit war crimes in Yemen. By continuing to supply weapons to Saudi Arabia, France is blatantly ignoring its international obligations.

According to a recent analysis by the Observatoire économique de la défense (Economic Observatory for Defence), French arms exports were boosted in 2018, notably thanks to the delivery of armoured vehicles to Saudi Arabia. These VAB MAK3 armoured combat vehicles are built by Arquus and fitted with ARX25 medium calibre gun turrets, made by Nexter.

On 17 May 2019, the Bahri Tabuk left the port of Saint John in Canada. According to credible testimony and photos obtained by Amnesty International, it is highly likely that aboard the ship is a cargo of Canadian light armoured vehicles destined for Saudi Arabia. Previously, Amnesty International was able to confirm that the first ship, the Bahri Yanbu, had transported Canadian armoured vehicles to Saudi Arabia during a journey made in October 2018.

A number of Canadian media sources have relayed images posted on social media by members of the Saudi National Guard, which seem to confirm that these armoured vehicles were seen a few months ago around the unstable border zones with Yemen. Amnesty International has not been able to verify this information.

Amnesty International is calling on Canada, which is in the process of acceding to the Arms Trade Treaty, to align its national legislation with the obligations of the Treaty so that such exports can no longer take place.

Amnesty International and its partners will continue to closely monitor the movements of Saudi Arabian ships suspected of carrying military equipment and will denounce States that flout their international legal obligations.

Bahri, a Saudi Arabian company, signed a five-year contract (2014-2019) with the Saudi Arabian Ministry of Defence, and became the exclusive logistics transporter of weapons of war purchased by Saudi Arabia abroad, as well as the exclusive transporter of the Saudi Arabian Armed Forces on land, sea and air for the duration of the contract.

At the time of this press release, seven journalists who worked on the revelations of the “Yemen Papers” had been interviewed by the DGSI (the General Directorate for Internal Security), as part of a preliminary investigation opened by the Paris public prosecutor after a complaint was made by the Minister for the Armed Forces, accusing them of “compromising national defense”. Amnesty International has launched an urgent action in their defence.

In 2014, Canada signed the most important arms contract in its history with Saudi Arabia, approved in 2016 by the government of Justin Trudeau. The contract covers the export of armoured combat vehicles for a value of 14 billion Canadian dollars. It notably includes the delivery of 928 LAV 6 Light Armoured Vehicles made by General Dynamics Land Systems (Ontario). Since then, Amnesty International Canada and a coalition of NGOs have mobilised to stop these from being delivered.

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**ASIA**

# Afghanistan

**Trump Administration To Grant Pardons For Military War Crimes (The Organization for World Peace) By**

Leah Gitahi

May 29, 2019

**United States President, Donald Trump, said that his administration is considering pardons for two or three American soldiers convicted of war crimes committed in Iraq and Afghanistan. According to The New York Times, the Trump Administration reportedly made requests for expedited reports on the paperwork required to issue pardons including military troops charged with the killing of unarmed citizens. In a bid to justify the largely controversial move, President Trump said that the soldiers have been treated "unfairly." While speaking to reporters at The White House, the President did not indicate the specific cases that his administration is reviewing but said that he would wait for the soldiers to stand trial before granting them pardons. The possible pardons will be announced on 27 May, U.S Memorial Day.**

The move has sparked a lot of debate since its announcement. Former military officers in the U.S have come out en masse condemning the move. Earlier this month, Trump pardoned 1st Lieutenant Michael Behenna. Behenna is a U.S soldier who had been convicted of the murder of a prisoner by a jury in his 2009 court martial. He was sentenced to 25 years in prison but got parole in less than five years. The main reason for the opposition of Trump's actions is the moral repugnance behind excusing international crimes, especially because the soldiers are pardoned by for no other reason but being a government employee.

The process of granting a pardon should be holistic: the interests of the accused and the interests of justice and the society at large should be balanced. In a wider sense, somebody should be held accountable for crimes committed and the victims should see that justice has been served. During armed conflict, violations of International Humanitarian Law (IHL) should be handled with seriousness. The downside is that military pardons could affect the military discipline of that country and its reputation globally. Victims of IHL violations may be reluctant to report, thus enabling violations to continue.

IHL does not provide for pardons but allows for the granting of amnesty to individuals or groups for acts committed during armed conflict. Pardons are granted post-conviction by a country's president or prime minister. Amnesty can be granted by barring criminal investigation or prosecution of individuals or groups by the executive or legislature. IHL rules pertaining to amnesty suggest that states are not to grant amnesty to perpetrators of war crimes including wilful killing, torture, inhumane treatment, and sexual violence.

All states around the world have an obligation to uphold the rules of IHL. However, IHL rules cannot interfere with the sovereignty of a country. Governments make decisions based on their constitutions and national legislation while complying with international law. We can only wait for Memorial Day to see what President Trump decides.

**Taliban attack Afghanistan world heritage site, killing security forces (Defense Post) May 29, 2019**

**Taliban fighters have stormed several security posts providing protection to Afghanistan's historic minaret of Jam, cutting access to the UNESCO World Heritage Site and killing 18 security forces, officials said Wednesday, May 29.**

The attack comes less than a week after the revered 12th-century minaret, located in a remote part of the western province of Ghor, was threatened by surging floodwaters.

"The Taliban have captured some checkpoints around the minaret. We had to retreat because more fighting would cause damage to the minaret," Sayed Zia Hussaini, the deputy police chief of Ghor, told AFP.

Abdul Hai Khatebi, the provincial governor's spokesperson, said 15 pro-government militias and three policemen had been killed in the attacks, which started Monday.

"The Taliban have shut off telecommunication towers and have cut any access to the area," Fakhruddin Ariapur, the Ghor province director of information and culture, told AFP.



“The cleaning-up work [from the flood] has stopped and we don’t know what is happening there.”

Dramatic video footage from late last week showed brown torrents crashing up against the base of the brick minaret, which was built in about 1190.

On Monday, the government said it had hired about 300 local workers to channel floodwaters away from the tower. The work appeared to have saved the minaret from imminent danger.

Renovation of the historic site is set to begin in July.

Located in an area largely under Taliban control, the Jam minaret is the world’s second tallest made of bricks, reaching a height of 65 m (213 feet).

It is situated on the frontier of Ghor and Herat provinces, at the heart of the former Ghori empire which dominated Afghanistan and parts of India in the 12th and 13th centuries.

**Hope dwindles for cease-fire in Afghanistan at end of Ramadan (Washington Post)** By Siobhán O'Grady  
June 3, 2019

**A three-day holiday will begin here Tuesday without a cease-fire, after a wave of violence in recent days left at least 17 people dead and dozens injured.**

An unprecedented cease-fire last year at the end of the Muslim holy month of Ramadan saw an influx of Taliban fighters into urban areas, where they mingled with civilians, posed for selfies and raised expectations for successful peace talks that would put an end to the country’s drawn-out war.

Despite the spike in violence during Ramadan this year, many were optimistic that a similar arrangement would again be made.

But negotiations failed to result in a truce that would put even a temporary end to the fighting. Violence has surged during the holy month, which Muslims observe with fasting and prayer, leaving civilians on edge as it comes to a close, in what is supposed to be one of the most joyous occasions on the Muslim calendar.

“Our hope has been broken,” said Ahmad Shoaib Shirzad, 33, a banker in Kabul. “Every second, I fear something will happen in front of me.”

On Monday afternoon, a bomb exploded on a bus carrying government employees in Kabul, leaving at least five dead and 10 wounded. The Islamic State asserted responsibility for two deadly attacks in recent days: One at a military academy Thursday and several bombings, including one on a university student bus, on Sunday. On Friday, the Taliban attacked a U.S. convoy, injuring four U.S. troops and killing four Afghan bystanders.

Hopes were high for a cease-fire last week when a 14-member Taliban delegation and several high-profile figures from Afghanistan, including former Afghan president Hamid Karzai, held talks in Moscow. But no deal was reached after the three-day meeting.

“We were arguing for a cease-fire for the Afghan people. That’s what the Afghan people want,” Karzai said in an interview at his home in Kabul on Monday. “[The Taliban] had different ideas. Some of those ideas were concerns that they had, which we understood, but to which our response was: We want a cease-fire anyway.”

He said he was not surprised a cease-fire wasn’t agreed upon but still hopes “very much there will be at least, if not a formal cease-fire, a lot of reduction in violence.”

Haroun Mir, an Afghan political analyst, said “people are very suspicious” about Karzai’s role in the peace talks.

“He wants to save his legacy and be the person who is trying to bring peace in Afghanistan,” Mir said. “Is he trying to do something to develop the country, or does he want to regain some of his lost influence in the country as a major political leader?”

Karzai insisted that he was “trying to help the government” and that his only ambition was to bring peace to Afghanistan.

“I tried first as the president, and I’m [now] trying for it as a citizen,” he said.

But after the talks in Moscow, Taliban spokesman Zabiullah Mujahid said only that they had “discussed the cease-fire, and we will continue this discussion,” leaving Karzai and other participants returning to Kabul largely empty-handed.

In Kabul, there is widespread disappointment that there is likely to be no truce. For some, happy memories of last year's peaceful festivities are a painful reminder of the lack of progress Afghanistan has made this year in putting an end to the conflict.

"Especially during Eid days, we should feel calm," Shirzad said. "Their families, our families, should both have peace," he said, referring to Taliban fighters and civilians.

Last year, Hasibullah Mohibi, 18, traveled outside of Kabul for Eid, missing the arrival of Taliban fighters into the city where he grew up. He hoped this year he would have a chance to greet them himself.

"I was sad that I was not in Kabul to meet the Taliban for the first time, when they did not intend to harm anyone and no one intended to harm them," he said.

For years, Mohibi has worked at a food stand near a busy park in Kabul, frying bolani, an Afghan stuffed flatbread, to sell to passersby from under an orange awning. Last month, he was there when Taliban fighters attacked the nearby compound of Virginia-based nonprofit Counterpart International, killing at least five people and wounding more than 20 others, including at least one foreigner.

Mohibi ran to the scene of the attack and helped carry the wounded to the hospital. The experience left him shaken, fearing he would not escape the next Taliban assault alive.

Despite the carnage he has witnessed, Mohibi said he would welcome Taliban fighters back to Kabul if they came under the guidelines of a cease-fire.

"Everyone is fed up with the war," he said. "We want a cease-fire."

Shirzad said that he regrets not joining Taliban fighters in the streets of Kabul last year. "I wanted to go and hug each other, speak with each other," he said.

Other civilians expressed more hesitation over a cease-fire that could see Taliban fighters return to urban areas for the holidays.

Reza Pazhohish, 30, who works for Afghanistan's chief executive's office in Kabul, said that last year the militants returned in large numbers to his home city, Ghazni, in central Afghanistan. Some of them never left, he said, and two months later, his brother, a police officer, was ambushed and killed in a Taliban attack. Pazhohish called his family "cease-fire victims."

Now he would support a truce to end the fighting, but not one that would allow the Taliban to rejoin civilians in Kabul and other cities.

"I'm very worried about safety during Eid," he said. "There are a lot of gatherings. . . . Maybe there will be a suicide attack."

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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**

**Cambodia's PM Hun Sen Dismisses Calls For Resignation, Vows to 'Wage War' on Opposition (The Cambodia Daily) May 31, 2019**

**Cambodia's Prime Minister Hun Sen on Thursday brushed aside calls by members of the Cambodian diaspora in Japan to resign, pledging instead to "wage war" against his country's banned opposition party and vowing to "destroy" its acting president, Sam Rainsy.**

During the third day of his May 28-31 visit to Tokyo to attend the 25th session of the Future of Asia conference, Hun Sen told regional leaders during a speech that he has no plans to step down or to back off former members of the opposition Cambodia National Rescue Party (CNRP), which Cambodia's Supreme Court dissolved in November 2017 for its alleged role in a plot to topple the government.

"I am declaring today that we will continue to implement legal measures against those who are being charged [with crimes]," Hun Sen said, referring to members of the CNRP leadership in exile, including Sam Rainsy, who fled the country in 2016 to avoid what he says are politically motivated convictions, and has worked to gather support for the party abroad.

**Pre-Trial Chamber to Hear Arguments of Parties In Case 004/2 (Extraordinary Chambers in the Courts of Cambodia)** June 3, 2019

**The Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia is seized of the Appeals lodged by the National Co-Prosecutor and the Co-Lawyers for the Charged Person, on 14 December 2018 and 19 December 2018, respectively, against the Closing Order (Indictment), issued by the International Co-Investigating Judge on 16 August 2018 in Case 004/2, and the Appeal lodged by the International Co-Prosecutor on 20 December 2018 against the Order Dismissing the Case against the Charged Person, issued by the National Co-Investigating Judge on 16 August 2018 in Case 004/2.**

The Pre-Trial Chamber has decided that a hearing will be held in Case 004/2 to hear the arguments of the Parties before it issues its decision on the Appeals. According to a scheduling order issued today, the hearing will take place on 19, 20 and 21 June 2019.

The National Co-Prosecutor, the International Co-Prosecutor, and the National and International Co-Lawyers for the Charged Person will be given the floor to present their arguments. The Charged Person, if present, shall be given the opportunity to make a personal statement at the end of the hearing.

Once the hearing is concluded, the Pre-Trial Chamber will adjourn to deliberate on its decision. The Pre-Trial Chamber of the ECCC comprises three National and two International Judges. As the Appellate Chamber, it can hear motions and appeals against orders and decisions issued by the Co-Investigating Judges.

The hearing will be held in public for the introduction of the Parties to the Chamber and the reading of the report on the case by the bench. However, the Pre-Trial Chamber will hear the Parties' arguments in a closed session. Official photos will be available to the media after the hearing.

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## **Bangladesh International Crimes Tribunal**

**Crime against humanity: Evidence found against three Feni men (The Daily Star)** May 30, 2019

**The accused are Tofazzal Hossain alias Tazu, 67, Abu Yusuf, 71, and Nur Mohammad (73). Of them, Nur Mohammad was arrested on May 20 and he is now in jail while the rest two are on the run.**

They were allegedly involved in Razakar Bahini, an auxiliary force of Pakistani army, and committed crimes including killing, abduction, torture, confinement, looting and arson in the area of Feni Sadar Upazila in 1971.

Agency's coordinator Abdul Hannan Khan and co-coordinator Sanaul Huq revealed the information at a press conference at its Dhanmondi office in the capital.

Tafazzal was involved with Islami Chhatra Sangha, the then student wing of Jamaat-e-Islami and got involved with Razakar Bahini during the war of liberation, Sanaul said.

After the war, he got involved with BNP politics and was made chairman and director of the NCC Bank, he said.

Later, Tafazzal fled the country after the investigation into the case started in January 2017 and he is believed to be in USA now, Sanaul said.

Yusuf and Nur were involved with Jamaat and later joined Razakar Bahini in 1971. They continued his affiliation with Jamaat even after the war, Sanaul said.

Nur left Feni after the war fearing reprisal attack and settled in Nilphamari, he said.

The agency will hand over the probe report and other documents to the Chief Prosecutor Office on June 3, Aminur Rashid, the investigation officer of the case, said.

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## **War Crimes Investigation in Myanmar**

**Myanmar military accused of fresh war crimes in Rakhine (BBC) May 29, 2019**

### **Myanmar's army is committing fresh war crimes against ethnic groups in Rakhine state, according to human rights group Amnesty International.**

In a new report, Amnesty accuses the army of carrying out extrajudicial killings, torture and arbitrary arrests amid an operation against an ethnic Buddhist guerrilla force.

The army has denied the allegations.

Soldiers were previously accused of mass human rights violations against Rohingya Muslims in Rakhine in 2017.

More than 70,000 people fled the country as a result of the crackdown on the ethnic minority group.

1. Myanmar massacre soldiers 'released early' 2. Rare look at Myanmar military celebrations 3. What awaits the Rohingya back in Myanmar?

The military launched new operations in the area this year, after being instructed by the government to "crush" the Arakan Army rebels.

The western state is home to a number of ethnic groups of which the Buddhist Rakhine is the biggest.

In its report on Wednesday, Amnesty said civilians had been killed and injured in "indiscriminate attacks".

"Less than two years since the world outrage over the mass atrocities committed against the Rohingya population, the Myanmar military is again committing horrific abuses against ethnic groups in Rakhine state," Nicholas Bequelin, Amnesty's regional director for East and South-East Asia, said in a statement.

"The new operations in Rakhine state show an unrepentant, unreformed and unaccountable military terrorising civilians and committing widespread violations as a deliberate tactic."

The human rights group made the allegations after speaking to dozens of people living in areas affected by the conflict and analysing photographs, videos and satellite imagery.

The report documents seven unlawful attacks that killed 14 civilians and injured at least 29 more. It also details incidents of torture, enforced disappearances and arbitrary arrests.

The military admitted last month to killing six unarmed detainees, saying it did so because they tried to grab the soldiers' weapons.

But army spokesman Brigadier General Zaw Min Tun denied Amnesty's allegations.

He told AFP news agency that the military acted within the law and "avoided harming civilians".

"This was an operation to clear terrorists. We were careful not to commit any war crimes," he said.

The Arakan Army was also accused by Amnesty of committing "abuses against civilians", including abductions, though on a smaller scale.

A spokesman for the group denied the claims, telling AFP: "I can firmly say it does not happen."

More than 30,000 mainly Buddhist civilians have been displaced in the latest fighting between national forces and rebels.

**AI accuses Myanmar of fresh 'war crimes' (The Independent) May 30, 2019**

**Myanmar's military is guilty of committing new "war crimes", extrajudicial killings and torture in its fight against ethnic Rakhine rebels, Amnesty International said yesterday. The armed forces have deployed thousands of troops and heavy artillery across northern Rakhine state in recent months where Arakan Army (AA) rebels are fighting for more autonomy for the state's ethnic Rakhine Buddhists.**

The state was also the scene of the military's bloody crackdown against the Rohingya Muslim community in 2017. That campaign pushed some 740,000 Rohingya into Bangladesh in violence UN investigators say warrants prosecution of top generals for "genocide".

Amnesty said Wednesday it had "new evidence" that Myanmar's military is now "committing war crimes and other human rights violations" against the ethnic Rakhine, listing extrajudicial killings, arbitrary arrests, torture and enforced disappearances.

Access to the conflict area is heavily restricted but details of civilian deaths have emerged over recent weeks and months. But the army has confirmed it shot dead six detainees late last month in the village of Kyauk Tan. Amnesty's report is based on scores of interviews with people from various ethnic groups, photographs, videos and satellite imagery.

It documents seven unlawful attacks that killed 14 civilians and injured dozens more, saying notorious infantry units have been deployed against the ethnic Rakhine.

Some Rohingya Muslims who have remained in the area have also been killed.

"The new operations in Rakhine State show an unrepentant, unreformed and unaccountable military terrorising civilians," said regional director Nicholas Bequelin.

**New Round of War Crimes by Myanmar Military in Rakhine State (The New Leam) June 3, 2019**

**The Regional Director of East and Southeast Asia at Amnesty International, Nicholas Bequelin, stated, "Less than two years since the world outrage over the mass atrocities committed against the Rohingya population, the Myanmar military is again committing horrific abuses against ethnic groups in Rakhine State."**

The conflict in western Myanmar's Rakhine state escalated in January after 13 police officers were killed by the Arakan Army in a coordinated attack by prompting the civilian government of Aung San Suu Kyi to order the armed forces to "crush" the group, which recruits from the largely-Buddhist ethnic Rakhine community. Amnesty, in its new report on Wednesday, stated that its investigations showed war crimes and human rights violations committed by military troops implicated in past atrocity crimes, including specific divisions and battalions under the Rakhine-based Western Command against the Rohingya in August 2017.

More than 730,000 Rohingya, a minority ethnic group, were denied citizenship by Myanmar, driven into Bangladesh in the bloody crackdown in 2017. A United Nations fact-finding mission called for the prosecution of top Myanmar generals for the crimes against humanity and genocide over the violence. The latest unrest, with the military now focusing its attention on The Arakan Army, a group of an estimated 7,000 fighters, are battling for greater autonomy, and with the military now focusing its attention on them in the latest unrest, has driven more than 30,000 people from their homes, according to Amnesty.

The report stated that the army was involved in at least seven unlawful attacks that killed 14 civilians and wounded 29. In one incident in late January, a seven-year-old boy was denied access to emergency medical treatment following a mortar attack resulting in his death. The report also detailed abuses against Rohingya, including a helicopter attack on civilians cutting

bamboo. At least six people, including boys, were killed and 13 wounded.

The government has responded to the reports of military abuses by restricting access to Rakhine and clamping down on the media. Criminal complaints have been filed against at least three Myanmar-language media. The seven soldiers convicted of involvement in those killings have been given early release having served less than a year of their 10-year sentences.

**For Rohingya Refugees, There's No Return in Sight (Huan Rights Watch) June 5, 2019**

**The Rohingya Muslims have faced persecution in Myanmar for decades. And yet no violence in their recent history has compared to that which the Myanmar military inflicted in August 2017. After militants from the Arakan Rohingya Salvation Army attacked police and army posts in northwestern Rakhine State on August 25, the military responded by killing thousands of Rohingya civilians, raping hundreds of Rohingya women and girls, and burning entire villages to the ground. In the course of a little more than three months, more than 700,000 Rohingya were forced to flee for their lives to Bangladesh. Myanmar authorities claimed they had conducted a "clearance operation" to rid the country of militants. In reality, they were fulfilling a long-standing dream of Myanmar's Buddhist nationalists: the ethnic cleansing of the Rohingya Muslims.**

The refugees joined hundreds of thousands of Rohingya who were already in Bangladesh seeking refuge after previous attacks, bringing the total to 1.2 million. Today, more Rohingya live as refugees than remain in Myanmar. Bangladesh and humanitarian organizations are struggling to provide for the needs of refugees, while Myanmar refuses to take the steps necessary to ensure the safe and voluntary return of the Rohingya to their homes in Rakhine State. International attention to the plight of the Rohingya has waned, even as the Myanmar military continues to terrorize those who remain in Rakhine State. Many Rohingya in the camps in Bangladesh say that they fear they will soon be forgotten.

China and Russia have thus far blocked UN Security Council action to hold the Myanmar military accountable for these atrocities, but the United States and other Security Council members are not doing enough to secure justice. The Rohingya will not be returning to Myanmar anytime soon, so for the foreseeable future the camps in Bangladesh will be their only home. The Bangladesh government should do everything in its power to make the camps more livable, while donors should provide sufficient aid to ease the burden on Bangladesh.

Rohingya refugees have fled to Bangladesh for decades. Violence in the 1990s, 2012, and 2016 caused major refugee flows. Before 2017, the Bangladeshi government periodically pushed back refugees and sought to block international humanitarian groups from providing services to them. But this changed with the huge influx in August 2017. Public opinion in Bangladesh sympathized with the Rohingya, with many groups organizing volunteer efforts to assist them. The government responded to the public mood by adopting a more welcoming policy. Prime Minister Sheikh Hasina promised to share food and other resources with the beleaguered community, leading the local authorities in Cox's Bazar, the largest city near the camps, to erect posters and billboards proclaiming her the "Mother of Humanity."

But in September 2018, one year into the crisis, Sheikh Hasina said that Bangladesh could not afford to permanently absorb the refugees. In March 2019, Bangladesh's foreign secretary, Shahidul Haque, told the Security Council that the country "could no longer... accommodate more people from Myanmar." The government's initial response was predicated on the expectation that the Rohingya would be short-term guests. It hoped that the threat of sanctions and international justice would persuade the Myanmar authorities to create the conditions that would allow the Rohingya to be able to return to their homes.

The situation for the Rohingya in Bangladesh is dire. Crammed into crowded camps, refugees increasingly suffer from crime and violent disputes. They are not allowed to move around the country freely, and their access to employment, education, and other social services is heavily restricted. Human Rights Watch has found that since January 2019, authorities have expelled Rohingya refugee children from schools because they are not Bangladeshi citizens. The future hardly looks bright for the refugees in the camps.

Bangladesh has proposed only one solution to this overcrowding, and it is unacceptable: Dhaka has offered to relocate at least 100,000 Rohingya to a silt riverine island in the Bay of Bengal called Bhasan Char. Many experts and international donors fear that refugees on the island would be at risk from cyclones and tidal waves. Bangladeshi officials claim that the island has been secured with embankments, and that the homes and cyclone shelters there are better than anything available to millions of Bangladeshis. Even if this is true, there remains the question of the refugees' rights: Bangladesh insists that relocation will be voluntary but has yet to explain how it intends to persuade 100,000 Rohingya to move to this de facto prison island where they will be cut off from the rest of their community and the wider world. Officials have not provided convincing assurances that the refugees on the island would be free to move around and earn livelihoods.

Sending refugees back to Myanmar is also clearly not an option. In November 2017, China—eager to play kingmaker in its backyard and looking to prevent outside intervention in the region—brokered a repatriation agreement between Bangladesh and Myanmar. Myanmar agreed to accept 1500 “properly verified” refugees per week in temporary shelters, which were ringed with barbed wire and guarded by police and military. But when authorities sent buses to the camps to transport the refugees back over the border, not a single refugee volunteered to go.

The Rohingya don’t trust Myanmar’s leaders—and with good reason. As one refugee told Human Rights Watch, “They will kill us if we go back.” According to the September, 2018 report of a UN fact-finding mission, the Rohingya will be safe only when Myanmar’s leaders investigate and prosecute the country’s military chief and other leaders for genocide and crimes against humanity in Rakhine State, as well as for war crimes in other areas of Myanmar. But despite the overwhelming evidence, Myanmar’s leaders, including the Nobel laureate Aung San Suu Kyi, refuse to take any steps toward bringing these people to justice. Rather, in an attempt to buy time, they have so far responded to calls for accountability with repeated domestic inquiries, all of which have whitewashed atrocities and absolved those responsible of wrongdoing. Myanmar continues to defy international law by denying the Rohingya equal access to citizenship. Its leaders even refuse to use the term “Rohingya,” expecting interlocutors, including diplomats and UN officials, to share in the erasure of the community’s proclaimed identity even while discussing that very community’s rights.

Although Bangladesh continues to participate in the repatriation negotiations, officials privately doubt Myanmar’s commitment. “They assured me several times that they will start to take back Rohingyas,” Bangladesh Minister of Foreign Affairs Dr. A. K. Abdul Momen said in a briefing with journalists, but “the atmosphere for safe repatriation of Rohingyas inside Myanmar has not been created yet.” Bangladesh has proposed internationally monitored safe zones for the returning Rohingya, but Myanmar rejects the kinds of foreign presence that would provide real safety for returnees. Rohingya rightly fear violence upon return or that they would end up in the kind of de facto military-run detention camps that an estimated 125,000 Rohingya have been confined to in central Rakhine State since a wave of military-backed violence there in 2012.

In order to lessen the displeasure of the international community, Myanmar’s leaders will probably continue publicly to insist that they are ready to welcome back the refugees. But this is just rhetoric. Their goal was to force Rohingya from the country and they have largely succeeded. There is little reason to believe that they intend to allow the Rohingya to return safely and permanently to their homes. The government has bulldozed villages in the ethnically cleansed areas and is now rapidly “developing” them, constructing new housing and other structures for the area’s Buddhist population. UN officials have expressed concern that this so-called development is intended to cover up Myanmar’s crimes and erase the Rohingya from northern Rakhine.

The international community has taken small steps toward pushing for accountability in Myanmar. Last September, a panel of judges from the International Criminal Court confirmed that the court could assert jurisdiction over Myanmar officials who forced Rohingya to flee to Bangladesh. Deportation qualifies as a crime against humanity, which falls within the court’s purview, the panel determined. The prosecutor is now deciding whether to seek a formal investigation. Also in September, the UN Human Rights Council created an independent international commission that would gather and preserve evidence of crimes against the Rohingya for future prosecution.

Some governments, too, have applied pressure. The United States, Canada, and the European Union have imposed sanctions on some members of the Myanmar military responsible for the 2017 atrocities. The European Union is considering a formal review of Myanmar’s access to the EU market under its Everything But Arms (EBA) program, which gives tariff-free access in exchange for commitments to uphold basic human rights standards. Malaysia and Indonesia, which have long endorsed the doctrine of “non-interference in the internal affairs” of other states, have publicly called on Myanmar to change course.

Myanmar will only budge, however, if the costs of continued defiance become too high to bear. Aung San Suu Kyi and Myanmar’s military need to be shown that their intransigence could lead to economic, diplomatic, and political disaster. The Rohingya cannot be forced to wait any longer in what Yanghee Lee, the UN Special Rapporteur on Myanmar, called in March “the purgatory of international inaction.”

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## AMERICAS

## **North & Central America**

**El Salvador wartime parties suspend controversial amnesty bill (Reuters)** By Nelson Renteria  
May 23, 2019

**Lawmakers in El Salvador agreed on Thursday to suspend a controversial amnesty bill following an outcry from victims' families, the United Nations and rights groups who said it aimed to whitewash crimes committed during a bloody civil war.**

A 12-member congressional commission representing a range of political parties voted unanimously for a technical committee to review two other proposals and consult with members of civil society, the armed forces and the Catholic Church on Monday.

A new proposal could be ready for a vote by Wednesday, the legislators said.

The amnesty bill aimed to prohibit jail time for former military personnel and leftist guerillas accused of atrocities during the 1980-1992 war in which 75,000 people were killed and 8,000 went missing. The bill instead proposed community service.

Lawmakers with roots in opposing sides of the war were in a race against time to pass the bill, since President-elect Nayib Bukele opposed it and could veto the legislation if it was not on the books when he takes office on June 1.

In July 2016, the Supreme Court of Justice declared unconstitutional a 1993 amnesty law that prevented investigation, prosecution and imprisonment of people responsible for war crimes. Judges ordered Congress to adopt a new law to promote national reconciliation before July 2019.

The last-minute attempt to soften punishments is part of a backlash in Central America against attempts to bring justice for excesses in the region's Cold War-era conflicts. It follows a similar bill in Guatemala that could lead to the release of former soldiers convicted of massacres.

Backed by the ruling leftist Farabundo Marti National Liberation Front (FMLN) and the opposition right-wing Nationalist Republican Alliance (ARENA), the amnesty bill known as the "national reconciliation law" would have released former combatants in prison in 2016.

The two parties dominate the Legislative Assembly, controlling 60 of the 84 seats, and needed a simple majority to approve the bill.

**"IMPUNITY FOR THE MASTERMINDS"**

However, victims' families said they were not consulted on the bill.

Human rights groups feared there would be no justice for those killed in notorious massacres like El Mozote and El Sumpul, as well as crimes including the 1980 murder of Archbishop Oscar Romero and the 1979 disappearance of former South African ambassador Archibald Gardner Dunn.

U.N. Human Rights chief Michelle Bachelet, a former Chilean president who herself was detained during a military dictatorship in her country, urged lawmakers to refrain from "adopting provisions that contravene international law."

"If passed, these provisions will unduly benefit people who, during the armed conflict, were directly responsible for crimes against humanity and war crimes," she said in a statement.

"They will also result in impunity for the masterminds and military leaders who ordered such crimes, or failed to adopt measures to prevent or stop them."

U.S. Assistant Secretary for Western Hemisphere Affairs Kimberly Breier said any national reconciliation law in El Salvador should protect the rights of victims to seek justice.

A small group of relatives of victims gathered on Thursday in front of the official residence of President Salvador Sanchez Ceren, a civil war leader of the FMLN, to protest.

"This law has many conflicts of interest," said Andres Garcia, 64, who said his father was killed in 1985 by members of the military. The bill proposed community service instead of jail time. "(The penalty of imprisonment) will be replaced by a



penalty of community service, with work days set out in the respective ruling, whose minimum limit will be three years and whose maximum will be 10 years,” the draft of the law read.

### **Navy SEAL Accused of War Crimes Released Ahead of Murder Trial (Democracy Now)**

May 31, 2019

**In California, a military judge in San Diego ordered Navy SEALs Special Operations Chief Edward Gallagher freed from custody Thursday, citing prosecutorial misconduct in Gallagher’s murder trial for alleged war crimes. The judge ruled prosecutors exceeded their authority when they tried to plant computer code in emails in order to find the source of leaks about the case. The court has yet to rule on whether to remove prosecutors or to throw out the case entirely. Gallagher is accused of shooting unarmed civilians in Mosul, Iraq, and killing a wounded captive ISIS teenage fighter by stabbing him with a knife, then staging a re-enlistment ceremony over the dead teenager’s body. President Trump has signaled he’s considering a presidential pardon for Gallagher and other military members convicted of war crimes.**

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## **South America**

### **Corruption Leaves Ecuador’s Prisoners Facing Precarious Conditions (Insight Crime)** By Mayra Alejandra

Bonilla

May 30, 2019

**The accidental poisoning of 204 inmates in a prison in Ecuador shows deep-seated corruption and overcrowding inside the country’s prison system, where surrender of state control to gangs has left prisoners suffering.**

On May 24, 204 inmates fell ill with food poisoning at Ibarra prison in the province of Imbabura, due to severely contaminated food from an external vendor. Taken alone, this case would not seem particularly eye-catching. But it appears to be a symptom of a deeper collapse within Ecuador’s prison system and its surrender to organized crime.

On April 30, a state of emergency was declared in prisons nationwide. Overcrowding has reached 40 percent across all prisons, including an alarming 200 percent level of overcrowding at the prison of Machela, in the southwest province of El Oro.

With the penitentiary system now operating well above its capabilities, a lack of hygiene in food and other perilous conditions are worsening.

A report by Plan V documented severe conditions in the maximum security prison of Latacunga, with inmates suffering from a lack of water and living amongst human excrement. Sick inmates are left without essential care and access to medicines.

Ecuador’s Minister of Defense, Oswaldo Jarrín, has admitted that Ecuador’s prisons are under the influence of at least seven criminal gangs, preventing any real state presence from improving these conditions.

Instead, increasing violence between these gangs led the government to recently deploy the army to secure the area in and around the prisons.

According to the minister, these groups have stated their interest in negotiating “peace,” albeit at a high price. Jarrín explained gang members would stop the violence inside prisons in return for immunity from prosecution once they are released. This proposal was roundly rejected by Ernesto Pazmiño, director of the national service for prisoners.

According to complaints made by officials such as Luis Astudillo, Ecuador’s former deputy director of minimum security

prisons, corruption is getting worse. This situation was reached due to high levels of corruption throughout the state, where anyone with money can profit from the criminal underworld inside penitentiaries. “Nothing happens [inside prisons] without them knowing,” said Astudillo.

The magnitude of the criminal networks inside Ecuador’s prisons, involving prison guards, police officers and government officials, have made them a ticking time bomb.

While gangs such as Los Choneros or Los Cubanos may dominate prison life, they are focused on criminal economies, not improving living conditions.

One former prison official told InSight Crime on condition of anonymity that drugs and weapons were brought inside prisons by top officials, including prison directors.

A lack of personnel is another crippling problem. According to Sonia Andrade, a former public supervisor of the penitentiary system, a single guard can sometimes be in charge of hundreds of prisoners.

Low salaries are another incentive. According to data from Ecuador’s national service for prisoners, guards earn an average of \$520 a month. While this is above the national average, many of them have not received a raise in up to 15 years.

The former prison official also revealed that guards and police smuggle weapons into prisons, either disguised as service weapons or hidden inside bulletproof vests. Drugs and cellphones can be hidden inside supplies or even inside body cavities. Inspections upon entry are superficial, if carried out at all.

The incentives for guards to take part in these criminal economies are huge. Cell phones can cost between \$100 and \$4,000, due to inflated prices placed on contraband. This depends on the model, with Blackberry devices most in demand, according to the former official. This is due to Blackberry’s messaging system being more secure as it has its own operating system and does not work through apps.

But with the rejection of the gangs’ peace offerings, what steps are being taken? Ecuador has in the past taken innovative steps to “legalize” gangs, thus reducing the rate of homicides and violence.

In the case of this latest crisis, however, the country appears to be struggling on how to respond. To date, besides sending in the military to retake certain prisons, the government has only moved to allow early releases for prisoners having served at least 80 percent of their sentence.

**What Colombia Can Teach Us About Afghanistan (The Diplomat)** By Lionel Beehner and Liam Collins  
May 28, 2019

**Two wars, two peace deals. One has held for a few years, after decades of stalled negotiations. The other is still just a “framework” for peace. We’re referring to Colombia and Afghanistan – two countries riddled with longstanding rural insurgencies, drugs, militias, weak centers, cross-border sanctuaries, and poor governance. Are there lessons from Colombia that can be applied to Afghanistan?**

In a new report published by West Point’s Modern War Institute, we argue that despite differences, there are commonalities. In Afghanistan, the push for a peace deal is admirable and arguably the correct course, yet the ability to reach a peace deal and a lasting peace will be particularly challenging given many of the conditions that made Colombia ripe for peace are not present in Afghanistan.

The “framework” in Afghanistan was hashed out between Zalmay Khalilzad, an American, and the Taliban. Yet the Afghan government – arguably the most important player in Afghanistan – has been largely cut out of the process. That is hardly a positive omen for Kabul’s future legitimacy. As President Ashraf Ghani noted recently, “The victims of the war are Afghans. So the initiative of peace should be in the hands of Afghans.”

By contrast, in Bogota, the peace agreement was largely “owned” by the Colombians. Americans played a bit of a role in the peace talks in Havana; the language and terms were the handiwork of Colombian negotiators. Americans also played a limited supporting role when it came to the provision of security. For every five cents we spent there on Plan Colombia, the Colombians spent 95 cents. To quote T.E. Lawrence, “Do not try to do too much with your own hands.”

Second, the Taliban must be given a voice in any future Afghan government. This remains a thorny issue in Colombia. The FARC control a handful of seats in Colombia’s parliament, which was a big reason why the peace deal was initially rejected when put to a popular referendum. Colombians, especially (and ironically) those from cities that saw the least violence (and presumably had fewer axes to grind), felt like the agreement was too lenient.

Yet leniency, however hideous and unjust to some, is a necessary ingredient of peace deals. The Taliban rank and file must be given an off-ramp to re-enter society – whether through formal rehabilitation or reeducation is unclear – provided they disarm, demobilize, and don't go back to abusing women as they had before 9/11. This makes the institution of transitional justice a sensitive topic and riddled with tripwires. While transitional justice in Colombia has been far from perfect, we met mothers of war victims opening art exhibits as war memorials, pushing for greater land reform, and mobilizing against the country's entrenched oligarchy. Afghan civil society must also mobilize and similarly agitate from below.

Colombia shows the difficulties of “disarmament, demobilization, and rehabilitation,” or DDR. Disarming the FARC took nine months and disabled some 9,000 firearms, though large weapons caches remain at large. While roughly 10,000 ex-combatants were demobilized, large numbers never reintegrated into society. Like the Afghan Taliban, guerrilla fighters in Colombia have little education, weak family ties, and showcase antisocial personality traits, all predictors of recidivism, according to the scholars Oliver Kaplan and Enzo Nussio. Roughly 5 to 10 percent of ex-FARC have rejoined the fight, many of them mid-ranking cadres. The causes are complex, but mostly it is due to a lack of jobs, the social stigma attached to ex-fighters, and threats they face from ex-colleagues who refused to lay down their arms.

Despite some hiccups, the overall process of collective DDR in Colombia has gone relatively smoothly. We met former guerrillas attending school, taking advantage of government-funded healthcare, and putting their violent past behind them.

A third important lesson from Colombia, and this might seem obvious, is that the provision of security is paramount. This requires that the ministries of interior and defense, along with civilian agencies, play ball together, as counterinsurgency in failed states requires an alchemy of patient detective work along with the management of violence. The recent terrorist attack against the Santander police academy in Bogota, allegedly carried out by the National Liberation Army (ELN), highlighted the vulnerabilities on this front.

In Afghanistan, there has been longstanding disparity between the capability of (and distrust between) Afghanistan's police and its military. Both are poorly paid and face tremendous risks, as evidenced by a spate of recent Taliban attacks against military barracks – some 45,000 Afghan police and soldiers have been killed since 2014 – yet without cooperation, security, especially in rural provinces, is unattainable.

Regarding security provision, it is also imperative to isolate third-party “spoilers,” which can include armed actors that are non-signatories to the treaty, criminal gangs, or outside countries. In Colombia, several guerrilla groups, including the ELN, remain still at large (as evidenced by the recent terrorist attack that struck a police academy we visited in Bogota mentioned above). Cocaine still fuels the illicit economy and organized crime, yet drug traffickers have gotten wiser that violence is bad for business. Like Colombia, a peace agreement in Afghanistan will not likely reduce drug trafficking, and may even lead to higher levels. Farmers face perverse incentives as crop-substitution programs are riddled with moral hazards.

Similar to Colombia, whose neighboring countries provided refuge for Colombia's guerrillas, the durability of any peace deal in Afghanistan hinges on its neighbors, most notably Pakistan. Yet, whether it plays along, or seeks to play the role of spoiler, the United States holds significant leverage on this front, and must isolate potential external spoilers to the peace process if it is to make Afghanistan resemble Colombia and not, say, North Vietnam.

To be sure, there are some major differences between Colombia and Afghanistan. Colombia, while dangerous, was never a safe haven of violent extremists with an internationalist agenda or foreign fighters. The United States' primary interest in Colombia was curbing the flow of narcotics, not terrorists. In Afghanistan, it is mostly reversed.

In Colombia, moreover, the FARC had suffered a series of humiliating defeats, including the deaths of several senior members of its aging leadership and a successful hostage rescue mission. While not defeated on the battlefield, they did not have momentum. Nor did they control some 40 percent of the country, as the Taliban do in Afghanistan today.

Hence, few were optimistic about the sixth round of peace talks that occurred in Doha in early May.

However, there is a glimmer of hope that Afghanistan might one day resemble Colombia: A version of what some scholars call “ugly stability” – pockets of security interspersed by pockets of violence; a fragile state but not a failed one.

In Colombia, a low hum of violence continues to keep the country on edge, yet expatriates have returned, tourism dollars and foreign investment are pouring in, and the illicit economy, while still robust, does not define the country or turn entire cities into war zones.

What should be the role of the U.S. military? In Colombia, we achieved “ugly stability” on the cheap, spending roughly \$10 billion over a decade. In Afghanistan our annual military budget dwarfs that, with arguably fewer results to show for our efforts.

Unlike Colombia, where the United States has its third largest embassy but otherwise keeps a small military footprint of

Special Operations Forces as advisors to train and assist, the U.S. military should maintain some residual presence in Afghanistan to avoid the security vacuum that led to 9/11. But Afghanistan should not resemble Cold War West Germany, where we kept hundreds of thousands of troops and significant military hardware for decades. Nor should we expect all good things – peace, security, governance, and reduction of narco-trafficking – to come together.

Peace and reconciliation in Afghanistan may not be right around the corner. But Colombia provides an imperfect roadmap for how to achieve both.

**Colombia: Authorities Capture Financier of ELN Terror Attack in Bogota (Panam Post)** By Felipe Fernández  
May 23, 2019

**Colombian authorities have finally captured the National Liberation Army (ELN) financier responsible for the deadliest terrorist attack in years. The incident took place in January of this year, at General Santander Police Academy. When he was captured, the man admitted the charges.**

Álvaro José Mateus Vargas was arrested in the border city of Cúcuta and stands accused of having financed the execution of the car bomb that left 22 police cadets dead.

According to the investigations of the General Prosecutor's Office, Mateus Vargas, who also engaged in the sale of dairy products, "contributed considerable sums of money for the planning and execution of the attack" inside the academy, on January 17th.

After the capture, the authorities transferred the financier of the guerrilla group before a municipal judge in Yopal, Casanare, a state located 200 miles northeast of Bogota. There, he faced charges of rebellion, concert to commit an aggravated crime, and financing of terrorism and common criminal groups.

Police director General Óscar Atehortúa alleges that Mateus Vargas is the "right hand man" of Gustavo Aníbal Giraldo, alias "Pablito", one of the heads of the Central Command of the ELN, and is also a key part of the ELN's so-called "Eastern War Front."

Authorities have been hot on the trail of "Pablito," who is rumored to straddle the border between Colombia and Venezuela, with extensive activities in the Venezuelan southwestern border state of Apure. His stronghold is located in the vicinity of Guasqualito, Apure, where its proximity to the Apure River and major highways connecting Venezuela with neighboring Arauca state, as well as San Cristobal, Tachira to the west, make it an attractive and strategic location.

Apparently, due to the protection provided by the Nicolás Maduro regime, it has been impossible to capture him. Presented with new evidence of permanent guerrilla presence in the neighboring country, President Iván Duque affirmed that "the top ELN chiefs are in Venezuelan territory" and was emphatic in pointing out that Maduro has given them "arms, money, and support for several years."

"I believe that this is the confirmation that, from Venezuela, Nicolás Maduro is not only encouraging the ELN to recruit children on the Venezuelan border with Colombia, but also encouraging them to engage in criminal acts," the president said in a press conference.

The evidence and the arrest

So far, four arrest warrants have been issued in conjunction with the General Santander attack.

In mid-April, two guerrillas known as "Silvana Guerrero" and "Alirio Sepúlveda", who are part of the ELN National Directorate in Bogotá, were captured. They were involved in coordinating the acquisition of the truck that was later loaded with explosives in a warehouse.

Mateus Vargas arranged the procurement of the truck, while a close associate Wilson Arévalo Hernández, alias "Chaco", drove said vehicle from the state of Arauca, in northeastern Colombia, to a winery in the south of Bogotá where it was loaded with 80 kilograms of the powerful explosive pentolite.

Other individuals cited in the investigation are still at large: Ricardo Carvajal, whom the Prosecutor's Office indicates has knowledge about the terrorist plot, José Aldemar Rojas Rodríguez, who was in charge of driving the truck on January 17, and Arturo Ordóñez Riveros, alias "Elephant", who is believed to be the mastermind of the attack.

After the attack, Attorney General Nestor Humberto Martínez delivered a video showing the route of the car bomb. It was a 1993 Nissan Patrol truck. Evidence shows the truck stopped in front of the Transmilenio station "Venezia" before continuing

on to the police academy to unleash Colombia's deadliest terror attack in years.

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## Venezuela

**In Venezuela, criminals feel the pinch of an economic crisis** By Scott Smith

May 28, 2019

**The feared street gangster El Negrito sleeps with a pistol under his pillow and says he's lost track of his murder count. But despite his hardened demeanor, he's quick to gripe about how Venezuela's failing economy is cutting into his profits.**

Firing a gun has become a luxury. Bullets are expensive at \$1 each. And with less cash circulating on the street, he says robberies just don't pay like they used to.

For the 24-year-old, that has all given way to a simple fact: Even for Venezuelan criminals it's become harder to get by.

US gov't to place 200 tons of humanitarian aid near Venezuelan-Colombian border "If you empty your clip, you're shooting off \$15," said El Negrito, who spoke to The Associated Press on the condition he be identified only by his street name and photographed wearing a hoodie and face mask to avoid attracting unwelcomed attention. "You lose your pistol or the police take it and you're throwing away \$800."

In something of an unexpected silver lining to the country's all-consuming economic crunch, experts say armed assaults and killings are plummeting in one of the world's most violent nations. At the Venezuelan Observatory of Violence, a Caracas-based nonprofit group, researchers estimate homicides have plunged up to 20% over the last three years based on tallies from media clippings and sources at local morgues.

Officials of President Nicolás Maduro's socialist administration have drawn criticism for not releasing robust crime statistics, but the government on Tuesday gave the AP figures showing a 39 percent drop in homicides over the same three-year period, with 10,598 killings in 2018. Officials also report a fall in kidnappings.

The decline has a direct link to the economic tailspin that has helped spark a political battle for control of the once-wealthy oil nation.

Soaring inflation topped 1 million percent last year, making the local bolivar nearly useless even though ATM machines have been unable to dispense more than a dollar's worth of scrip anyway. The severe scarcity of food and medicine has driven some 3.7 million to seek better prospects in places like Colombia, Panama and Peru — the majority of them young males from whom gangs recruit. And workdays are frequently curtailed due to nationwide strikes.

But as the country descends into a state of lawlessness, many Venezuelans who turn to crime find themselves subject to the same chaos that has led to a broader political and social meltdown.

Critics blame 20 years of the socialist revolution launched by the late President Hugo Chávez, who expropriated once-thriving businesses that today produce a fraction of their potential under government management.

Earlier this year, opposition leader Juan Guaidó launched a bold campaign with the support of the U.S. and more than 50 nations to oust Maduro, who succeeded Chávez. However, Guaidó has yet to make good on his promises to restore democracy, spark a robust economy and make the streets safer.

As a result of the chaos, crime has not so much disappeared as simply morphed in form. While assaults are down, reports of theft and pilfering of everything from copper telephone wires to livestock are surging. Meanwhile, drug trafficking and illegal gold mining have become default activities for organized crime.

When night falls, streets in Caracas clear as most residents abide by an undeclared curfew out of fear for their safety. Despite the significant drop in killings, Venezuelans tend not to gaze at their cellphones in the streets. Many leave gold and silver

wedding rings in secure places at home, while others have grown accustomed to checking whether they are being followed.

"Venezuela remains one of the most violent countries in the world," said Dorothy Kronick, who teaches political science at the University of Pennsylvania and has carried out extensive research in Caracas' slums. "It has wartime levels of violence — but no war."

El Negrito leads for-hire hoodlums called the Crazy Boys, a band that forms part of an intricate criminal network in Petare, one of Latin America's largest and most feared slums. The gangster, who agreed to an interview with two associates at their hillside hideout in Caracas, said his group now carries out roughly five kidnappings a year, down considerably from years past.

Such express abductions are big business. Typically, a victim is nabbed and held hostage for up to 48 hours while loved ones scramble to gather as much cash as they can find, with kidnappers focused on speed and a quick return rather than on the size of the payout.

El Negrito said the ransom they set depends on what a victim's car costs, and a deal can turn deadly if demands aren't met.

But like many of his associates, he has considered leaving the trade in Venezuela and emigrating. Neighbors say the life expectancy for Petare's street thugs is about 25 years.

He said some people have quit the world of crime and sought more honest work abroad, fearing stiff penalties in other countries where laws are more enforced.

While explaining that he struggles to support his wife and young daughter, El Negrito passed a silver pistol between his hands. A Bible lay open to Proverbs on a dresser as a breeze turned the pages.

Robert Briceño, director of the Venezuelan Observatory of Violence, said the decline in homicides is a matter of basic economics: As cash becomes scarce in Venezuela, there is less to steal.

"These days, nobody is doing well — not honest citizens who produce wealth or the criminals who prey on them," he said.

One associate of the Crazy Boys, who gave only his nickname, Dog, said he has no trouble finding ammunition for his guns on the black market. He said the challenge is paying for it in a country where the average person earns \$6.50 a month.

"A pistol used to cost one of these bills," he said, crumpling up a 10 bolivar bill that can no longer be used to buy a single cigarette. "Now, this is nothing."

**Can a Pardon Be a War Crime? When Pardons Themselves Violate the Laws of War** By Gabor Rona  
May 25, 2019

**President Donald Trump's inclination to grant pardons to several military and contractor personnel accused or convicted of war crimes may itself be a violation of the laws of war, if not a war crime. In an extraordinary public statement issued Friday, the International Committee of the Red Cross (ICRC) – an international organization that usually acts through confidential communications with parties to armed conflict – explains the distinction between pardons and amnesties. The ICRC does not comment on specific cases, and in this statement, does not opine on the legality, let alone the possible criminality, of any particular grant of pardon/amnesty. But the fact that the organization chose to weigh in on such a hot button issue suggests how serious a threat such action by President Trump would be to the system of international law. Here's what's at stake.**

Special Operations Chief Edward Gallagher of the Navy SEALs is scheduled to stand trial in the coming weeks on charges that while deployed in Iraq, he shot several unarmed civilians and stabbed a prisoner to death. Nicholas A. Slatten, a former Blackwater security contractor, was recently convicted of first-degree murder for the 2007 shooting of dozens of unarmed Iraqis. Maj. Mathew L. Golsteyn is an Army Green Beret accused of killing an unarmed Afghan in 2010. A group of Marine snipers have been charged with urinating on the corpses of dead Taliban fighters. These are all war crimes that violate the most fundamental principle of the laws of war, the principle of distinction: combatants may target enemy combatants, but civilians and even combatants no longer participating in hostilities, such as PoWs, not to mention the deceased, must be protected.

What else these men have in common is the attention of President Trump, who is reported to be considering pardons for them, just in time for Memorial Day. The President essentially confirmed he is considering this action on Friday. Pardoning these men, especially the ones who have not yet been tried (amnesties), is an insult to the legal and moral standards the U.S.

military is bound to uphold. It undermines the ability of the military to enforce discipline among its ranks and after the torture scandals of post-9/11, further damages the reputation of the United States for adherence to its international human rights obligations and the laws of war. This much has been broadly recognized by legal and military experts, including here and here on these pages. In the first of these essays, a group of retired military leaders go so far as to note that as Commander in Chief of the armed forces, the President, acting in compliance with the U.S. Law of War Manual, “should not interfere with his commanders’ fulfillment of their legal duties when they face strong evidence that their subordinates have breached [the] law.”

There’s a possible consequence to issuing these pardons that the President and his close advisors might not have considered. That to do so would itself be a war crime, related to the president’s constitutional role as Commander in Chief of the armed forces.

As the commander of these soldiers, and perhaps even of the Blackwater contractor, the President, himself, has a responsibility to punish, if not prevent, violations of the laws of war committed by his subordinates.

The principle of command responsibility is well established in the laws of war, reflecting not only what is morally right, but also the importance of discipline to the accomplishment of the military mission. After the Second World War, a U.S. military tribunal convicted Japanese General Tomoyuki Yamashita for his troops’ torture and massacre of civilians in the Philippines. There was no evidence that Yamashita ordered or participated in the crimes. It was enough that he either knew or should have known and failed to prevent the atrocities or punish his troops. General Yamashita was executed. During the Vietnam War, U.S. Army Captain Ernest Medina was prosecuted under the command responsibility doctrine for the massacre by his troops of civilians at the village of My Lai. He was acquitted.

Normally, it would be highly suspect to charge a president with war crimes under a command responsibility theory. Certainly, President Trump did not know, and probably couldn’t have known or prevented these acts. He wasn’t even president when they were committed. But presidents don’t normally pardon war criminals. The law of command responsibility doesn’t only address crimes a commander ordered his or her troops to commit, or even only those which he or she failed to prevent. It also requires a commander to impose consequences for violations committed by his or her subordinates. It is hard to imagine a clearer violation of this obligation than a pardon.

The ICRC’s statement makes the point:

“Customary law is unequivocal that ... governments must investigate war crimes allegedly committed by their nationals or armed forces, or on their territory, and if appropriate, prosecute suspects.

With regard to amnesty, the objective should not be to enable war criminals, or those thought to have seriously violated the laws of war, to evade punishment for their actions.”

It’s been said that the Constitution imposes no limits on the president’s pardon power. That may well be true, but as Commander in Chief, President Trump also has an obligation under both domestic and international law to at least not impede processes to hold war criminals responsible, and his pardon powers do not override that responsibility.

In spite of, or perhaps given, the laundry list of President Trump’s flirtations with illegality, it’s not easy to imagine him ever being charged by a U.S. court as a war criminal. But the buck for war crimes doesn’t stop at our border. War crimes belong to a category of international crimes, including crimes against humanity, genocide, torture, and waging aggressive war, that a number of countries can and do prosecute under a theory of universal jurisdiction. These are crimes that are so serious that they are an affront not only to the country where they occurred, or from which the victims or perpetrators hail, but are of concern to the entire international community. In other words, they are crimes that can be prosecuted by any country. Several European countries, for example, have robust mechanisms for applying universal jurisdiction to international crimes committed outside their borders by and against non-citizens. While one may be rightfully skeptical that another State would prosecute a sitting or former President of the United States, the fact that the potential exists, including the right of private citizens to initiate such complaints in some States, should make this President pause.

If these pardons are President Trump’s vision of how to make America great again, he is terribly mistaken. If he doesn’t care about the integrity of our country and its military, he may nevertheless want to consider his golfing plans abroad before he decides to issue these pardons.

### **Increasing Pressure on Venezuela’s Government (Human Rights Watch)**

May 28, 2019

**Venezuela is in the grips of a humanitarian crisis fueled by Nicolás Maduro’s repression and mismanagement. The country is wracked by severe shortages of food and medicine, and more than 3.7 million Venezuelans have fled, most of them to other Latin American countries.**

Human Rights Watch believes one of the best ways to pressure Venezuela's government is through a multilateral approach led by Latin American governments. We raised the stakes on Venezuela's government through both our high-level advocacy and a social media campaign, and today the pressure on Maduro has never been so intense.

### Revealing the Depth of Venezuela's Abuses

October 24, 2016 Report Venezuela's Humanitarian Crisis Severe Medical and Food Shortages, Inadequate and Repressive Government Response Download the full report Download the brochure Descargar el informe completo en Español - (Spanish) Descargar el folleto en Español - (Spanish) Human Rights Watch has long documented the Venezuelan government's abuses. We reported on political repression, working together with local groups to cover the massive crackdown on anti-government demonstrations in 2014 and 2017. Media coverage of our work, including prior to the brutal crackdowns on the streets, helped inform the world of Maduro's steps to undermine judicial independence, as well as the work of independent journalists and activists. We were among the first human rights groups to expose evidence of hunger and medical shortages after we visited hospitals and food lines for a 2015 in-depth article and a 2016 report. Health workers and relief agencies told us of severe shortages of medications and supplies, including antibiotics, surgical sutures, and sterile gloves. With their help, we documented conditions contributing to rising in-hospital infections and infant and maternal mortality rates.

Working with doctors and public health specialists from the Bloomberg School of Medicine at Johns Hopkins University, we uncovered alarming trends in malnutrition in adults, including pregnant women, and increasing acute malnutrition in children. In the report, widely cited in the media, we revealed other problems like outbreaks of vaccine-preventable diseases like measles and diphtheria, spikes in infectious diseases such as malaria and tuberculosis, and rising mortality rates for all Venezuelans.

The Exiles: Documenting Venezuela's Devastating Humanitarian Crisis The Exiles: Documenting Venezuela's Devastating Humanitarian Crisis As Venezuela's crisis continues to spiral out of control, Human Rights Watch researchers traveled to the Colombian and Brazilian borders to assess the extent of the humanitarian crisis Venezuelans are fleeing. A SPECIAL FEATURE Our report not only used available information to reveal the magnitude of the crisis; it also showed that Venezuelan authorities were largely responsible for it. The government is minimizing and suppressing information about the crisis, harassing and retaliating against those who collect data or speak out about it – all while doing far too little to alleviate it. Our report called for a UN-led, full-scale humanitarian response, which we publicly asked for when presenting our findings before the UN Security Council in April 2019. Sharpening the Focus on Venezuela's Abuses

We met with presidents around the region and high-level officials in the Americas and Europe, leveraging our research to rally them to press Maduro to restore democratic rule. These advocacy meetings contributed to a much stronger regional response. This can be seen in the 2017 creation of the Lima Group, roughly a dozen Latin American democracies, along with Canada, that have consistently pressed Venezuelan authorities to address its ongoing political, humanitarian, human rights, and economic crisis.

This was no small feat. Traditionally, Latin American governments have been reluctant to comment on each other's human rights records. But having proof of the dire conditions in Venezuela, together with the impact that Venezuelan emigration is having in their countries, compelled regional leaders to take action.

We also engaged Latin Americans to help pressure their leaders by launching an online campaign called #TodosConVenezuela (stand with Venezuela) in 2018. We asked people to contact some Latin American leaders and ask them to tell Maduro that "enough is enough." The campaign, which engaged some 1.6 million people, featured superstar singer-songwriter Ricardo Montaner, an Argentinian who grew up in Venezuela.

Additionally, during last year's protests, we compiled images from social media, vetted for accuracy, into a short video report that went viral. When the Organization of American States (OAS) held a special session of regional leaders to address Venezuela's government crackdown, Secretary General Luis Almagro ended the gathering by showing our video report.

### The Results of Our Advocacy

Thanks in part to our advocacy, for the first time some Latin American governments imposed targeted sanctions on key Venezuelan leaders implicated in the repression and corruption.

Our efforts also helped spur global condemnation on Venezuela; the first-ever resolution on the crisis that condemned Venezuela by the United Nations Human Rights Council, an effort led by Latin American governments; and targeted sanctions by the European Union, Canada, and the US.

We also shared our findings with the Office of the Prosecutor at the International Criminal Court. In February 2018, the ICC



prosecutor opened a preliminary examination into allegations of abuse in Venezuela to determine if crimes against humanity have been committed.

### The Work Continues

As the political struggle between Nicolás Maduro and Juan Guaidó, the National Assembly president who is challenging Maduro's hold on the presidency, unfolds, the suffering of the Venezuelan people caused by the repression and the shortages continues. During the coming year, we will continue to document the crisis within Venezuela and regionally, ratcheting up pressure on the Venezuelan government. We will work with key international actors to send the message that those responsible for abuses will eventually be held accountable, and will continue advocating for UN leadership to implement a full-scale response to address the humanitarian emergency.

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## TOPICS

### **Truth and Reconciliation Commission**

#### **Starting the Accountability Process: Liberian Lawyers Draft Bill for Establishing War Crimes Court (Front Page Africa)**

May 23, 2019

**Since the end of the Liberian civil war and the establishment of the Truth and Reconciliation Commission (TRC) of Liberia, the body was empowered to investigate the root causes of the country's conflict and make recommendations. The TRC made its final recommendations in July 2009 but the commission's report is still on the shelf with only few recommendations implemented.**

Since the release of the TRC report there has been continuous dialogue on how to move forward with the Commission's recommendations with Liberians divided, expressing mixed views on whether to go the way of accountability or reconciliation through Pala Hut discussions and other forgiveness mechanisms.

While the debate continues, the Liberian National Bar Association (LNBA), an association for all lawyers in Liberia has taken some steps and now taking the lead as the President of the Association, Cllr. Tiawon S. Gongloe has disclosed that the Bar is currently drafting a Bill seeking for the establishment of a War Crimes Court in Liberia.

Making the disclosure during his presentation at a National Colloquium on Implementation of the erstwhile TRC Recommendations held in Gbarnga, Bong County from May 16-18 Cllr. Gongloe disclosed that a team of eminent lawyers are currently drafting the Bill.

The colloquium organized by Independent National Commission on Human Rights (INCHR) in collaboration with Center for Democracy and Development (CDD) with support from the United Nations Office of the High Commissioner for Human Rights (OHCHR) Liberia Country Office brought together participants from every segment of the Liberian society. Participants includes representative of the government both the executive and the legislature, representatives from the 15 counties of Liberia including chiefs, women groups, youth organizations, members of the Civil Society Organizations, Academics and representatives of international organizations in Liberia like EU, AU, ECOWAS, Embassy of Sweden etc.

Cllr. Gongloe presenting on the topic 'Legal and Constitutional Underpinnings of the TRC Recommendations on Accountability: Human Rights Perspective' said the Bill will be submitted to the National Legislature for passage into law to start the accountability process for crimes committed during the Liberian conflicts.

"As we Liberians dialogue on these issues, we must chose accountability over immunity. So, let me tell you today that the Bar

has setup a committee to draft a bill calling for the establishment of a war crimes court in Liberia for submission to the National Legislature” he disclosed.

The Committee, Cllr. Gongloe said is made of five of the most eminent jurists in Liberia and he is convinced that their work will set the stage of achieving accountability in the country. He said the Bar Association will move onward for the submission of the Bill to the National Legislature for passage into law.

Cllr. Gongloe maintained that dialogue is the best way for Liberians to continue talking until they reach a final conclusion on how to proceed. But during these dialogue processes, Cllr. Gongloe admonished Liberians to choose accountability over immunity.

“Talking is a way of finding solution to problems, but let us stick with one voice on war crimes court, Liberians, let us not be afraid”, he told the gathering.

According to him the notion by some that a war crimes court will threaten Liberia’s peace is wrong indicating that impunity will lead to more destruction in the future.

Drawing his conclusions on the events in Rwanda, he said people were killed in the 1960s and 1970s in Rwanda but the people decided to let it go until the situation escalated to a genocide in 1994 when nearly one million people were killed.

The Rwandan genocide, Cllr. Gongloe said is a classic example of how impunity has the propensity to destroy an entire nation.

Honorable Dorwoan T. Gleekia, a member of the House of Representatives at the 54th Legislature of Liberia said accountability will help deter the commission of crimes and move the country forward.

He said if the country is prioritizing issues of accountability the country will not experience issue such as the current debate surrounding the amount of US\$25 million used for mopping up exercise said to be unaccounted for. He promised that although Liberians remain divided over the issue but accountability is a necessity for the country.

During a period of interaction with the participants, many Liberians expressed that they have decided long ago about war crimes but those in power continue to play lip service with the establishment of war crimes court to bring perpetrators of crimes to justice.

Chief Bob Kofi Zah of Rivercess County expressed anger that as chiefs and elders they continue to make recommendations on the way forward but their recommendations are not being implemented.

“Why you continue to call us to these kinds of programs. Every time we make recommendations, you the book people (educated people) will dash it and fail to listen to us”, the Chief fumed!.

Several other participants expressed that there has been more talking about the TRC recommendations and taking concrete actions is now something long overdue.

One participant, a female elder from Grand Cape Mount County said the fact that those who committed crimes against the Liberian people have failed to publicly show remorse means they don’t regret their actions.

The 3-day colloquium ended with official statement endorsed by all the participants requiring the Liberian government to among other things do the following-

That a War Crimes Court be established to prosecute all persons who committed gross human rights violations during the civil war in Liberia and that a bill be drafted and be submitted to the national legislature for passage into law to protect victims and witness for the civil war in Liberia.

That the President of Liberia begins to submit his quarterly reports on the implementation of the TRC recommendations to the National Legislature and the Liberian People in accordance with Section 4.4 of the TRC Act.

The Colloquium calls for full and timely implementation of the Reconciliation Roadmap by this Government.

That the Government of Liberia should enact into law, National Unification and Memorial Day and repeal Decoration Day while ensuring the reburial of President William R. Tolbert, Jr. and Samuel K. Doe as sign of national reconciliation and peace among Liberians.

To establish a Reparations Trust Fund and legislate a National Reparation Program. It urges that reparation be carried out comprehensively at individual, community and national levels.

That there shall be formal launch and financial support for the Palava Hut and giving attention and support to victims with special needs appearing under the Palava Hut.

### **Alliance for Transitional Justice Promises to Defeat Impunity in Liberia (Front Page Africa)**

May 24, 2019

**The Alliance for Transitional Justice (ATJ), a rights group consists of 16 institutions drawn from civil society organizations, faith-based, legal, educational and research, women/youth focus and networks of massacre survivors' related institutions have agreed to defeat impunity in the country.**

On June 12, 2018, the name, Alliance for Transitional Justice was adopted to advocate for the full and timely implementation of the 2009 Truth and Reconciliation Commission's Report. Since the establishment of the ATJ, the institution was able to hold its first inaugural ceremony on Sunday, May 19, at the St. Stephen Trowen Nagbe United Methodist Church 13th Street, Sinkor, Tubman Boulevard.

Speaking at the induction ceremony, the Secretary of the National Technical Advisory Working Group, Jeremiah S. Swen, said since the inception of the TRC Report of 2009, there had been no strong commitment for the full implementation of the recommendations.

Building local cohesion and with ownership, and enhancing strategic partnership with international institutions for the full implementation of the 2009 TRC Recommendations and the timely establishment of an Extraordinary Tribunal on War Crimes; Provision of health and social services for extreme victims of the civil crisis (especially massacre's survivors), and the construction of a National War Victims Memorial are the thematic areas ATJ's policy and program is focusing on.

According to Swen, government's non-compliance posture toward the TRC report has deeply been regarded as disrespectful to international treaties.

"The action of the leadership in government, we believed contradicts the confidence and trust reposed prior to their ascendancy. They were elected by popular mandate of the population, so we ask them to listen and lead by the expectation of the people," ATJ founder said.

Swen added: "The Alliance for Transitional Justice – Liberia directly or through her respective member institutions, has championed the call for justice – led peaceful assemblies and petition our government for the establishment of an Extraordinary Tribunal on War Crimes as enshrined in the TRC Report. "

The ATJ founder added: "That the probe into the national fiscal administration of the country resources, especially for the missing Liberian billions, the unaccountable mob-up exercise millions; supersonic construction and wealth accumulation among public officials. These are tough times, worrisome national nightmares and chaotic elements that deplete our nation's character is shameful," he said.

According to Swen, they have started a working relationship with United States Senator Todd Young of Indiana to introduce and sponsor of H.RES 1055 passed by the US House of Representative on November 13, 2018, and for the US Senate to concord and pass into law by the Government of the United States of America.

"Liberia is a founding member of the United Nations, and member of the global community, so we expect our leadership to honor and respect international treaties and resolution(s) signed in the interest of humanity," he said.

### **"TRC Went to Court, Left Court for Palaver Hut" (Liberian Daily Observer) By David S. Menjor**

May 27, 2019

**Former President Ellen Johnson Sirleaf has trashed reasons for the establishment of a war crimes tribunal in Liberia, suggesting that the matter had already been decided at the level of the Supreme Court which reduced the matter to that of a Palaver Hut engagement.**

In a television interview with Al Jazeera journalist, Mehdi Razzan Hassan, Madam Sirleaf said the Truth and Reconciliation Commission (TRC)'s findings and recommendations were taken to court, tested, and later given the green light to be reduced to palaver hut discussion items.

"The TRC has gone to the court, it has left the court and has transformed into a palaver hut," she said.

According to her, now is not time for reawakening old wounds but dialogue in order to strengthen the country's peace and

rebuild its broken structures and systems.

“The process of contrition and forgiveness and all of that has started so I don’t care about what you say,” she sharply replied to Mehdi Razzan Hassan, a British political journalist and author.

Before she assumed the Presidency in 2006, the TRC had already been formed in 2005 with Commissioners appointed by Transitional Chairman Gyude Bryant following extensive consultations and a vigorous vetting process by local and international actors.

Thus, it was on May 12, 2005 when the Liberian Transitional Legislative Assembly enacted the Truth and Reconciliation Commission (TRC) Act establishing the Commission and detailing its mandate.

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

Addressing herself to the TRC recommendation banning her and others from holding any public office in the country for a period of thirty years, she told the journalist that he was not informed of the country’s post war history and so he should forget about discussing it.

“Maybe you are not updated about what is happening in that country. Maybe you forget that after that came out, I won two elections. That went to court my dear. It’s like you don’t have enough information for the things you are saying. It is really unfortunate. This matter went to the court. I did not put it there,” Madam Sirleaf explained.

Sirleaf said this is no time to revisit the ugly past, which has brought the country and its people to the terrible stage it has gotten to. However despite her failure to address accountability concerns during her tenure and her current stance opposing the establishment of a war crimes court for Liberia, public outcry has continued to mount with victims demanding justice and an end to impunity.

According to US State Department and other local and international human rights organizations, access to justice remains a key weakness in the country’s justice system which is stymied by corruption. This situation has led to a general loss of public confidence in the country’s judicial system, according to various human rights reports.

Moreover, the lack of accountability for perpetrators of human rights abuse has led to a growing wave of calls for accountability which, in the view of the United Nations High Commissioner for Human Rights, is necessary to sustain peace and foster reconciliation, one that is based on justice.

It can be recalled that the Human Rights Committee, in its concluding observations in 2018 on the initial report of Liberia, noted with regrets the very few steps taken to implement the bulk of the TRC recommendations, including the fact that alleged perpetrators of gross human rights violations and war crimes mentioned in the TRC report have not been made to account.

Recently, Yacoub El Hillo, Resident Coordinator and Country Director of the United Nations Development Program (UNDP), and Uchenna Emelonye, Country Representative of the High Commissioner for Human Rights, observed that Liberia’s hard-earned peace can only be sustained if victims are given justice by having people who committed human rights abuses made to account for their deeds.

Unlike President Sirleaf who maintains that the quest for accountability would reopen old wounds, “The UN strongly believes that addressing the question of accountability is essential to achieving long lasting peace and fostering reconciliation, and it was once said that accounting for past actions is an important element of healing and reconciliation.”

Those were the words of UN Resident Coordinator Yacoub El Hillo when he addressed a meeting of lawyers recently. He further stressed that: “Accountability was among the first steps towards transforming relationship at different levels,” assuring that “the UN is committed to helping the government and people of Liberia in their quest for lasting stability, peace and reconciliation.”

El Hillo added that all Liberians have the right and opportunity to discuss and agree on whatever restorative mechanisms they choose to adopt to bring closure to this important question, noting, “The mechanism needs not come from outside, and may not be set up outside, but can come from right here.”

The UN resident coordinator is supported in this view by the Representative of the United Nations High Commissioner for Human Rights, Uchenna Emelonye.

According to Emelonye, Liberia can achieve true national healing, enduring reconciliation and sustainable peace if the

government and partners including civil society organizations ensure that perpetrators be held to account.

“The position of the office of the High Commissioner for Human Rights is that all actors, led by the government, must ensure accountability for past crimes,” he stressed.

Referencing the TRC final recommendations, Emelonye said it is important to note that the Accountability framework for Liberia has been fashioned by the report of the TRC of 2009. It was on this basis, according to him, that the Human Rights Committee, in its concluding observations in 2018 on the initial report of Liberia, expressed regrets for the very few steps taken to implement the TRC recommendations, including the fact that alleged perpetrators of gross human rights violations and war crimes mentioned in the TRC report have not been brought to justice.

More to this, lawyers at a retreat hosted by the Liberia National Bar Association recently, debated issues surrounding the implementation of the TRC final recommendations. Eighty-two (82) lawyers out of ninety-four (94) lawyers voted in favor of full implementation of the TRC recommendations.

In its report, the TRC identified 98 perpetrators it referred to as “Most notorious perpetrators,” eight (8) heads of warring factions, twenty-one (21) persons for economic crimes and nineteen (19) corporations, institutions and state actors.

The 98 perpetrators and eight heads of warring factions were recommended for investigation and prosecution along with the 21 persons and 19 corporations. Another 52 people were recommended for public sanction and barred from holding public office, and 54 other individuals and entities were recommended for further investigation.

Meanwhile, public demands for the establishment of a war crimes court for Liberia have intensified amid heightened security concerns in the wake of threats to violence against organizers of the planned June 7 protest.

Such concerns appear to be undergirded by fears of a resurgence of armed violence implicit in public pronouncements by ex-generals of defunct warring factions, in last April, threatening to arrest a member of the Legislature.

Meanwhile a leading legal practitioner in Monrovia, (name withheld) has slammed suggestions by President Sirleaf that the TRC matter went to Court where it was decided to revert to the Palaver Hut. According to the lawyer, the former President should be aware that the commission of egregious human rights crimes cannot be a matter of “forgive and forget” and cannot either be reduced to crimes of a lesser category.

According to the lawyer, former President Sirleaf’s reluctance and failure to address is evidenced by statements by ex-rebel generals that she “took care” of them meaning, she provided for their welfare and shielded them and that is why, according to him, the ex-rebel generals had what he called the temerity to publicly issue threats against Representative Yekeh Kolubah.

### **Challenges before The Truth and Reconciliation Commission (Daily News)**

May 28, 2019

**When the guns finally went silent on May 18, 2009 what can only be described, as a largely alien experience swept across almost every Sri Lankan household. There was revelry and celebration in some at the prospect of a long-awaited peace, and in others a deep sense of relief and reflection. Sri Lanka’s experience with multiple cycles of violence from the JVP insurrection, to the 83’ riots and the Civil War appeared to have finally come to a conclusion— a bloody one at the highest cost to be certain, but a conclusion nevertheless. Yet this is only one narrative in a story with too many participants.**

Every Sri Lankan citizen has at some point in his or her life been plucked from the daily routine of ordinary civilian life and plunged into the fog of war, suicide-bombs, terrorist attacks, insurrection and the sewage of ugly politics. To say that there is only one narrative of the history of violence in the Sri Lankan context is a severe injustice. There are simply too many narratives of the truth obscured by many uncertainties as was soon made apparent. As the fog of war began to lift a wide range of allegations against the Government and the L.T.T.E. beleaguered the country on every front marring Sri Lanka’s newfound peace and obstructing its potential for post-war growth and reconciliation.

As time went by other allegations regarding events both new and old flooded in. Soon accusations regarding disappeared persons, murders, and anti-ethnic pogroms were made referring to incidents as far back as the JVP Insurrection to as recent as its post war period (such as the anti-Mulsim pogrom of 2014) adding to the weight of the Sri Lankan public’s post-war burden.

The Lessons Learnt and Reconciliation Commission (LLRC) authorised by Former-President Mahinda Rajapaksa in 2011 was one of the earliest responses by the Government in regards to the allegations.

The LLRC produced the Government's version of events regarding the war from the Ceasefire Agreement of 2002 and made recommendations to foster national unity and the non-recurrence of violence.

While the report found criticism among the international audience for being what they argued was a convenient attempt at absolving the accused from blame under the pretext of addressing the allegations the fact that there have been reports as far back as 2011 demonstrate that the former regime was aware of the need for reconciliation in light of the allegations. Following the 2015 election, the Unity Government charged the Consultation Task Force (CTF) with producing a report and recommendations that would deliver reconciliation to all war-affected parts of Sri Lankan society. Among its many recommendations was the establishment of four specific mechanisms:

- 1) The Office on Missing Persons (OMP)
- 2) The Office for Reparations. (OR)
- 3) A Truth and Reconciliation Commission (TRC)
- 4) A Judicial Mechanism

When the Government seized ownership of the reconciliation process following UNHRC Resolution 30/1 it took into consideration the recommendations provided by the CTF report and earlier recommendations by the LLRC. With the relatively recent establishment of the OMP and OR and the former's operationalization, the establishment of a TRC for the purpose of truth finding in regards to the alleged Human Rights violation has garnered some attention.

Truth and Reconciliation Commissions are nothing new in the world of peacebuilding and post-conflict. Established bodies that have a fixed term to facilitate transition to the democratic norm, TRC's play a pivotal role in documenting patterns and identifying perpetrators, ensuring non-resurgence and acknowledging the violence. Perhaps the most famous example is South Africa's Post-Apartheid TRC which gained world renown for successfully facilitating reconciliation through investigating and recording incidents of human rights violations in a racially divisive setting many in the international arena feared would teeter into the troubling outcome of civil war. Under 30/1, Sri Lanka's TRC once established will similarly have to perform a myriad of functions involving the collection of evidence to establish the truth regarding the allegations, identifying perpetrators and highlighting responsibility in order to facilitate the reconciliation process.

It is easy to mistake the TRC as a mechanism that only involves rehabilitating the general public and returning it to the democratic norm; the process also involves the rehabilitation of a variety of persons including Government soldiers, ex-L.T.T.E. cadres and child-soldiers abused and recruited by the L.T.T.E. However determining the truth for such matters is often a tedious process demanding substantial evidence that must be carefully gathered and evaluated before a statement can be made. It is simply not a task for hasty or insincere effort.

The challenge for Sri Lanka will be installing a TRC that can not only addresses the allegations levied against the State, but also address the structural divisions within society and politics that have led to violent incidents in the first place. Addressing and remedying a system that has gained worldwide notoriety for impunity and corruption at this point seems more a delusion than a reality but with the right expertise it just might prove a probable outcome.

There is no shortage of TRC experts at home and abroad in countries like South Africa who have practical experience on Truth and Reconciliation processes whose circumstances and capacity have been worse than Sri Lanka's. This brings up the additional challenge of dissuading the longstanding fear spread by radical right-wing Sri Lankans over "foreign conspiracies" and attempts to "recolonize the motherland" which is never an easy task.

One thing is certain however. Despite its violent past, Sri Lanka has been blessed with a diversity of faith with each religion placing emphasis on the value of truth. It is oft times necessary that truths no matter how bitter be swallowed, rather than the sweetest lies — medication and healing has never been a saccharine affair.

### **Conflict-era sexual violence victims yet to be identified (The Himalayan Times)**

June 06, 2019

**Thirteen years after the end of Maoist insurgency, women and girls who suffered sexual violence at the hands of members of security agencies and Maoist combatants during the conflict are yet to get any relief, let alone justice. And this has happened mainly because victims of sexual violence have not yet been identified.**

Former member of Truth and Reconciliation Commission Manchala Jha told THT that while the actual number of victims of sexual violence could be much higher, only 322 women and girls lodged complaints at the TRC, claiming to have been raped during the conflict.

“Achham was one of the worst affected districts, but the number of complaints lodged from there was not very high,” Jha said.

She added that fear of stigma could be the main reason behind victims’ unwillingness to come forward with tales of sexual violence.

Jha said TRC’s efforts to identify victims and formulate suitable reparation policies could not be completed as its office bearers’ tenure ended in February.

She said TRC had interviewed some of the victims who said they suffered from health problems, but they were neither given any interim relief nor did they get any medical care. Many victims told TRC office bearers that they wanted jobs for themselves and free education for their children.

Jha said many of the sexual violence victims had lodged complaints at the transitional justice mechanism claiming to be victims of physical and mental torture.

“But if the TRC recorded statements of these victims, many would narrate the real tales of sexual crimes committed against them,” she added.

A female official of an international agency supporting Nepal’s conflict victims said although Nepal enacted a national action plan to implement UNSC Resolution 1325, it was yet to enforce second NAP to implement UNSC Resolution 1820 that talked of ensuring justice for women who suffered sexual violence during conflicts.

She said the government had prepared a draft of the second NAP mainly to address Resolution 1820, but the home ministry, which was supposed to implement the plan, had not yet endorsed it.

She said the government could meet its Resolution 1820 obligations only after identifying victims, apologising to them and paying reparations.

She said victims of sexual violence would get justice only if the current laws were changed to remove the statute of limitation on crimes of sexual violence.

She said sexual violence was committed against women and girls in 62 districts during the conflict but many victims were not willing to come forward due to fear of stigma.

Gender equality expert Bharti Silwal Giri said victims of sexual violence did not get relief or justice because the state had not formally recognised them as conflict victims yet.

Joint Secretary at the home ministry Indu Ghimire said her office got the draft from the Prime Minister’s Office only two months ago and was in the process of consulting provincial and local governments on the draft. She said the draft would be finalised by the Cabinet and not the home ministry. When asked how the NAP intended to address the issue, Ghimire said, “This issue will be finalised only after concluding all consultations,” she added.

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## **Terrorism**

**French ISIS Supporters on Death Row in Iraq Ask for Mercy (New York Times)** By Alissa J. Rubin

June 3, 2019

**The French government came under criticism Monday from human rights advocates as Iraqi terrorism courts completed the trials of 11 French citizens and one French resident, sentencing all of them to death for support of the Islamic State**

Human rights advocates believe that the Iraqi law, which criminalizes belonging to a terrorist organization, falls short in delivering justice because it does not consider the underlying crime.

By failing to address that, both the rights of the accused and the victims get short shrift, said Belkis Wille, the senior researcher for Iraq for Human Rights Watch.

“You don’t have a real examination of what the defendants did,” Ms. Wille said. “Some of them were war criminals but you have a trial and conviction and sentencing without anyone finding out what war crimes they were implicated in.”

This approach also makes it impossible to modulate the punishments to reflect the gravity of the crime, she said.

Forty five prominent French defense lawyers signed a letter published on France Info that blasted the government, saying it violated the constitution by risking the execution of its citizens and more generally using the threat of terrorism to justify an overall erosion of protections for suspects and detainees.

But French government officials said the trials had been fair and implied that there could be more cases to come. There are some 450 French citizens in camps in Syria who joined the Islamic State, according to France’s Foreign Ministry.

“These are people who left French territory to combat France among others, and they are guilty of terrible violence, notably in Iraq,” said Laurent Nuñez, the junior interior minister, to Le Parisien newspaper.

“This is a sovereign state that dispenses justice,” he said. “We have no reason to oppose having these individuals judged there.”

He also pledged that France would try to get the sentences commuted to life.

The final two cases of 12 were heard Monday in the Iraqi capital in an open courtroom and in the presence of French consular officials.

The French defendants were captured in Syria and transferred to Iraq by the American backed Kurdish forces that have been fighting the Islamic State in Syria.

The defendants were accused of violating an Iraqi terrorism law by joining a terrorist organization, the Islamic State. Any specific crimes they might have committed, and whether they ever set foot in Iraq, were not factors in determining their culpability under that law.

Judge Ahmed Mohamed Ali, who heard all 12 cases, said that the French who joined the Islamic State played a special role by legitimizing the organization in the eyes of the world, and that what it did in Syria reverberated in Iraq.

“Daesh wanted to be an international organization and thousands of Syrians and Iraqis joined it,” Mr. Ali said, using the Arabic term for the Islamic State. “That had an impact on Iraq.”

“The foreigners — the Belgians, the French — they came and created legitimacy for this organization,” he said.

The defendants who appeared in the tidy Iraqi courtroom over the past week included committed jihadis as well as more hapless Islamic State adherents who figured out how to get to Syria but not how to leave, which was considerably harder since the Islamic State generally confiscated recruits’ passports and other papers.

Among the defendants were two converts to Islam, both with long jihadi histories: Kévin Gonot and Léonard Lopez.

Mr. Lopez had been one of the founders of Sanabil, an organization that supported Muslim detainees in France and was eventually shut down by prosecutors. He also helped run an extremist website, and went to Syria and Iraq with his family.

Mr. Gonot, who came from a rural area of southwest France, persuaded his entire family to convert to Islam and go with him to Syria. He married Jennifer Clain, the niece of two well known French jihadis, Fabien and Jean-Michel Clain, who were both killed in Syria in the last six months.

The Clain brothers were the first to announce that the Islamic State was responsible for the attacks in and around Paris in November 2015.

Also in the French group were Fodil Aouidate and Vianney Ouraghi, both known to French intelligence, according to the Center for the Analysis of Terrorism in Paris. Mr. Aouidate was a persuasive recruiter and got 22 of his relatives to join him in Syria. It is unclear what else he did in Syria and Iraq.

Mr. Ouraghi, who was a university student from Lille but joined the Nusra Front in 2013, before switching to the Islamic State, was an active fighter. He was wounded twice, he said.

Mr. Ali, the judge, said that according to Iraqi intelligence, he had worked in a welcome center for foreign fighters in Mosul.

Mr. Ali appeared to disapprove of Mr. Ouraghi’s statement that he had taken a second wife after being injured in an Islamic State battle. Their interchange was one of the few moments of humor in the trial.



“You said you got injured twice and were on medication, and had to use crutches to walk from 2014 to 2016,” Mr. Ali asked. “So how come you got married to two wives?”

“What does my using crutches or being injured have to do with my getting married,” said Mr. Ouraghi, who had earlier said he had been shot in the pelvis.

“But you were suffering from a pelvic injury, so why did you get married twice?” pressed Mr. Ali.

“I got married because I could,” Mr. Vianney said.

In contrast, Mohammed Merzoughi, who was a 10-year veteran of the French army, and Mohammed Berriri, 24, the youngest of the group, who came “to defend the weak, women and children,” whom he saw being bombed and neglected on videos, seemed to have wanted to believe that a new life in Syria would make them happy and give them the jobs and sense of identity they lacked at home in France.

Mr. Berriri went by himself to Syria. The Islamic State assigned him to work as a guard and then in a medical office, but eventually he refused, saying he wanted to leave. He ended up in an Islamic State prison.

“When I came I was radical and angry at people, but I thought the wars were for the good of the people, to defend the people,” he told the court. “Now I regret that I joined.”

“I never killed anyone, I did not beat anyone,” he said. “And the criminal offenses that the organization committed, I am not responsible for.”

Mr. Ali was unmoved. Mr. Berriri also received the death sentence.

All 12 verdicts will be appealed, and some already have been, Mr. Ali said. The appellate court can change the verdict or overturn the conviction entirely.

The accused also has the right to request a pardon or commutation of sentence from the Iraqi government even if the appellate court has confirmed the sentence.

The final step is a signoff by the Iraqi president. The French government can intervene on behalf of its citizens at the appellate level or in discussions with the government.

**RCMP explores crimes against humanity charges for Canadian ISIS members (Global News)** By Stewart Bell  
June 5, 2019

**The RCMP is looking into whether war crimes laws can be used to prosecute Canadians detained in Syria over their alleged involvement in the so-called Islamic State, Global News has learned.**

National security investigators are exploring not only whether terrorism charges are warranted, but also whether the Crimes Against Humanity and War Crimes Act could apply, officials said.

While war crimes-related prosecutions are extremely rare in Canada, with 32 Canadians detained in Syria by U.S.-backed forces following the collapse of ISIS, the possibility of charges is being examined.

The investigations are part of the RCMP’s preparations for the possible return to Canada of captured ISIS members.

None of the Canadians held in Syria have been charged under Canada’s anti-terrorism laws, which make it illegal to knowingly participate in the activity of a terrorist group. The maximum sentence is 10 years.

By contrast, war crimes-related laws outlaw participation in genocide, crimes against humanity or war crimes committed anywhere in the world. A conviction carries a possible life sentence.

Crimes against humanity include murder, enslavement, imprisonment, torture, sexual violence, persecution “or any other inhumane act” against a civilian population or identifiable group.

ISIS members openly engaged in all those crimes as they imposed their version of Islamic law on the local populations of Syria and northern Iraq, particularly against minority Yazidis.

But a national security law expert said prosecuting war crimes and crimes against humanity is demanding and it might be simpler to charge the Canadians under anti-terrorism laws.

Leah West said prosecutors would have to prove not only the culpability of the accused but also the context of the offence, demonstrating that it was done as part of a crime against humanity. “So, I don’t see why you would go to that extent to prove these crimes, rather than charging the crime we have on the books to deal with exactly what they’ve done, which is go overseas to support a terrorist group.”

A former Department of Justice lawyer and now a doctoral candidate at the University of Toronto Faculty of Law, West said crimes against humanity laws might apply to some of the activities of the Canadians.

But even if they went to Syria to marry ISIS fighters and bear children for the so-called caliphate, that could still warrant a terrorism charge, she said.

“Prosecutors tend to want to walk the easiest path to proving criminal liability. Charging Canadians who supported ISIS overseas under the War Crimes and Crimes Against Humanity Act rather than terrorism offences under the Criminal Code isn’t the easier path.”

Six Canadian men, 9 women and 17 children are among the hundreds of foreigners held in camps and makeshift prisons in northeast Syria after being taken into custody during the fall of ISIS.

The U.S. has been encouraging countries to repatriate and prosecute their citizens. The Liberal government has said it can’t because it would be too dangerous to take them out through Iraq or Turkey.

The RCMP, however, has begun working on the assumption that the Canadians will eventually come back and has been studying possible travel routes for their return as well as building criminal cases against them.

War crimes laws have already been used in Germany, where a woman who joined ISIS was charged with crimes against humanity over the death of a five-year-old Yazidi slave she and her husband bought in Mosul.

Canada has a mixed record with such prosecutions.

In 2009, a Quebec court convicted Désiré Munyaneza of seven counts of war crimes, crimes against humanity and genocide over atrocities in Rwanda in 1994. He was sentenced to life.

Jacques Mungwarere, a refugee claimant arrested in Windsor in 2009, was also prosecuted for genocide for his alleged role in Rwanda but an Ontario judge found him not guilty in 2013.

The only known case in which Canada has used war crimes law in relation to ISIS involved a Lebanese mechanic who repaired vehicles for ISIS and who is now living in British Columbia.

Rather than putting him on trial, Canadian authorities intervened in his refugee case and are attempting to deport him. He was found complicit in crimes against humanity but is appealing. On Monday, the Swedish government hosted a meeting of officials from Germany, France, the United Kingdom, and other European governments to discuss establishing a tribunal to prosecute ISIS members.

“Administering justice in the region, by means of a tribunal or some other legal mechanism, could complement national legal proceedings and contribute to accountability for the crimes committed during the conflict in Syria and Iraq,” Sweden said in a statement.

In the latest CTC Sentinel, a publication of the Combating Terrorism Centre at West Point, Brian Michael Jenkins argued that “bluster and muddle” was not a viable way of dealing with the ISIS detainees.

“This is not an option, but policy by default,” the veteran terrorism scholar wrote. “It describes the current situation. Warnings and threats prompt concern, but international co-ordination remains too complicated.”

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## **U.S. Should Not Repeat its Post 9/11 Counter-terrorism Mistakes in Sri Lanka (International Policy Digest)**

By Ronnate Asirwatham

June 5, 2019

**The U.S. government's hurried moves to expand military-to-military cooperation with Sri Lanka to fight terrorism after Easter Sunday's bomb blasts is ill-advised because Colombo's counter-terrorism policies are in shambles. Sri Lanka targets ethnic communities for acts of terrorist groups, and its military, enjoying impunity, uses torture as the main means to investigate terrorism. History has shown that the U.S.'s post 9/11 policy of partnering with militaries that had dubious human rights records did not eradicate terrorism or keep Americans and their interests safe. The U.S. should not repeat its mistakes in partnering with Sri Lanka.**

On April 21st, 2019, Easter Sunday, six bombs went off in Sri Lanka, killing more than 250 people, including five Americans. The Sri Lanka government identified the perpetrators as a local group called National Thowheeth Jamath (NTJ), working with international help to carry out the attack. Two days later ISIS claimed responsibility for the attack. That seemed to be the spur Washington needed to reorient its foreign policy towards Colombo from one that was development centered with some counter-terrorism features (joint military-to-military training and intelligence sharing) to an expanded military-centric counter-terrorism focused foreign policy. In a statement issued after the U.S.-Sri Lanka Joint Partnership Dialogue, the United States and Sri Lanka agreed to expand their military to military cooperation, saying "The United States offered to continue to expand counter-terrorism and maritime and border security cooperation with Sri Lanka." The two governments are still in discussion on the exact nature of the expansion.

As the U.S. opens a new front to counter ISIS partnering with Sri Lanka, the Indian Ocean Island's own doctrine in blocking and containing terror has been met with widespread international condemnation. As Ben Emerson, former UN Special Rapporteur on Counter-Terrorism and Human Rights, put it, "Sri Lanka's counter-terrorism policy is a recipe for disaster." He went on to say why: "the biggest problem they have in Sri Lanka is discrimination against national minorities, particularly the Tamil community, who are primarily Hindu, and the Muslim community. And the biggest social problem is the disenfranchisement of these minorities and continuing persecution by public officials from the majority Sinhalese Buddhist community."

Emerson's diagnosis is spot on. Following the bombings, the Sri Lanka government's tactics to prevent more terror attacks was to target the Muslim minority. Colombo armed itself with sweeping emergency laws that give the military and police widespread powers including that of arrest and detention with little or no judicial oversight. Using these and other legislation, the government banned the niqab, which also turned into a de-facto banning of hijab and other head coverings. It must be kept in mind that in the videotapes of the suicide bombers made public, not one wore the niqab, hijab nor any garment that linked them to specific markers of Muslim cultural identity. The suicide bombers were all wearing western clothes and carrying backpacks. The relentless targeting of Muslims as a community has had consequences. Since the attack, there has been rioting against Muslims with at least one reported death of a Muslim man on May 13th. Despite the curfew and the draconian emergency powers, the military and the police did little to quell the riots.

Colombo's penchant for carrying out counter-terrorism operations targeting communities goes back to its fighting the Liberation Tigers of Tamil Eelam (LTTE) rebels in its 30-year civil war. In a bizarre development fusing past and present, on April 30th, the military called several former LTTE cadres and asked them to be on the "military's side" and act as spies. This strategy is a throwback — although in reverse — to what happened during the civil war. Then, successive governments armed Muslim home guards to fight against the LTTE and Tamil civilians. This caused much hardship to both the Tamil and Muslim populations in the North and East of Sri Lanka and created enmity between the two peoples that even the end of hostilities has not obliterated. The military asking ex-LTTE cadres today to provide intelligence on the Muslims is the reverse of that process although with the same objective of dividing and ruling minorities by fanning sectarian tensions.

Moreover, Ben Emerson points to the fundamental reason Sri Lanka's counter-terrorism structure cannot be reformed: the "main means" the state uses to investigate terrorism is torture. Emerson said he saw victims of torture during his visit in 2017. The prevalence of torture in Sri Lanka has been well documented and the U.S. Congress has condemned Sri Lanka's use of it. Studies looking at the U.S.'s own use of torture for counter-terrorism post 9/11, have found that it greatly damaged national security. "The number of lives lost not lives saved...because we mistreated people, was a sad moment of incompetence," said Frank Anderson, former chief of the CIA's Near East and South Asia division. Clearly, torture does not work, is illegal, immoral and does not provide security. Therefore the U.S. relying on information that is generated by torture will not counter-terror.

In addition to using torture as an investigative tool, Sri Lanka's military is accused of crimes against humanity. Despite the UN finding credible evidence of the military's involvement in mass atrocities during the civil war, and there being credible evidence of torture and disappearance continuing after the war ended, no military personnel have been held accountable. The military investigated itself and exonerated itself despite what the UN said. Such impunity bred by self-exoneration has a direct link to investigations of the Easter attack. Indian intelligence warning of an attack in early April flagged that a former member of the Sri Lanka military was involved in allegedly training the suicide bombers. Cabinet spokesperson, Minister Rajitha Seneratne, quoting intelligence reports said on May 1st that an army intelligence officer was the secretary of the NTJ. Seneratne accused a former major general of the Sri Lankan army who coordinated both the Muslim extremist group as well as a Buddhist extremist group to create instability in the country.

Given Sri Lanka's history of impunity, the question is who will investigate the allegations of links between the military and the suicide bomber network? Will the military investigate itself again?

Following the Easter bombings, Sri Lanka's President Maithripala Sirisena instituted an Overall Operational Command (OOC) where eight military commanders would be in control of the deployment of thousands of troops in Sri Lanka engaged in search and seizure, enforcing curfew, patrolling civilian areas and executing current emergency regulations. All eight of the military commanders stand accused of war crimes in Sri Lanka's 30-year civil war or sexual misconduct as peacekeepers in Haiti.

This is the military that the U.S. will be extending its cooperation to as a partner.

Post 9/11, the U.S. partnered with militaries of dubious human rights records, such as Saudi Arabia and Lebanon. It was then caught in a quagmire where it had to fight its partner forces' sectarian battles and look the other way when human rights abuses were committed.

History has shown that such partnerships did not eradicate terrorism, strengthen American security nor help the security in their partner countries. Therefore, the U.S. should learn from its past mistakes and ensure that the Sri Lanka military is held accountable for its past conduct and that it adheres to its human rights commitments before continuing with military cooperation.

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## Piracy

**Japan expands military presence in Africa despite drop in Somalia piracy (The Defense Post)** By Joseph Hammond  
May 29, 2019

**Pirates or no pirates, Japan remains committed to an international security operation off the Horn of Africa which is increasingly a cornerstone of its wider Africa policy.**

Last month Somali pirates successfully captured a Yemeni dhow which they subsequently used as "mothership" for attacks on two Spanish fishing vessels, the first successful capture of such a vessel since 2017.

Such spectacular attacks are a bit of an anomaly these days. These are not the "pirate-infested" waters that they indeed were just a few years ago. Indeed, according to statistics displayed on the Japanese Ministry of Foreign Affairs website, Somali piracy is in decline though the instability and poverty in the country that drove the crime wave remain an issue. In 2019 there have been just three incidents of piracy. The attack on the dhow aside, Somali piracy this year will likely not reach its peak of 2011 when 237 ships were attacked and 28 successfully hijacked.

Not surprisingly NATO closed up shop for Operation Ocean Shield – its contribution to anti-piracy operations off the Horn of Africa – in 2016. EU Naval forces (EUNAVFOR) Operation Atalanta to the Horn of Africa has no mandate past December 2020.

Yet, for the Japanese Maritime Self-Defense Forces it's been full-steam ahead. Japan, while reducing its deployment of two destroyers to one in 2016, has simultaneously sought to expand its footprint in the Horn of Africa. A token number of Japanese personnel are deployed to Bahrain, where the multinational Combined Task Force 151 is based. CTF-151 was set-up to provide an independent multinational framework for joint anti-piracy operations. However, Japan's main base for these

operations is Djibouti where Japan is planning to expand its operations. “The mission reinforces Japan’s commitment to a rules-based international order while providing an essential service in preserving safe passage through maritime corridors critical to Japan’s economy and energy security,” says Mike Bosack, Special Advisor for Government Affairs at the Yokosuka Council on Asia-Pacific Studies. It is unclear how much Japan is paying to rent its facility in Djibouti. Nor will this mark the first expansion; the Japanese military facility, which has been in operation since 2013, announced an expansion from 13 to 15 leased hectares in 2017. In 2017, China opened its own base in Djibouti that is 50 hectares and is China’s first overseas base. “The fact that China is also in Djibouti adds impetus to Japan’s need for SDF presence in Africa,” Bosack told The Defense Post. “The Japanese Ministry of Defense has examined the possibility of making Djibouti a regional hub for the JSDF, but officials are not yet sure what purpose that hub would serve during steady-state, peacetime operations.” The base has already served a supporting role for Japanese efforts in Africa. In 2016 the base was used to facilitate the evacuation of Japanese nationals from South Sudan as fighting flared that country’s ongoing civil war. Japan’s use of military force is bound by its pacifist constitution installed by the victorious allies at the end of World War II. In 2009, a special law was passed in Japan to allow Japanese forces to participate in the international maritime self-defense forces. Prime Minister Shinzo Abe (in a sop to nationalists in his party) has also considered changes to the constitution which would remove or change pacifist clauses embedded in the constitution. “The threat of loss of life in anti-piracy operations is minimal, since they are largely surveillance and escort-related and the JMSDF is not authorized to conduct opposed boardings,” said Bosack. However, the Japanese base does not come without some geopolitical risk. The ongoing war in Yemen and the embargo against Qatar have all raised tensions in the Horn of Africa. Above all the opening of Chinese military base is a potential issue of contention. Last year the United States Department of Defense accused China of launching laser attacks on American airmen over Djibouti, where the U.S. also maintains an important airbase. China denied the accusation. In 2017, Chinese media reported that Japanese frogmen had approached a Chinese warship in Djibouti before being driven off. That same year Djiboutian President Ismaïl Omar Guelleh said in an interview that the Japanese government was even more worried than the Americans by the Chinese base in Djibouti.

China has also sold a number of weapon systems to Djibouti and provided aid. However, so has Japan, contributing \$14.60 million to the IMO Djibouti Code Trust Fund, – a multi-donor trust fund which it initiated – for capacity-building in the region, and paying for the construction of a training center in Djibouti. Japanese forces have provided other support to the Djibouti coast guard and trained other coast guards in the region.

However, Japan has other interests and concerns not linked to China, not least of which is a commitment to a free and open navigation of international waters – a cornerstone Abe policy. “Japan plays a leading role in the economic development of many African nations ... Japanese peacekeepers often play a role in such missions, as there are no potential constitutional violations with such aid,” says Horning. Indeed the efficacy of the deployed Japanese assets, including the destroyer and the P-3C Orion patrol aircraft in anti-piracy work cannot be doubted. The arrest of suspected pirates believed responsible for the April attack on the two Spanish fishing vessels was only possible after P-3C aircraft flown by the German military as part of Operation Atalanta successfully located the pirate mothership and alerted sailors aboard the Spanish frigate Navarra.

**Indian Navy steps up anti-piracy patrol (The Hindu)** By Dinakar Peri  
June 2, 2019

**In an expansion of its Mission Based Deployments (MBD) in the Indian Ocean Region (IOR), the Navy deployed its P-8I long-range maritime surveillance aircraft for anti-piracy sorties from Salalah in Oman to patrol the Gulf of Aden.**

“Long-range maritime reconnaissance Anti-Submarine Warfare aircraft P-8I undertakes anti-piracy patrol sorties from Salalah in the Gulf of Aden and other piracy prone areas in keeping with our MBD philosophy, to keep IOR safe and secure for all,” Navy spokesperson Captain D.K. Sharma said in a tweet on Saturday.

The P-8I provided long-range Maritime Domain Awareness (MDA), Captain Sharma added. Since 2008, India has been conducting anti-piracy patrols in the commercially crucial Gulf of Aden.

“This was the second time the P-8I operated from Salalah for anti-piracy this year. It was operated from there first January,” a defence source said on Sunday.

Besides escorting Indian flagged vessels, ships of other countries have also been provided protection, a defence source said. “No ship under Indian escort has thus far been hijacked by pirates,” the source added.

Till date the Indian Navy has escorted 3,440 ships, of which 3,027 were of foreign flag and 413 Indian flag.

Navy ships also made 414 interventions at sea.

The Navy has deployed 73 ships till date on anti-piracy patrols.

Under the MBD concept, the Navy now maintains a ship at every choke point in the IOR at any point of time.

As part of expanding engagement maritime engagement, India has stepped up cooperation with Indian Ocean littoral states and maritime neighbours. Under the 'Neighbourhood First' policy, the Navy undertakes Joint Exclusive Economic Zone (EEZ) surveillance with Maldives, Seychelles and Mauritius and Coordinated Patrols (CORPAT) with Bangladesh, Myanmar, Thailand and Indonesia.

Search and rescue and capability-enhancement activities have also emerged as major areas.

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## Gender-Based Violence

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## Commentary and Perspectives

**The Role of the International Criminal Court (Council on Foreign Affairs)** By Claire Felter

May 30, 2019

**The International Criminal Court, established in 2002, seeks to hold to account those guilty of the some of the world's worst crimes. Champions of the court say it deters would-be war criminals, bolsters the rule of law, and offers justice to victims of atrocities. But, since its inception, the court has faced considerable setbacks. It has been unable to gain the support of major powers, including the United States, China, and Russia. Two countries have withdrawn from the court, and many African governments complain that the court has singled out Africa. More recently, the administration of Donald J. Trump has ramped up U.S. opposition to the court, renewing debate over the court's legitimacy.**

In the aftermath of World War II, the Allied powers launched the first international war crimes tribunal, known as the Nuremberg Trials, to prosecute top Nazi officials. It wasn't until the 1990s, however, that many governments coalesced around the idea of a permanent court to hold perpetrators to account for the world's most serious crimes. Ad hoc international criminal tribunals had been set up by the United Nations to deal with war crimes in the former Yugoslavia and Rwanda, but many international law experts considered them inefficient and inadequate as a deterrent.

Trinidad and Tobago requested that a UN commission look into the creation of a permanent court in 1989. In the following years, such efforts gained support, especially in Europe and Africa. As CFR's Michelle Gavin points out, African countries make up the largest bloc of ICC members. The European Union is also a staunch supporter of the court; it adopted a binding policy [\[PDF\]](#) in support of the ICC in 2011.

The ICC's founding treaty was adopted by the UN General Assembly at a conference in Rome in July 1998. After being ratified by more than sixty countries, the Rome Statute entered into force on July 1, 2002.

There are 122 countries party to the Rome Statute. Some forty countries never signed the treaty, including China, Ethiopia, India, Indonesia, Iraq, North Korea, Saudi Arabia, and Turkey. Several dozen others signed the statute, but their legislatures never ratified it. These include Egypt, Iran, Israel, Russia, Sudan, Syria, and the United States.

Two countries have withdrawn from the ICC. Burundi left in 2017, following the court's decision to investigate the government's crackdown on opposition protests. Philippine President Rodrigo Duterte pulled out in 2019, after the court launched an inquiry into his government's war on drugs, saying domestic courts are sufficient to enforce the rule of law. Gambia and South Africa notified the United Nations in 2016 that they intended to exit the treaty, but they later reversed course in the face of political upheaval and legal challenges.

The ICC is based in The Hague, a city in the Netherlands that hosts many international institutions, and has field offices in several countries. The court carries out its investigative work through the office of the prosecutor, led since 2012 by Fatou Bensouda, a lawyer from Gambia.

The court has eighteen judges, each from a different member country and elected by the member states. It requires its members [PDF] to seek a gender-balanced bench, and the judiciary must include representatives of each of the United Nations' five regions. Judges and prosecutors are elected to nonrenewable nine-year terms. The president and two vice presidents of the court are elected from among the judges; they, along with the registry, handle the administration of the court.

The court has jurisdiction over four categories of crimes under international law:

Genocide, or the intent to destroy in whole or in part a national, ethnic, racial, or religious group;

War crimes, or grave breaches of the laws of war, which include the Geneva Conventions'

Prohibitions on torture and attacks on civilian targets, such as hospitals or schools;

Crimes against humanity, or violations committed as part of large-scale attacks against civilian populations, including murder, rape, imprisonment, slavery, and torture; and

Crimes of aggression, or the use or threat of armed force by a state against the territorial integrity, sovereignty, or political independence of another state, or violations of the UN Charter.

The court can open an investigation into possible crimes in one of three ways: a member country can refer a situation within its own territory to the court; the UN Security Council can refer a situation; or the prosecutor can launch an investigation into a member state proprio motu, or "on one's own initiative." The court can investigate individuals from nonmember states if the alleged offenses took place in a member state's territory, if the nonmember state accepts the court's jurisdiction, or with the Security Council's authorization.

To open an investigation, the prosecutor must conclude after a preliminary examination that the alleged crimes are of "sufficient gravity." Once an investigation is opened, the prosecutor's office typically sends investigators and other staff to collect evidence. Any arrest warrant or summons must be approved by the judiciary, based on information provided by the prosecutor. A group of pretrial judges ultimately decides whether a case should be brought to trial. Defendants may seek outside counsel to represent them, paid for, if necessary, by the court. Convictions and sentences require the vote of at least two out of the three judges on a trial bench; convicted defendants may appeal to the ICC's appellate bench, which is made up of five judges.

The ICC is intended to complement rather than replace national courts. It can only act when national courts have been found unable or unwilling to try a case. Additionally, it only exercises jurisdiction over crimes that occurred after its statute took effect in 2002.

The ICC differs from the International Court of Justice—the top UN court, which settles disputes between states and is also located in The Hague—in that it prosecutes individuals. Its broad geographic reach and continuous operation distinguish it from temporary international tribunals, such as that in Rwanda.

In 2017, the ICC's annual budget stood at around \$160 million. The vast majority of that funding comes from member states. Contributions are determined by the same method the United Nations uses to assess dues, which roughly correspond to the size of each member's economy. The largest contributions in 2017 came from Japan, Germany, France, and the United Kingdom. Some countries, notably Brazil and Venezuela, have run up millions of dollars in overdue payments.

The UN General Assembly can approve additional funding for cases referred to the court by the Security Council. Some governments and transnational organizations also offer voluntary contributions.

Some analysts have criticized the ICC as too expensive. Others counter that the court's cost effectiveness cannot be based on the number of cases it tries, or convictions it secures, alone.

The ICC has indicted more than forty individuals, all from African countries. Sixteen people have been detained at The Hague, eight have been convicted of crimes, and four have been acquitted.

Cases have been referred by the governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and Mali relating to the civil wars and other conflicts that have raged in those countries.

The ICC has indicted more than forty individuals, all from African countries. The UN Security Council made its first referral in

2005, for alleged crimes in the Darfur region of Sudan. This was followed in 2011 by a referral for Libya.

In addition, the prosecutor's office opened investigations proprio motu in Kenya in 2010, the Ivory Coast in 2011, Georgia in 2016, and Burundi in 2017. Preliminary examinations have been opened in ten other countries, including Afghanistan, Colombia, Myanmar, Ukraine, and Venezuela.

High-profile cases include:

**Muammar al-Qaddafi.** The Security Council referred the situation in Libya to the ICC in 2011, based on allegations that the Libyan leader and other individuals were responsible for the killing of unarmed civilians during Arab Spring protests. In June of that year the court issued arrest warrants for Qaddafi, as well as for his son and his brother-in-law, but he went into hiding and was killed before he could be apprehended. Qaddafi's son, Saif al-Islam, remains a fugitive.

**Omar al-Bashir.** The first sitting president to be indicted by the ICC, Bashir is sought on allegations of genocide, crimes against humanity, and war crimes in Sudan's Darfur region. He is accused of planning mass killings and deportations of members of several ethnic groups. Bashir has avoided arrest by traveling abroad only with assurances from friendly foreign leaders that they would not turn him over. In April 2019, the Sudanese military ousted Bashir following months of anti-government protests and placed him under arrest but said it would not extradite him.

**Uhuru Kenyatta.** In 2010, the ICC opened an investigation into violence that killed more than one thousand people following Kenya's 2007 presidential election. It eventually named Kenyatta and five other major political figures as suspects of crimes against humanity. The investigation continued as Kenyatta won the presidency in 2013, with fellow ICC suspect William Ruto as his running mate. The court dropped the charges against Kenyatta the following year and those against Ruto in 2016, with the prosecutor's office claiming that the Kenyan government was uncooperative and that witness tampering had undermined the case.

Washington has been supportive at times and hostile at others. U.S. policymakers originally supported the concept of an international criminal court, and the Bill Clinton administration participated in negotiations over the Rome Statute. However, the administration ultimately came out against the treaty over concerns that the prosecutor would have unchecked power and could subject U.S. soldiers and officials to politicized prosecutions. President Clinton later authorized U.S. officials to sign the statute, but he recommended that it not be sent to the Senate for ratification until U.S. concerns were addressed. President George W. Bush withdrew the U.S. signature in 2002.

A major fear was that the ICC would prosecute U.S. soldiers operating in combat zones. In 2002, Congress passed the American Service-Members' Protection Act, which required the government to cut off financial assistance to ICC members that would not agree not to surrender U.S. personnel to the ICC. The law also authorized the president to use all means necessary to free Americans detained by the ICC. The Bush administration struck bilateral agreements with dozens of countries obliging them not to hand over U.S. personnel.

Washington has backed ICC efforts on several occasions, however. In 2005, the Bush administration allowed the Security Council to refer the Darfur case, and it later offered to assist the court's investigation, which legal experts saw as a softening of the U.S. stance. In 2011, the administration of Barack Obama voted in favor of the Security Council referral for a Libya investigation. It also helped deliver several fugitives to The Hague and offered to pay millions of dollars as rewards for information on individuals accused of atrocities.

The Trump administration has taken a harder line, angered by Bensouda's push to investigate the U.S. military for potential war crimes in Afghanistan, as well as by her preliminary investigation into alleged Israeli crimes in the occupied West Bank and Gaza Strip. In a September 2018 speech, National Security Advisor John Bolton announced that the White House would no longer cooperate with the ICC and would block any efforts to pursue U.S. or Israeli citizens. In 2019, after Secretary of State Mike Pompeo threatened to revoke the visas of any ICC staff investigating the United States, Bensouda's U.S. visa was canceled. Soon after, the court said it would not launch a probe into crimes in Afghanistan, noting that a lack of cooperation would hamper any investigation.

Criticisms generally come from two directions. Some believe the court has too little authority, making it inefficient and ineffective at putting away war criminals. Others think it has too much prosecutorial power, threatening state sovereignty, and that it lacks due process and other checks against political bias. There has also been debate about the qualifications of judges. Meanwhile, some worry that the prospect of international justice prolongs conflicts by dissuading war criminals from surrendering, though the research on that question is inconclusive. Even advocates of the court have admitted that it has shortcomings.

Several major powers echo U.S. complaints. China and India, in abstaining from the court, argue that it would infringe on their sovereignty. Analysts point out that both countries could face investigations if they joined. In 2016, Moscow said it was



pulling its signature from the treaty, after the court classified its 2014 annexation of Crimea as an occupation.

Many African nations have accused the ICC of disproportionately targeting the African continent. Of the court's more than two dozen cases, all have dealt with alleged crimes in African states. At a 2013 summit, Kenyatta called on members of the African Union to pull their support from the court. In 2017, the bloc backed a mass withdrawal.

Still, in Kenya and elsewhere the court maintains broad public support. CFR's Gavin writes that the opposition of many African leaders to the ICC "is not necessarily aligned with the desire of many Africans for fairness and accountability."

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## WORTH READING

### **War Crimes and Just War Theory**

Tom Dannenbaum

Kimberly Kessler Ferzan and Larry Alexander (eds.) *The Palgrave Handbook of Applied Ethics and the Criminal Law* (Palgrave Macmillan), Forthcoming

May 30, 2019

**Revisionist just war theory has gained considerable traction in recent years, debunking longstanding principles in the morality of war. This development cannot be ignored by war crimes lawyers. Philosophers on both sides of these debates, as well as many lawyers, understand the attacked principles to provide the moral underpinning of the contemporary war crimes regime. This perceived tension is erroneous. A panoramic view of the applicable law reveals it to be more revisionist in its moral posture than is ordinarily recognized. First, increasing recognition of the applicability of international human rights law in armed conflict reflects growing skepticism of the normative exceptionalism of war. Second, the criminalization of aggression reflects the moral inequality of combatants. Third, the legal distinction between civilians and combatants is understood best through a combination of individual liability and necessity — principles that can be accommodated in more nuanced ways as human rights law gains traction. Gaps remain, but there is more common ground between international law and revisionist theory than either lawyers or theorists tend to recognize.**

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

<http://law.case.edu/grotian-moment-blog/>

**Frederick K. Cox International Law Center:**

<http://law.case.edu/centers/cox/>

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<http://law.case.edu/war-crimes-research-portal/>



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