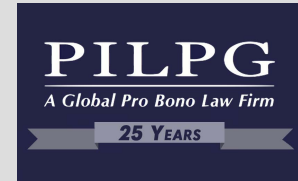




SCHOOL OF LAW  
CASE WESTERN RESERVE  
UNIVERSITY

War Crimes Prosecution  
Watch



**FREDERICK K. COX**  
INTERNATIONAL LAW CENTER

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

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

Volume 17 - Issue 12  
December 19, 2021

**Editor-in-Chief**  
Natalie Davis

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

**Managing Editors**  
Matthew Pheneger  
Alan Dowling

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.

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

## Contents

### AFRICA

#### NORTH AFRICA

##### Libya

- **Libya court reinstates Kadhafi's son as presidential candidate: media (France24)**
- **The son of Libyan despot Muammar Gaddafi has been OK-ed to run for president, even though he was convicted and sentenced to death for war crimes (Business Insider)**

#### CENTRAL AFRICA

##### Central African Republic

- **Central African Republic: 30 Killed After Rebel Attacks (All Africa)**
- **Rebels kill police officer in Central Africa Republic (The Citizen)**
- **Central African Republic: Dozens suspected of criminal responsibility for war crimes and crimes against humanity remain at large (Amnesty International)**
- **ICC judges confirm war crimes charges against Central African Republic suspect Said (Reuters)**
- **EU slaps sanctions on Russian mercenaries, Wagner Group (ABC News)**

##### Sudan & South Sudan

- **Aid group says tribal violence kills 24 in Sudan's Darfur (ABC News)**
- **Dozens killed, thousands displaced in wave of Darfur violence (Al Jazeera)**
- **DW Exclusive: Sudan's military used heavy weapons against anti-coup protesters (Deutsche Welle)**

## **Democratic Republic of the Congo**

- **DRC Executive Violated Law By Allowing Entry Of UPDF – Lawyer (Taarifa)**
- **'Spiral of death in DRC': Dozens killed in Ituri conflict (Agence France-Presse)**
- **Up to 75,000 people living in a remote camp in eastern DRC facing 'hellish conditions' (UNICEF Press Release)**

## **WEST AFRICA**

### **Côte d'Ivoire (Ivory Coast)**

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

- **ISWAP kidnaps 15 NGO officials in Borno, takes them to Sambisa forest (Punch)**
- **Boko Haram: ISWAP Attack Yobe Police Station, Barracks (Naija News)**
- **ISWAP Fighters Attack Borno Village (Naija News)**

### **Mali**

- **Security Council Press Statement on Attacks against United Nations Multidimensional Integrated Stabilization Mission in Mali (Relief Web)**
- **7 UN Peacekeepers Killed In Mali Blast (Ahmedabad Mirror)**

### **Liberia**

- **Spotlight Initiative Releases 2020/21 Impact Report: Features Significant Actions By Government To Curb Violence Against Women And Girls In Liberia (Front Page Africa)**
- **Liberia: Rescued From Bush School, Girls Detail Trauma; Mothers Pursue Justice (Front Page Africa)**
- **Atty. Glasgow Amplifies Cry For War Crime Court (GNN Liberia)**
- **UN expert calls for probe into suspected ritualistic killings in Liberia (GNN Liberia)**

## **EAST AFRICA**

### **Uganda**

### **Kenya**

### **Rwanda**

- **Chief UN prosecutor looks forward to achieving justice for victims of 1994 genocide against the Tutsi in Rwanda (United Nations)**
- **Jail term sought for Rwanda driver over genocide (Nokia News)**

### **Somalia**

## **EUROPE**

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

- **Bosnia Upholds Serb Ex-Policeman's Crimes Against Humanity Sentence (Balkan Transitional Justice)**

- **Bosnian Serbs Accuse State Court of War Crimes Bias (Balkan Transitional Justice)**
- **Bosnia Arrests Five More War Crimes Suspects As Sweep Continues (Radio Free Europe Radio Liberty)**
- **Bosnian Serb Ex-Soldier Pleads Not Guilty to Crime Against Humanity (Balkan Transitional Justice)**

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

- **Croatia: Decades after Balkan wars, UN expert urges new push for justice (UNnews)**

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

### **Turkey**

- **VP confirms Turkish intelligence was involved in Nagorno-Karabakh war, refuting long-denied claim (Nordic Monitor)**

### **Kosovo Specialist Chambers**

- **Kosovo Arrests Serbian Citizen for War Crimes on Border (Balkan Transitional Justice)**
- **'Hope dies last': Kosovo families haunted by war missing (France 24)**

### **Azerbaijan**

- **International Court of Justice urges Armenia to take urgent measures against groups and individuals making violent calls on ethnic grounds (Trend)**
- **About 95% of historical, cultural monuments destroyed in Azerbaijani liberated lands (Trend)**
- **One year after arrests for war crimes, Azerbaijan remains silent (Eurasianet)**

## **MIDDLE-EAST**

### **Iraq**

- **ISIL committed war crimes at Mosul prison, UN investigation finds (Al Jazeera)**
- **Iraq hangs three on 'terrorism' charges: security sources (Arab News)**

### **Syria**

- **Syria/Russia: 12 Civilians Dead in Idlib Artillery Attacks (Human Rights Watch)**
- **Civilian Deaths Mounted as Secret Unit Pounded ISIS (New York Times)**
- **Two Danish Bunkering Firms Sentenced for Fueling War in Syria (The Maritime Executive)**

### **Yemen**

- **U.N. urged to restore scrutiny of war crimes in Yemen (Reuters)**
- **Human Rights Groups Decry \$18B Arms Deal Between France, UAE Over War Crimes in Yemen (Newsweek)**
- **Yemen's non-state judicial systems spell death, torture for journalists (Committee to Protect Journalists)**
- **Arms sales: France and the United Arab Emirates, partners in the crimes committed in Yemen? (International Federation for Human Rights)**

### **Special Tribunal for Lebanon**

### **Israel & Palestine**

- Israel 'whitewashed' crimes against Palestinians during Gaza protests (Middle East Monitor)
- Dutch court upholds Gantz immunity in Israeli airstrike case (Washington Post)
- Israel closes probe into fatal shooting of Palestinian assailant (Al Jazeera)
- Classified Docs Reveal Massacres of Palestinians in '48 – and What Israeli Leaders Knew (Haaretz)
- Israel: Abusive Policing in Lod During May Hostilities (Human Rights Watch)
- In the May 2021 fighting, Israel bombed four towers in Gaza, leaving dozens of families homeless and business owners jobless (B'Tselem)

## **Gulf Region**

- Rights group: Saudi Arabia executed 886 inmates since 2015, including minors, women (PressTV)

## **ASIA**

### **Afghanistan**

- ICC prosecutor defends war crimes probe of Afghanistan's Taliban (Reuters)
- Government Collapse in Afghanistan Marked by 'Repeated War Crimes and Relentless Bloodshed' – New Report (Amnesty International)
- UN says Taliban behind 72 extrajudicial killings in Afghanistan (Dhaka Tribune)

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

- Craig Etcheson on the Legacies of the Khmer Rouge Tribunal (The Diplomat)

### **Bangladesh International Crimes Tribunal**

- The Hague Conference demands unconditional apology from Pakistan for 1971 war crimes in Bangladesh (Lokmat Times)
- If Nazi war criminals can still be tried, why not Pakistanis? 1971 genocide can't be forgotten (ThePrint)
- Bangladesh summons US envoy over sanctions against law enforcement officials (The New Indian Express)

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

- UK sanctions Lashkar-e-Jhangvi commander for crimes against humanity (Global Village Space)
- Myanmar military leader Min Aung Hliang accused of crimes against humanity (Jurist)
- 'My friends are being burned': Atrocities mount under Myanmar's junta (LA Times)

## **AMERICAS**

### **North & Central America**

- ICC prosecutor defends dropping US from Afghan war crime probe (AlJazeera)
- Julian Assange's U.S. Extradition Ruling Strikes Blow to Press Freedom (Vanity Fair)
- China says US military will face 'justice' over civilian deaths (News.com.au)

### **South America**

- The ICC Doesn't Look So Interventionist After All (Foreign Policy)

### **Venezuela**

## TOPICS

### Truth and Reconciliation Commission

- **Neither Truth Nor Reconciliation: Mexico's President Betrays Commitment to Transitional Justice (Just Security)**
- **An elusive truth (Development and Cooperation)**

### Terrorism

- **Climate change 'aggravating factor for terrorism': UN chief (UN News)**

### Piracy

- **Somalia: Security Council adopts resolution to keep pirates at bay (UN News)**
- **Pirates abduct security operative, Conoil workers in Bayelsa (Ship and Ports)**
- **Danish Prosecutors Seek to Bring Gulf of Guinea Pirates Home for Trial (The Maritime Executive)**
- **Crew Reported Kidnapped in New Incident in Gulf of Guinea (The Maritime Executive)**

### Gender-Based Violence

- **Leaving Gender Out of Genocide Obscures Its Horror (Foreign Policy)**

### Commentary and Perspectives

- **Violence in Cameroon, impacting over 700,000 children shut out of school (UN News)**
- **Decades of Impunity Paved Way for Myanmar's Coup (Human Rights Watch)**
- **Incendiary Weapons: Heed Calls to Strengthen Law (Human Rights Watch)**
- **Uyghurs subjected to genocide by China, unofficial UK tribunal finds (The Guardian)**

## WORTH READING

- **Jamie O'Connell: Transitional Justice As Communication: Why Truth Commissions and International Criminal Tribunals Need to Persuade and Inform Citizens and Leaders, and How They Can**

## AFRICA

### NORTH AFRICA

#### Libya

## **Libya court reinstates Kadhafi's son as presidential candidate: media (France24)**

December 2, 2021

**A court in southern Libya on Thursday reinstated Seif al-Islam Kadhafi, son of slain dictator Moamer Kadhafi, as a candidate in next month's presidential election, Libyan media reported.**

He had lodged an appeal earlier in the day at the court in Sebha against the electoral commission's rejection of his application last month.

The commission had pointed to articles of the electoral law stipulating that candidates "must not have been sentenced for a dishonourable crime" and must present a clean criminal record.

Western officials have talked up a United Nations-led peace process and insist on "inclusive" and "credible" elections starting on December 24 in the North African country, despite serious disputes over how they should be held, and their credibility.

Libya is seeking to move beyond a decade of violence that has rocked the oil-rich nation since a NATO-backed uprising that toppled and killed Kadhafi senior in 2011.

Seif al-Islam, who is wanted by the International Criminal Court for alleged war crimes, had registered to run on November 14 but was among 25 candidates whose bids have were rejected by the elections board last week.

It said the 25 had been rejected on legal grounds as well as information from officials including the public prosecutor, a police chief and the head of the passports and citizenship department.

Seif al-Islam had lodged an appeal in Sebha, but last week a "group of outlaws" launched an "odious" attack on the court, forcing it to shut hours before the appeal hearing, the government in Tripoli said.

He was the first heavyweight candidate to sign up for the election, after emerging from years in the shadows and telling The New York Times in July that he was planning a political comeback.

In the rare interview, Seif al-Islam said he wanted to "restore the lost unity" of Libya after a decade of chaos.

He had been sentenced to death by a Tripoli court for crimes committed during the revolt that toppled his father.

A rival administration in eastern Libya later pardoned him.

The ICC has repeatedly asked for him to be handed over for trial for crimes against humanity, specifically "murder and persecution" allegedly committed using state forces across Libya in February 2011.

But Seif al-Islam is far from being the only controversial figure to lodge a bid for the presidency.

Among them is military strongman Khalifa Haftar, who controls much of eastern and southern Libya. He is hated by many in the west of the country after he launched a year-long assault on Tripoli between 2019-2020.

A Tripoli appeals court on Wednesday rejected two petitions against interim prime minister Abdulhamid Dbeibah's candidacy.

**The son of Libyan despot Muammar Gaddafi has been OK-ed to run for president, even though he was convicted and sentenced to death for war crimes (Business Insider)** By Matthew Loh

December 3, 2021

**A court in Libya has ruled that the son and once heir-apparent of the late despot Muammar Gaddafi can run for president, Reuters reported, adding to the turmoil surrounding an election that Western nations hope will stabilize the fractured country.**

Saif al-Islam Gaddafi, the second son of Gaddafi Sr., reemerged last month after a decade of silence to announce his candidacy for Libya's first-ever election.

But he was disqualified on November 24 on grounds of him having being convicted in absentia and receiving the death sentence in 2015 by a court in Tripoli over war crimes he was accused of committing during his fight against revolutionary groups in 2011. At the time of the conviction, he was being held by rebel group who eventually released him in 2017.

He has denied all wrongdoing.

On Thursday, he successfully appealed the disqualification, his lawyer said, per Reuters.

Gaddafi, who acted as Libya's de facto prime minister during his father's reign, is also wanted by the International Criminal Court on charges of crimes against humanity.

'It sold out in hours': A 12-year-old girl who made \$1.6 million from her NFT collections shares the steps and tools used to create the project.

His father ruled Libya for 42 years until 2011, when Gaddafi Sr. was overthrown in a bloody civil war that culminated in the brutal beating of the dictator and his subsequent death at the hands of rebel fighters.

Following his release in 2017, Gaddafi removed himself from the public eye, saying in a New York Times magazine interview in June that he was making a gradual reentry into politics, comparing his comeback to a "striptease."

Libya has for years been ripped apart by fighting between warring factions, an internationally-backed interim government, and ISIS, following a failed NATO attempt to transition the country to democracy.

Experts say Gaddafi can snap up support from Libyans who yearn for the stability of his father's regime before the 2011 civil war, according to The Financial Times.

Some tribes and regions that Gaddafi's father once favored are likely to throw in their support for him as well, FT reported. But many Libyans, especially those who fought in the revolution against Gaddafi's family, are outraged that he's even allowed to run in the election, which is on December 24, Reuters reported.

Emad al-Sayah, chairman of the High National Election Commission, told The Washington Post the upcoming election would be key to determining whether Libyans will finally see peace. The country will "either continue on the track of democracy and peaceful devolution of power or go to square zero, where war will take place," he said.

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

## CENTRAL AFRICA

### Central African Republic

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

#### **Central African Republic: 30 Killed After Rebel Attacks (All Africa)**

December 2, 2021

**Most of those killed in the northwest of the Central African Republic are civilians and two soldiers' local officials said on Tuesday.**

The unilateral cease-fire declared by the President of Central Africa Republic, Faustin Touadera, on Friday, October 15, 2021 with the armed rebel groups has been broken following simultaneous attacks on Sunday north west of the country in the villages of Kaita and Bayengou, some 500 kilometres north of the capital Bangui. According to a Regional Administrator, Esaie Gbanin, the attack was carried out by elements of the 3R (Return, Reclamation, Rehabilitation) rebels. The 3R, which is mainly composed of fighters from the Fulani ethnic group, is one of the most powerful armed groups in the country. At the end of December 2020, they joined the rebel coalition that sought to overthrow President Faustin Touadera under the auspices of former President, Francois Bozize.

Despite these failed attempts, President Touadera, who has previously opposed to any negotiations with armed groups, made a surprise move by declaring a cease-fire which the rebels welcomed as a big conciliatory gesture, "Peace is priceless, and there is no true peace except that which comes from a frank dialogue between the sons and daughters of a country torn apart by

endless crises such as ours," Touadera said in a speech carried on national radio. He urged the rebel leaders "to finally respect their word and give peace, security and living together a chance, as a guarantee for the socio-economic development of our country." The U.N. Security Council welcomed President Faustin Touadera's announcement of a cease-fire. The 15 council members called it "an important step" toward implementing the February 2019 peace agreement between the government and 14 rebel groups "which is the only viable path to peace and stability." The U.N.'s most powerful body expressed concern that some signatories to the peace deal continue to disregard the commitments they made and urged "all stakeholders present in the CAR to respect the cease-fire." The violation of the cease-fire by rebels might have a great impact on efforts being made by national and international stakeholders to give peace a chance through the organization of National Dialogue whose preparations are at the final phase.

### **Rebels kill police officer in Central Africa Republic (The Citizen)**

December 5, 2021

**An attack by rebels killed a police officer in southern Central African Republic, a region plagued by fighting between armed groups and the army, the government said Saturday.**

The rebels struck the town of Kouango, near the border with the Democratic Republic of Congo, on Thursday and "looted several households" as well as killing the on-duty officer, the government said on its Facebook page.

The Central African Republic, the second least developed country in the world according to UN rankings, was plunged into a bloody civil war after a coup in 2013.

The conflict has calmed over the past three years, although large swathes of territory remain outside central government control.

President Faustin-Archange Touadera issued a unilateral ceasefire declaration in October, saying all but two of the main armed rebel groups had agreed to put down their weapons.

The prime minister blamed the latest attack on one of the groups that did not sign the ceasefire, the Union for Peace in Central Africa (UPC), which is active in the east.

The country's armed forces have been deployed in the region, alongside Russian paramilitaries and Rwandan soldiers which have assisted the military since rebels tried to march on the capital Bangui last year.

"The sweep will continue to eliminate the danger from the elements of the UPC which still violate the ceasefire decreed by the president," the premier's office said in a statement.

Thirty civilians and two soldiers were killed last week in attacks carried out by another rebel group, the 3R (Return, Reclamation, Rehabilitation), in the country's northwest.

### **Central African Republic: Dozens suspected of criminal responsibility for war crimes and crimes against humanity remain at large (Amnesty International)**

December 8, 2021

**Dozens of persons suspected of criminal responsibility for crimes under international law, including war crimes and crimes against humanity remain at large in the Central African Republic (CAR), said Amnesty International in a briefing published today.**

Likewise, there is not even one suspect in pre-trial detention pursuant to an arrest warrant delivered by the Special Criminal Court (SCC) more than three years after its inauguration. The SCC is a hybrid court having jurisdiction over crimes under international law and grave human rights violations committed during a series of conflicts since 2003.

The briefing, 'One Step Forward, Two Steps Backwards: Justice in the Central African Republic' reveals that, despite the start of the SCC's work in 2018, very few persons suspected of criminal responsibility have been arrested, prosecuted, or tried. Proceedings to address the needs for justice, truth and reparation are far from enough.

Of the 25 arrest warrants so far issued by the court, only one has been carried out, with the arrest in November 2021 of Minister Hassan Bouba Ali, a former armed group leader suspected by other NGOs of being linked to the killing in 2018 of more than 70 civilians, including children in Alindao. However, he was released by CAR authorities a few days later, without any judicial authorisation.

More than six years after being established, and three years since its inauguration, the SCC is facing difficulties in bringing



those suspected of criminal responsibility for crimes under international law to justice, including because of the non-execution of the arrest warrants it issued. The release of Hassan Bouba Ali is the latest example of the lack of support by political authorities for the Court's mission.

Samira Daoud, Amnesty International's West and Central Africa director. "Amnesty International calls on CAR authorities and the MINUSCA to take all possible measures to ensure the execution of the SCC arrest warrants and ensure that all those suspected of criminal responsibility for crimes under international law and other serious violations or abuses committed since 2003, from all sides of the conflict, are genuinely investigated and prosecuted in fair trials."

The vast majority of victims and survivors are still waiting for justice, truth and reparation. A civil society member told Amnesty International: "...We [need] to see the real persecutors being tried, those who may have been heads of the state or state institutions, and the leaders of rebel groups."

The SCC was created to fill the accountability gap, as a mechanism complementary to the International Criminal Court (ICC) and the CAR ordinary criminal courts. 22 individuals are in pre-trial detention under its jurisdiction, but they were not in fact arrested pursuant to SCC arrest warrants. Charges pending against them are unknown and their identities have not yet been disclosed – except for Eugene Ngaikosset, a suspect arrested in September this year. The briefing also addresses the lack of transparency in the operation of the SCC. Although the Court will start its first trials this month or early 2022, no information has been made available with regards to the cases or suspects involved. Amnesty International has found that information about the state of ongoing proceedings remains very difficult, if not impossible, to find. Not a single judicial decision has been made public.

No criminal trials in the country in the last 20 months

The briefing also found that CAR ordinary criminal courts have not held any criminal session since 7 February 2020. This means there has not been a single criminal trial in 20 months in a country that, according to its law, should organise a minimum of six criminal sessions per year in its three provinces.

Although the Covid-19 pandemic and the political and security situation in the country in December 2020 and the first half of 2021 have undoubtedly caused delays in the judicial process, these factors alone do not explain the state of lethargy that the justice sector finds itself in.

New military courts should not prosecute crimes against civilians

Amnesty International is also calling on CAR's authorities to ensure that crimes against civilians are not prosecuted in the newly established military courts which held their first sessions this year. The jurisdiction of military courts over criminal cases should be limited to trials of military personnel for breaches of military discipline and should exclude human rights violations, or crimes under international law.

In September 2021, the Bangui martial court sessions examined its first series of cases, among which there were cases about murder of civilians. These cases should fall under ordinary civilian courts.

"Researchers found that there was no step towards amending the country's law to ensure the jurisdiction of military courts is limited to military disciplinary matters and, on the contrary, the holding of these sessions was presented as a success in the fight against impunity within the armed forces," said Samira Daoud.

Background

Amnesty researchers visited Central African Republic in October 2021 and had 35 meetings with 44 people- 33 men and 11 women- from government, civil society, judicial system, including the Special Criminal Court and ordinary tribunals, and staff of the International Criminal Court.

**ICC judges confirm war crimes charges against Central African Republic suspect Said (Reuters)**  
December 10, 2021

**Judges at the International Criminal Court on Thursday confirmed war crimes and crimes against humanity charges levied by prosecutors against a former commander of the "Seleka" faction in Central African Republic.**

The decision paves the way for the case of Mahamat Said Abdel Kain to go to trial. Lawyers for Said, who was detained and transferred to The Hague in January read more , have said they will prove he is innocent.

An ICC statement said judges found "sufficient evidence to establish substantial grounds to believe that Mr. Said was a senior

member of the Seleka coalition and is criminally responsible" for crimes including torture of prisoners during his term at the Central Office for the Repression of Banditry, in the capital Bangui, between April 12 and Aug. 30, 2013.

The Central African Republic has been mired in violence since a coalition of mostly northern and predominantly Muslim rebels known as Seleka, or "alliance" in the Sango language, seized power in March 2013. Their brutal rule gave rise to the opposing "anti-balaka" Christian militias, several of whose former leaders also face charges at the ICC.

### **EU slaps sanctions on Russian mercenaries, Wagner Group (ABC News)**

December 13, 2021

#### **The European Union imposed sanctions Monday on a group of private Russian military contractors it accuses of fomenting violence and committing human rights abuses in the Middle East, Africa and Ukraine.**

EU foreign ministers agreed to slap asset freezes and travel bans on eight people involved with the Wagner Group, including founder Dmitry Utkin, and three energy companies linked to the group in Syria.

"The activities of this group reflects the Russian hybrid warfare. They represent a threat and create instability in a number of countries around the world," EU foreign policy chief Josep Borrell told reporters after chairing the meeting.

EU headquarters said in a statement that "the Wagner Group has recruited, trained and sent private military operatives to conflict zones around the world to fuel violence, loot natural resources and intimidate civilians in violation of international law, including international human rights law."

It accused those targeted of "serious human rights abuses, including torture and extrajudicial, summary or arbitrary executions and killings, or in destabilizing activities in some of the countries they operate in, including Libya, Syria, Ukraine (Donbas) and the Central African Republic."

The EU said the group is "also spreading its malign influence elsewhere, notably in the Sahel region" of Africa. The EU warned that Wagner Group mercenaries pose a threat to the countries they work in, wider regions and to the 27-country EU itself.

The Wagner Group, owned by a confidant of Russian President Vladimir Putin, has been accused by Western governments and U.N. experts of human rights abuses in the Central African Republic and involvement in the conflict in Libya.

EU lawmakers say the group should be treated as a "proxy organization" for the Russian state. France and Germany have complained about the presence of Wagner Group fighters in Mali.

Russian Foreign Minister Sergey Lavrov has said the company has a "legitimate" right to be in Mali because it was invited by the transitional government, and he insisted the Russian government is not involved.

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

## **Sudan & South Sudan**

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

#### **Aid group says tribal violence kills 24 in Sudan's Darfur (ABC News) By Samy Magdy**

December 6, 2021

#### **Tribal clashes between Arabs and non-Arabs killed at least 24 people Sunday in Sudan's western Darfur region, an aid group said. It was the latest bout of intercommunal violence to rock the conflict-stricken region.**

The fighting grew out of a financial dispute late Saturday between two individuals in a camp for displaced persons in the Kreinik area in West Darfur province, said Adam Regal, the spokesman for the General Coordination for Refugees and Displaced in Darfur.

Regal said Arab militias known as Janjaweed attacked the camp early Sunday, torching and looting properties. At least 35 others were wounded, he said.

A hashtag that reads “Kreinek is bleeding” in Arabic was trending on Twitter on Sunday, with users posting footage purportedly showing burned houses and bodies wrapped in burial shrouds. The camp is located east of the provincial capital of Genena, and houses displaced people from the African Masalit tribe, who have been forced to leave their homes during the Darfur conflict.

The violence in Kreinek was the latest to rock West Darfur in recent weeks. Last month, a land dispute between Arabs and non-Arabs in the Jebel Moon area led to bloody clashes that left at least 17 people dead and 12 others wounded.

In the nearby South Darfur province, tribal clashes over the past two months have claimed the lives of at least 45 people in the town of Tawila, according to the Sudan Doctors Committee.

Such clashes pose a significant challenge to efforts by Sudan’s transitional authorities to end decades-long rebellions in some areas like war-wrecked Darfur. Sudan is in the midst of a fragile democratic transition since a popular uprising forced the removal of longtime autocrat Omar al-Bashir in April 2019.

The Darfur conflict broke out when rebels from the territory’s ethnic central and sub-Saharan African community launched an insurgency in 2003, complaining of oppression by the Arab-dominated government in Khartoum.

Al-Bashir’s government responded with a campaign of aerial bombings and raids by the Janjaweed, who stand accused of mass killings and rapes. Up to 300,000 people were killed and 2.7 million were driven from their homes.

Al-Bashir, who is in prison in Khartoum, faces international charges of genocide and crimes against humanity related to the Darfur conflict.

### **Dozens killed, thousands displaced in wave of Darfur violence (Al Jazeera)**

December 10, 2021

**At least 138 people have been killed and dozens wounded in three separate areas of Sudan’s West Darfur state in recent weeks, medics have said, in the latest bout of inter-communal violence.**

The West Darfur Doctors Committee said in statements on Wednesday and Thursday that attacks in the Kreinek area killed 88 and wounded 84, while renewed violence in the rugged Jebel Moon mountains killed 25 and wounded four. Meanwhile, violence in the Sarba locality killed eight and wounded six.

“Many of the wounded died because they could not reach medical facilities, and community clinics in rural areas are not equipped,” the doctors said.

Violence first broke out on November 17 between armed Arab camel herders in the Jebel Moon area. West Darfur Governor Khamis Abdallah said the violence was sparked by “a dispute over camel looting”, and that “military reinforcements have been sent to the area and the situation has stabilised”.

On December 4, separate clashes erupted in the Krenik region of West Darfur between rival groups using automatic weapons.

“They have created a wave of displacement from the outskirts into the town, with a humanitarian situation that can be described at the very least as catastrophic,” the doctor’s union said in a statement.

Meanwhile, the Coordinating Committee for Refugee and Displacement Camps, a local NGO, said Zamzam refugee camp was encircled by militias and the Donki Shata area of North Darfur was also attacked.

According to the United Nations, the violence in Jebel Moon alone has displaced more more than 10,000 people, with 2,000 fleeing across the border into Chad.

Between January and September 2021, displacement has been about seven times more than during the whole of 2020, constituting the highest number of displacements in at least six years, the UN’s Office for the Coordination of Humanitarian Affairs says.

Violence reminiscent of Darfur war

The new clashes in Darfur are reminiscent of the years of inter-communal violence that preceded the eruption of conflict in 2003, fought between ethnic minority rebels, who complained of discrimination, and the Arab-dominated government of

then-President Omar al-Bashir.

Khartoum responded to the rebellion by unleashing armed Arab militias, known as Popular Defence Forces (Janjaweed), blamed for atrocities including murder, rape, and the looting and burning of villages.

The violence resulted in one of the world's worst humanitarian catastrophes. More than 300,000 people died and 2.5 million were displaced during the conflict, according to the UN.

Al-Bashir, who was overthrown in 2019 and has since been in Sudanese detention, has been wanted by The Hague-based International Criminal Court or ICC for more than 10 years over charges of genocide, war crimes and crimes against humanity in Darfur.

Violence in Darfur's five states increased amid divisions following al-Bashir's military removal after months, including in West Darfur, long considered the most peaceful.

Since December 2019, West Darfur has experienced four waves of violence, three of which took place in or in the vicinity of the state capital El-Geneina. Most of the violence took the form of attacks by armed members of Arab communities, including members of security forces, against generally unarmed non-Arab civilians. It resulted in the killing, rape, enforced disappearances and widespread forced displacement of population, according to a recent report by the International Federation for Human Rights (FIDH).

Sudan's fragile democratic transition following al-Bashir's removal was put in question on October 25, when the military dissolved the civilian government, arrested political leaders and declared a state of emergency.

Successive anti-coup protests have drawn large crowds across the country, despite increasing violence against demonstrators.

Protesters have not been quelled by a deal between army chief General Abdel Fattah al-Burhan's deal and Prime Minister Abdalla Hamdok that saw the latter restored to his position nearly a month after the coup.

Experts say the surge in violence in Darfur has likely been aggravated by the gradual withdrawal of the joint mission from the UN and the African Union to Darfur (UNAMID) in December 2020, blaming transitional authorities for failing to fulfil their promise to protect civilians better than the international force.

"National authorities and the international community must urgently deal with the bloody reality of this spiraling violence," Will Carter of the Norwegian Refugee Council said in a statement on Wednesday.

**DW Exclusive: Sudan's military used heavy weapons against anti-coup protesters (Deutsche Welle)** By Emad Hassan

December 14, 2021

### **The deaths of at least 41 unarmed protesters in Sudan have caught the attention and condemnation of international observers.**

Despite the internet outage ordered by General Abdel-Fattah Burhan following the military coup on October 25, activists were able to document the use of anti-aircraft weapons and armor-piercing bullets.

The footage shows clearly that the Sudanese Security Forces and militias such as the Rapid Support Forces confronted the demonstrators with weapons that are prohibited from being used against civilians and in cities.

Campaign to 'intimidate and suppress street protests'

Non-government organizations and rights groups have condemned the use of heavy arms against civilians as being in breach of humanitarian agreements that call for protecting civilians.

Amnesty International has referred to the extremely violent military reaction in Sudan as "lethal force."

"The deadly attack by Sudan's security authorities in the past two weeks was calculated to intimidate and suppress street protests against the military's takeover of power last month," Deprose Muchena, regional director for east and southern Africa at Amnesty International, commented in late November.

Meanwhile, also the Sudan Doctors' Committee has confirmed that Sudanese security forces used live ammunition to confront the demonstrators in Khartoum.

Autopsy reports of at least 10 deaths received by DW Arabia from sources in Sudan show that gunshots caused the deaths.

Sudanese security authorities — led by General Abdel-Fattah Burhan and the vice president of the Sudanese Sovereignty Council and commander of the RSF militia, General Mohammed Hamdan Dagalo — have denied any involvement in the demonstrators' deaths, saying they used "minimum force" to disperse anti-coup protesters.

What kind of weapons?

The Stockholm International Peace Research Institute(SIPRI), explained to DW what types of weapons mounted on four-wheel-drive vehicles can be seen in the videos.

1) ZPU-4 a towed anti-aircraft gun This Russian anti-aircraft weapon is also produced and licensed in China as "56" and in Romania as MR-4. The first version of this weapon was the Soviet KPV 14.5 x 114 mm cannon, with a range of 8 km horizontally and about 5 km vertically.

2) ZU-23-2 anti-aircraft twin-barrelled autocannon

The Russian double-barrelled anti-aircraft weapon with a diameter of 23 mm has a range of about 2.5 km.

3) ZPU-2 14.5 mm anti-aircraft twin guns The ZPU-2 anti-aircraft weapon comes with a 14.5 mm diameter barrel and has been used extensively in several countries, including Libya

4) Khawad heavy machine gun 12.7 x 108 mm Furthermore, the Swiss SMALL ARMS SURVEY Foundation, which monitors the movement of weapons around the world, has confirmed, by email to DW, the Russian origin of three anti-warcraft weapons, as well as the Sudanese production of the Chinese 'Dushka' model.

However, China is by far not new on Sudanese grounds.

As early as 2017, China was named as the largest exporter of arms to Sudan, in a report by the Conflict Armament Research Institute. The report highlights the vast number of heavy weapons that have reached Sudan despite a ban on arms imports that was imposed in 1994 and complemented by the 2005-UN embargo following the Darfur crisis.

Who owns the weapons?

The Rapid Support Forces (RSF), a militia of around 40,000 men led by General Mohammed Hamdan Dagalo, owns the majority of the heavy weapons seen in the videos. The militia even shows the weapons in posts on social media.

"It is very concerning that they are using those kinds of weapons in a law enforcement context," Simon Bagshaw, a former policy adviser at the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Geneva and New York, and an expert on the protection of civilians in armed conflict and forced displacement, told DW.

While Bagshaw said such weapons are not prohibited in and of themselves — according to international laws, "it is a fortiori that these heavy weapons should not be used against civilians, and if they are used, this is a violation of the law related to the use of force against civilians."

'Unjustified violence requires accountability'

Furthermore, Major General Mamoun Abu Nawar, a military expert from Amman, Jordan, pointed out that "the imbalance between the use of weapons and the reasons for using them leads to the occurrence of a war crime."

"This is unjustified violence that requires accountability within the framework of the Geneva and Rome Conventions," he said. "There is no meaning for a military victory over simple, unarmed civilians."

In turn, Antoine Saad, an expert in international law and based in Beirut, Lebanon, said Sudan's transitional authority has turned into a repressive authority that apparently committed a type of crime against humanity and genocide.

"Shootings of this magnitude were never proportional to peaceful demonstrations," he said. The Lebanese legal expert said, "The use of heavy weapons such as anti-aircraft and mechanisms down to ordinary live bullets constitutes a crime of genocide and a crime against humanity, especially if this act takes a collective pattern."

International sanctions?

Following the condemnation of excessive force, international sanctions "may start with a siege on the authorities that commit such crimes, economically and financially," Antoine Saad told DW.

For this, he suggested Sudanese activists prepare a legal file that includes complete documented evidence about specific

killings and injuries, that activists try to identify the people who carried out the aggression and identify the judicial authorities that refrained from punishing them.

"The file should also include the political leaders who supervised these events, and once this criminal file is completed it should be referred to the prosecutor's office as soon as possible," he said.

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

## **Democratic Republic of the Congo**

**Official Website of the International Criminal Court**

**ICC Public Documents - Situation in the Democratic Republic of the Congo**

### **DRC Executive Violated Law By Allowing Entry Of UPDF – Lawyer (Taarifa)**

December 3, 2021

#### **The Uganda military past escapades in DRC remain fresh in the minds of many in this vast mineral rich central African country.**

Juvénal Munubo, a prominent Congolese lawyer and member of DR Congo Parliament has shed light on the procedural and legal process that led to entry of Ugandan military on Congolese territory which he says was conducted in an unconstitutional manner.

According to Munubo the MP of Walikale, it was not appropriate to authorize the entry of these foreign troops.

“We could limit ourselves only in an exchange of information within the framework of the CIRGL and not authorize the entry of Ugandan troops into DRC “Since” mutualisation of forces does not mean inviting foreign forces to Congo,” he said.

Honourbale Munubo even accuses the executive of constitutional fault. “By authorizing the Ugandan army to enter into the DRC without submitting to Parliament the defense agreement, the DRC government intentionally violates Article 214 (1) of the Constitution.”

The lawyer and teacher explains, reacting to the explanations of the spokesman of the PNC: “According to Article 214 of the Constitution, the peace (defense) agreements must be subject to ratification by the Parliament”, but specifies the consultation Some members of the provincial caucus members is not a legal requirement in this area.

“The Constitution distinguishes in its sections 213 and 214 distinguishes two types of agreements: agreements not subject to ratification (Article 213, paragraph (2) and agreements subject to ratification (214, paragraph (1) in particular the agreements having for Matter Peace (defense), trade, on finance “.

Juvenal Munubo even gives examples: “In June 2018, Parliament had examined a defense agreement with Russia (delivery armaments, war materials and other equipment). Why then did the current government not submit to Parliament for ratification the defense agreement with Uganda of May 2021. The best way to proceed, it proposes, it is to apply the recommendations of the National Assembly Defense and Security Commission.

Meanwhile, Dr Denis Mukwege a world-renowned gynaecologist, human rights activist and Nobel Peace laureate from east Congo opposes the return of foreign troops in DRC and warns; “the same mistakes will produce the same tragic effects.”

“After 25 years of mass crimes and looting of our resources by our neighbors, the authorization of the President to the UPDF and the military cooperation agreements with RDF are unacceptable,” wrote Denis Mukwege.

### **'Spiral of death in DRC': Dozens killed in Ituri conflict (Agence France-Presse)**

December 5, 2021

#### **In Democratic Republic of Congo's Ituri province, armed groups are attacking more and more villages by the day. Last month more than 100 civilians were killed in just a week.**

DRC and neighbouring Uganda this week launched a military operation in Ituri, as well as in adjacent North Kivu, against Allied Democratic Forces (ADF) rebels that Kampala accuses of being behind deadly attacks on its soil. But in Ituri, other armed groups also operate.

From November 21 to 28 alone, “we counted at least 123 civilians killed,” said Pierre Boisselet, coordinator of the Kivu Security Barometer (KST), whose researchers are active in conflict zones.

The Congolese army has not confirmed the toll. Three of Ituri’s five territories are particularly affected.

In Djugu and Mahagi, different factions of the Cooperative for the Development of the Congo (CODECO) have mainly attacked Hema pastoralists, claiming to defend the interests of the Lendu farming community.

Further south in Irumu territory, the ADF has slaughtered nearly 300 people since the start of the year.

Tens of thousands displaced

And at a camp for the displaced in Djugu, raids have forced tens of thousands of people already driven from their villages by the violence, to flee again, leaving everything behind.

Joseph Inganji, head of the UN humanitarian agency OCHA in the country, said there had been four such attacks on sites where internally displaced people were living.

“In addition to dozens of dead and wounded, many people have been kidnapped around these sites,” he said.

On 21 November, an attack on the Drodro camp, which housed 16,000 displaced people, claimed the lives of at least 29 people.

Videos sent to AFP showed hundreds of civilians running across the fields to escape an onslaught by a CODECO faction.

An attack on a nearby site for the displaced on November 28 killed at least 22.

‘Spiral of death’

“We are witnessing a spiral of death,” said Erwan Rumen, a World Food Programme coordinator.

“The more violence there is, the more people are in need but the less humanitarian workers have access to them,” he explained.

And “when people can no longer meet their basic needs, there are automatically more candidates to join the armed groups.”

Throughout that week, thousands of people emerged from the bush and forests to gather in Roe, a few kilometres away, around a base of the UN peacekeeping force in the DRC, MONUSCO.

About 75,000 people survive there today, under the protection of 150 troops from Bangladesh and Guatemala.

Aid hampered

MONUSCO spokesman Mathias Gillmann said the force was doing its best to “support the tens of thousands of Congolese who have found refuge near our bases”.

But Joseph Inganji of OCHA warned that “several humanitarian actors have experienced serious security incidents in recent weeks and are no longer able to provide assistance to the populations”.

On October 28, an attack on a Medecins Sans Frontieres (Doctors Without Borders) vehicle left two of its occupants with gunshot wounds. Only one of three MSF projects in Ituri “is still operating at full capacity”, MSF coordinator Stephan Hauser said.

The same goes for the UN’s World Food Programme, which has only been able to reach “just a third of the 310,000 aid beneficiaries planned for November-December”.

DRC’s Ituri conflict

Before the latest fighting, Ituri had enjoyed relative calm for nearly two decades, after years of clashes mainly pitting the Hema against the Lendu.

But violence resumed at the end of 2017, growing in scale over the next two years as the rivals organised themselves into well-armed factions.

In the summer of 2020, President Felix Tshisekedi sent half a dozen former warlords to be peace emissaries in Ituri, where they themselves had sowed terror in the 2000s.

They included General Germain Katanga, who was in 2014 found guilty by the International Criminal Court of war crimes and crimes against humanity in only the second conviction to end an ICC trial in 12 years.

Warlords negotiated ceasefire

Katanga and the other former warlords negotiated a ceasefire in Ituri with CODECO factions before being recalled to the capital Kinshasa at the end of the year.

Now, seven months after the enforcement of a state of siege on Ituri and North Kivu and the resumption of military operations, Tshisekedi has asked the team to return to Ituri.

A member of this team, Jeannot Malivo, wrote last week on Twitter that he had been tasked with “a heavy mission, that of going to convince the local armed groups to cease hostilities.”

Despite the state of siege, more than 1,200 civilians have died in massacres since last May, the KST says.

**Up to 75,000 people living in a remote camp in eastern DRC facing ‘hellish conditions’ (UNICEF Press Release)** By Joe English and John Jacques Simon

December 8, 2021

**Up to 75,000 displaced people – including 35,000 children - living in a remote and inaccessible hilltop camp for displaced people in the province of Ituri in the Democratic Republic of the Congo are braving “hellish conditions” without adequate food, shelter, protection, security and sanitation, UNICEF has warned.**

The size of the camp – located in Rhoe, 45km northeast of the provincial capital Bunia and only accessible to aid agencies by helicopter – has nearly quadrupled over the last two weeks. Humanitarian access by land is not possible because aid workers have been denied access or shot at by armed groups on several occasions over the last month.

The huge growth of Rhoe camp – up to 50,000 people are estimated to have arrived in the past two weeks - has followed several attacks on nearby camps at Drodro and Tche by armed groups, forcing thousands of already-displaced people to seek sanctuary there.

Over the last few weeks, 35 children, including 14 girls, were reported to have been killed or injured, some hacked to death by men wielding machetes. At least 13 girls were recently raped while attempting to find food in fields adjoining the camp.

Militants have also destroyed three hospitals and two schools in the area. It is impossible to verify exact figures on the number of violations committed against children, including kidnappings, because of persistent insecurity and lack of access to the Rhoe area.

The hilltop camp is located immediately next to a MONUSCO peacekeeping base. At least 35,000 children have taken refuge there, including more than 60 who were separated from their parents.

“Displaced people fled to Rhoe in the hope of finding some kind of safety and protection,” said UNICEF Bunia Chief Field Officer Ibrahim Cisse, “But in reality, they remain in danger. About 35,000 children and their families are enduring hellish conditions, effectively being held hostage, unable to move, on a remote hill in a dangerous and inaccessible part of Congo. They face serious food, sanitation, accommodation, protection and security issues inside hopelessly overcrowded and unsanitary shelters.”

The influx of new arrivals has severely stretched Rhoe camp, situated on uneven and often sloping land, to breaking point. Many of those who have arrived in the last fortnight do not have shelter or food and must sleep in the open. Some have sought overnight shelter in the camp’s latrines.

Camp resident Betune Ngave, 65, typifies the suffering of many displaced people. She has been displaced several times since 2018, witnessing rape and mass murder in the process. Her husband was decapitated three weeks ago by militants and six of her seven children were killed in another attack in 2018.

“We have fled many times,” she said, “and seen our homes burned and children raped. My parents, my brothers, my sisters,



and six of my children have all been beheaded or shot.” Ms Ngave now lives in a flimsy and crowded shelter, about a quarter the size of a large car, which is neither wind nor rain-proof.

It is estimated there are about 1,300 people for every toilet in Rhoe camp and sewage flows openly through densely inhabited areas.

Access to locally grown food in the camp is almost non-existent because inhabitants are likely to be attacked by militants if they venture too far outside in search of food. There are now major concerns about the nutritional status of children and pregnant or breastfeeding women, with UNICEF officials warning that the situation could deteriorate very quickly.

Water is likewise in perilously short supply, with children venturing down the hillside with jerry cans to collect drinking water. If that is too dangerous, inhabitants collect water from nearby swamps or small rivers. Such journeys to collect food and water can put children at risk of violence and makes them vulnerable to sexual exploitation.

An alarming number of people have died recently in the camps because of respiratory illnesses, diarrhoea and malaria.

While Rhoe camp has a health centre, there are few beds and mothers with children mostly gather on the floor. The centre’s over-stretched staff carry out about 180 consultations per day. It is impossible for desperately sick people to be referred to hospitals and there is a lack of burial equipment for funerals.

UNICEF through its Rapid Response Programme imminently intends to distribute 5,500 Non-Food Item kits – including blankets, buckets, jerry cans, kitchenware and soap – in addition to tarpaulins and tents.

UNICEF plans to hand out individual water treatment tablets to camp inhabitants and is working with its partners to provide psychosocial support to over 500 children affected by armed conflict in the camp. Help is being provided to 58 children still separated from their families- so far only five children have been reunited.

Moves are afoot to survey the level of malnourishment in the camp in coordination with the World Food Programme and other agencies.

UNICEF is also lobbying to improve sanitation in the camp, in addition to working with MSF to bolster health support.

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

## WEST AFRICA

### **Côte d'Ivoire (Ivory Coast)**

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

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

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

**ISWAP kidnaps 15 NGO officials in Borno, takes them to Sambisa forest (Punch)** By Victoria Edeme  
December 2, 2021

**No fewer than 15 people have been reportedly kidnapped by insurgents of the Islamic State of West African Province.**

According to a security source, the victims were abducted in Damboa Local Government Area of Borno State, Daily Trust reported.

Some of the victims include officials of international Non-Governmental Organisations, who had reportedly left Damboa town while heading for Adamawa, on Wednesday.

The source revealed that the insurgents struck near Gumsuri village in Damboa, as they waylaid motorists and forcefully took them into Sambisa forest.

“It is unfortunate that the insurgents continue their nefarious activities on the fringe of Sambisa forests, we have received reports that ISWAP kidnapped at least 15 persons (passengers) near Gumsuri village while allowing two others to go.

“They are desperate to recruit more people into their criminal activities. They deceived people because they dressed in military attire. It is sad and shocking,” a security source said.

**Boko Haram: ISWAP Attack Yobe Police Station, Barracks (Naija News)** By George Oshogwe Ogbolu  
December 7, 2021

**The Nigerian Army had last week claimed that ISWAP terrorists attempted to gain access into the town but were repelled by troops of 27 Task Force Brigade, Special Forces School and the Nigerian Air Force.**

The Nigerian Army had last week claimed that ISWAP terrorists attempted to gain access into the town but were repelled by troops of 27 Task Force Brigade, Special Forces School and the Nigerian Air Force.

But a military source have now revealed to Sahara Reporters that the insurgents attack the community, a police station and a newly renovated barracks.

The source said the gunmen came in different groups, adding that some policemen sustained injuries while others fled into the bush.

It was learnt that the insurgents also “burnt two operational vehicles and some buildings in the facility.”

This is coming after the Minister of Defence, Maj.-Gen. Bashir Magashi (Rtd), disclosed that the Nigerian military has seriously curtailed the activities of Boko Haram and ISWAP in the North-East.

Magashi stated that the success recorded was in adherence to the directive of President Muhammadu Buhari to the nation’s service chiefs during a recent meeting. Naija News reports that the minister made this disclosure at the 2021 Chief of Army Staff Annual Conference in Abuja on Monday.

He said that the activities of the insurgents have been reduced to the barest minimum, adding that peace is gradually being restored to all the troubled areas in the country.

Magashi expressed confidence in the ability of the military to wipe out the terrorists, urging the troops to continue to step their game in the fight against insurgency.

**ISWAP Fighters Attack Borno Village (Naija News)** By Olugbenga Ige  
December 13, 2021

**It was learned that the terrorists reportedly attacked the remote village on trucks and overpowered the local hunters who engaged the insurgents in a gun duel.**

After overpowering the hunters, the ISWAP fighters shot sporadically as villagers scamper for safety into the bush.

Speaking to Daily Trust, a member of the Civilian Joint Task Force (CJTF) said the terrorists are still in the village and currently invading homes.

Meanwhile, seven persons have been killed and many others severely injured during an attack on a market in Pinau community of Wase Local Government Area of Plateau State.

Naija News learned that the tragic incident happened on Sunday evening when the gunmen attacked the traders and buyers who were engaged in commercial activities.

Confirming the attack, a youth leader in the area, Shapi’i Sambo, said that the criminals stormed the market and started

shooting sporadically.

He described the incident as unfortunate, calling on the Federal and State governments to curtail the activities of unknown gunmen, bandits and terrorists in the country.

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

## **Mali**

### **Security Council Press Statement on Attacks against United Nations Multidimensional Integrated Stabilization Mission in Mali (Relief Web)**

December 9, 2021

#### **The following Security Council press statement was issued today by Council President Abdou Abarry (Niger):**

The members of the Security Council condemned in the strongest terms the series of attacks perpetrated against the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) in the past days in Bandiagara, Kidal, Gao and Menaka regions, following which seven peacekeepers from Togo and one MINUSMA contractor from Mali were killed, while three other peacekeepers from Togo and one MINUSMA contractor from Mali were injured. One peacekeeper from Egypt also died after being injured in an attack last month.

The members of the Security Council expressed their deepest condolences and sympathy to the families of the victims, as well as to Egypt, to Mali, to Togo and to MINUSMA. They wished a speedy and full recovery to the peacekeepers and the contractor who were injured. They paid tribute to the peacekeepers who risk their lives.

The members of the Security Council called on the transitional Government of Mali to swiftly investigate these attacks and bring the perpetrators to justice. They underlined that attacks targeting peacekeepers may constitute war crimes under international law. They stressed that involvement in planning, directing, sponsoring or conducting attacks against MINUSMA peacekeepers constitutes a basis for sanctions designations pursuant to United Nations Security Council resolutions.

The members of the Security Council reaffirmed that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security. They underlined the need to bring perpetrators, organizers, financiers and sponsors of these reprehensible acts of terrorism to justice. They stressed that those responsible for these killings should be held accountable, and urged all States, in accordance with their obligations under international law and relevant Security Council resolutions, to cooperate actively with all relevant authorities in this regard.

The members of the Security Council reiterated that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed. They reaffirmed the need for all States to combat by all means, in accordance with the Charter of the United Nations and other obligations under international law, including international human rights law, international refugee law and international humanitarian law, threats to international peace and security caused by terrorist acts.

The members of the Security Council reiterated their full support to the Special Representative of the Secretary-General for Mali and Head of MINUSMA, El-Ghassim Wane, and the other security presences in Mali and in the Sahel region, as mentioned in resolution 2584 (2021).

The members of the Security Council expressed their concern about the security situation in Mali and the transnational dimension of the terrorist threat in the Sahel region. They urged the Malian parties to fully implement the Agreement on Peace and Reconciliation in Mali (“the Agreement”) without further delay. They noted that the full implementation of the Agreement and the intensification of efforts to overcome asymmetric threats can contribute to improving the security situation across Mali. They underlined that the efforts of the Force Conjointe of the Group of Five for the Sahel (G5 Sahel) to counter the activities of terrorist groups and other organized criminal groups will contribute to create a more secure environment in the Sahel region.

The members of the Security Council further stressed the importance of MINUSMA having the necessary capacities to fulfil its mandate and promote the safety and security of the United Nations peacekeepers, pursuant to Security Council resolution

2584 (2021).

The members of the Security Council stressed that these heinous acts will not undermine their determination to continue to support the peace and reconciliation process in Mali.

### **7 UN Peacekeepers Killed In Mali Blast (Ahmedabad Mirror)**

December 9, 2021

#### **Seven UN peacekeepers were killed and three were seriously injured following an explosion in Mali, it was revealed.**

In a statement on Wednesday, the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) said that logistic convoy from Douentza to Sevare struck an improvised explosive device in the Bandiagara region earlier in the day, reports Xinhua news agency.

In recent days, four MINUSMA camps in northern Mali have been the target of attacks, according to the Special Representative of the UN Secretary-General and Head of MINUSMA El-Ghassim Wane.

UN Secretary-General Antonio Guterres has strongly condemned Wednesday's incident and extended his deepest condolences to the bereaved families of the victims who were from Togo and He wished a speedy recovery to the injured.

The secretary-general said that attacks targeting UN peacekeepers may constitute war crimes under international law.

He called on the Malian authorities to spare no effort in identifying the perpetrators of these attacks so that they can be swiftly brought to justice.

Guterres reiterated the continued support of the UN for, and solidarity with, the people and government of Mali, including through enhancing the capacity of the peacekeeping mission to protect civilians in central Mali and supporting a government-led strategy to stabilise the region.

Since 2012, Mali has been facing deep and multifaceted security, political and economic crises.

The independence insurrections, the jihadi incursions and the inter-communal violence have caused thousands of deaths and hundreds of thousands of displaced, despite the presence of UN forces (MINUSMA) as well as French (Barkhane) and European (Takuba) forces.

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

## **Liberia**

### **Spotlight Initiative Releases 2020/21 Impact Report: Features Significant Actions By Government To Curb Violence Against Women And Girls In Liberia (Front Page Africa)**

December 3, 2021

#### **The Spotlight Initiative has released its 2020-2021 impact report, 'Rising To The Challenge', showcasing the initiative's success in addressing violence against women and girls and advancing their rights.**

The Spotlight Initiative is a global multi-year partnership between the European Union and the United Nations that supports concrete measures to end all forms of violence against women and girls, giving prominence to prevention, protection, and the provision of services, alongside broader efforts to ensure women's economic empowerment and participation in all aspects of society.

The report acknowledges that the initiative's "success hinges on the willingness of governments to lead by setting national priorities, guiding ministries and other institutions, and mobilizing their citizens to end violence against women and girls".

The report features significant efforts and actions taken by the Government of Liberia to address violence against women and girls, including the pronouncement by His Excellency President George Manneh Weah, declaring rape as a national

emergency during the heat of the COVID-19 pandemic. “In September 2020, Liberian President George Weah declared rape a national emergency, appointing a special prosecutor for rape, and establishing a National Sex Offender Registry and a National Security Taskforce on Sexual and Gender-Based Violence. An initial allocation of USD 2 million was made by the government to roll out a Roadmap on Ending Sexual and Gender-Based Violence 2020-2022.” The report highlighted.

The report notes that despite implementation challenges posed by the COVID-19 pandemic, the Spotlight Initiative recorded successes in the areas of strengthening laws and policies, service provision, education and behavior change campaigns, conviction of perpetrators, and increased participation of civil society and local community actors in the implementation of the spotlight initiative.

In a related development, Liberia’s Deputy Permanent Representative to the United Nations, Ms. Cecilia Forgbé Wreh-McGill, echoed Liberia’s progress in addressing violence against women and girls at a recent roundtable with United Nations Deputy Secretary-General, Her Excellency Madam Amina Mohammed on the Spotlight Initiative.

Presenting the achievements of the Government of Liberia under Phase One of the Spotlight Initiative, Ms. McGill informed the United Nations that a recent survey conducted with partners shows a significant change in attitudes and behaviors at the community level in five counties where the Spotlight Initiative is being implemented.

Ms. McGill: “After raising awareness, within the Spotlight Initiative and within the National Road Map; after conducting a social audit and designing the inventory of traditional leaders with our EU and UN partners; the 2021 research results (www.scoreforpeace.org) confirm that attitude and behaviors in the five counties are changing positively. Our people show less tolerance towards harmful practices, are less likely to commit violence and exert higher support to gender equality.”

The Liberian Diplomat named the passage of the Domestic Violence Act in August 2019, suspension of Sande (bush schools) activities, and budgetary allocation of Two hundred thousand United States dollars as major gains achieved under Phase One the Spotlight Initiative.

“The passage of the much-anticipated Domestic Violence Act in August 2019 was a significant legislative outcome for the Liberia Spotlight Initiative to address physical, emotional, verbal, and psychological abuse; dowry-related violence; offenses against the family; and harassment.

Our traditional leaders have committed to the 7-Count Policy which led to the suspension of Sande (bush schools) activities, potentially preventing FGM for twenty thousand girls, those traditional leaders are change agents promoting the elimination of harmful practices. Additionally, US\$200,000 was allocated in the National Budget for FY2020 by the Government of Liberia as part of the Government’s commitment to mainstreaming gender-responsive planning and budgeting (GRPB) throughout government spending entities to meet the specific needs of women, girls, boys, and men.” Ms. McGill expanded further.

Despite the successes, Deputy Permanent Representative McGill stressed that a lot more needs to be done for the Government to remain on track to achieving its goal of reducing and eliminating the incidence of violence against women and girls in Liberia.

She expressed thanks to the European Union and the United Nations for the partnership on the Spotlight Initiative and called for continued support to ensure that the initiative continues to impact the lives of women and girls, especially the most vulnerable. Ms. McGill also stressed the need for continued engagement with the European Union, United Nations, and other development partners, especially during the ongoing 16 days of activism against gender-based violence and Phase Two of the Spotlight Initiative to reach vulnerable women and girls across Liberia.

Other Spotlight Initiative implementing countries, including Nigeria, Timor Leste, Kyrgyzstan, and Jamaica, also briefed the roundtable event.

In response, Deputy- Secretary-General Amina Mohammed welcomed the progress made nationally in implementing the Spotlight Initiative, and noted that the issues of data collection, institutional ownership, intergenerational transition, and partnership, especially with Civil Society Organizations at the local level, were major themes that resonated during presentations by Spotlight Initiative implementing countries. The Deputy-Secretary-General assured that she will use the information to continue to make the case for more support to the initiative.

The Spotlight Initiative is currently being implemented in more than twenty countries in Africa, Asia, Latin America, the Pacific and the Caribbean.

**Liberia: Rescued From Bush School, Girls Detail Trauma; Mothers Pursue Justice (Front Page Africa)** By Evelyn Kpadeh Seagbeh

Dec. 6, 2021

**Going to the “Sande Bush” school was never a dream for Dearest, Tina or Precious. The three girls, all high school students, say they were abducted by traditional leaders in September and taken by force to the Sande without the consent of their parents. They spent six terrifying weeks at the Bush school before their desperate mothers finally discovered their location and rescued them.**

The mothers say they had called for the police and child protection officers to intervene but they did not help, even after the women told their story to FrontPageAfrica.

“They took us away by violent means as though we were criminals,” said Dearest, 17, as she recalled the events (all girls real names are being concealed for their protection). “Plenty women came and surrounded us, grabbed us by our clothes on our waist and started pulling us.”

The three girls, who agreed to speak to FrontPageAfrica/New Narratives, claimed their abduction was organized by a traditional leader named Hawa Kromah because of an allegation that the girls caused a public disturbance in this area near the capital, Monrovia.

The girls are now united with their families but the emotional and physical trauma of their ordeal is still fresh.

“It was not my plan to go to the Sande,” said Dearest emotionally. “And today I see myself sitting here the way I am now, then what I knew myself to be as a woman before they carried us.”

The Sande Bush is a secret society for women where the practice of female genital cutting (FGC) is carried out on girls and women. (The male secret society is known as the Poro.) Traditionalists say that in the Sande, girls are trained to become good wives. According to a UN report, 44 Percent of Liberian girls and women belong to the tribes that still practice Sande Bush schools and it is likely almost all have undergone FGC. The practice sees a traditional leader known as a “zoe”, cut the inner and outer labia from girls, and usually the clitoris is completely removed. Often the zoes use a razor blade for the extremely painful procedure. The practice has been blamed for infection, excessive bleeding, trauma and lifelong health problems in later life including difficulty in childbirth.

Survivors of the Sande Bush are made to keep secret what happened there. It is widely known that disclosure of details of the Sande will result in calamity including, possibly, death. Journalist Mae Azango of FrontPageAfrica, faced death threats for revealing the secrets of the Sande in 2012. Despite the risk the girls and their mothers have rejected the Sande threats and called for the prosecution of the zoes who cut them.

The girls dismissed the idea that Sande was a place for preparing girls for womanhood.

“We did not go through any training there,” said Dearest. “We never saw them teaching anyone how to make mat, baskets or whatsoever! We suffered in that bush. They used to beat us, put green leaves on our backs and made us to lay in the hot sun until the leaves got dry on our backs. According to them (zoes) they were training us.”

#### Thwarted Education

Tina, Dearest, Precious and their mothers have little hope of the girls returning to school any time soon. Already, the new academic year has entered the fourth week. The costs of feeding, medication and costs demanded by the Sande leaders have left the mothers with nothing to send the girls to school.

“I am feeling bad because schools have opened and all our friends are in school and we are not, while we are sitting, time is passing,” said Dearest. “It was never our plan to go there. Everyone wants to go school to learn to gain something for themselves in the future.”

Bullying from friends, and stigma from the community for the stance the mothers have taken in speaking out against the Sande, has made it difficult for the girls to remain in the community. The parents have been forced to move three of the girls into a safe home.

#### Ministry confirms Illegal Sande Bush operation in Mt. Barclay

Guidelines set up by the Ministry of Internal Affairs regulating the operations of the Sande and Poro, forbid forceful initiation and operation of bush schools during the regular academic calendar.

On the date the girls were being released from the Sande, one of the mothers said she was told the Ministry of Internal Affairs had dispatched a team to the village of Gbokolleh ordering the bush closed, but by the time of publication, parents of some of the girls told FPA/New Narratives, the bush school continues. They claimed dozens of other girls are stuck there.

William Jallah, Director of Culture and Customs inside the Ministry, confirmed that the Sande Bush in Gbokolleh is operating illegally. He said the ministry has no knowledge of its operation and it has not met the requirements laid down by the ministry.

The Ministry of Internal Affairs says it has been challenged in curtailing the growth of Sande and Poro across the country in large part because the bush schools are money earners for the traditional leaders who run them. Ms. Azango's reporting in 2012 found that traditional leaders were also threatening to prevent people from leadership positions in the community and meted out other penalties if they didn't send their children to the bush schools.

"The illegal establishment of these bushes are the ones causing the problem," said Mr. Jallah. "Right now schools have opened and when schools open, all bushes are to close. The two schools should not be open at the same time. At the time the girls were taken to the present we condemn all acts that have to do with forceful initiation which is not in conformity with our cultural practices. We have told our practitioners that forceful initiation is kidnapping."

The director said that a meeting was planned with residents of Old Displaced Camp in Mt. Barclay Community, from where the girls were taken, aimed at educating residents to discourage forceful initiation. Director Jallah did not say when that meeting would take place.

The Internal Affairs executive puts some of the blame for the initiation of the five girls on to the failure by police to respond when the girls' parents first sought their intervention. At that stage the girls were still being held in the community. Director Jallah said more training for police is needed.

"The issue went that far because the police too are not knowledgeable," he said. "If a person insults or two people fight in a community, it's not a cultural issue, and so they should have handled it but they did not, and the cultural people took it their way."

#### Mothers Demand Justice

Receiving their daughters back, the mothers say they are grateful, but not totally satisfied. They have joined their daughters in calling for the prosecution of Ms. Kromah.

They want Ms. Kromah to pay damages for the psychological and physical damage suffered by the families. They also want Ms. Hawa to pay back all of the expenses the zoes made the mothers pay after the girls were abducted.

The mothers told New Narratives that they spent \$LD1,000 each for transportation to carry food for the girls. Each of the girls' parents was also made to purchase two sets of wax lappa for the zoes at \$USD20 each, dry meat at \$LD7,000, red oil, three buckets of rice for \$LD1,500, liquor-Pisti \$LD300 and a cane juice bottle. The mothers are petty traders and did not have the money to operate their own businesses. Because of this their other children have also been unable to afford to go to school.

In early October, when the matter was first taken to the Ministry of Internal Affairs, Ms. Kromah signed an agreement to repay expenses incurred by one of the mothers. This has not happened according to the mother.

"I want her to be brought to justice and we are praying that God will help us in that process, because we ourselves are against this thing (Sande Initiation)," said the mother whose name is being withheld to protect her daughter's identity. "It can destroy the children's lives, while you are living, someone catches and force you into something you have never planned to be a part of, and it's really giving them hell. We want Hawa Kromah caught and we go to court."

When contacted by Front Page Africa Ms. Kromah denied any wrongdoing. She claimed her actions were justified because the girls caused a disturbance in the neighborhood. And she claimed illness had prevented her from repaying the expenses of the parents as she had committed to.

"I am away in the sick bush on Cape Mount highway. I am not in the community, I am sick," she said by phone. "I was not the one who carried the children there. The parents reached out to me and I told them that I am not the rightful person, so I said let me call the rightful person, because for me, I am a member, but I am not the zoe. They were two and they had confusion and the girls they held as witnesses were not members so that's how they carried them there to talk the case, and because they were not members, that's how they joined [initiated] them."

The parents of the girls rejected Ms. Kromah's claim that she is in the sick bush. They say she is currently in Mount Barclay going about her normal activities. The mothers say they have also heard that she boasts to neighbors that, "nothing would come out of the matter, because it's a traditional matter."

On November 9, local media reported the suspension of a traditional chief in Bong County by the Internal Affairs Minister for forcefully taking and initiating an FAO staff member into the Poro Society. The ministry later ordered the Sande to release the

FAO staff member, but in the case of the five young women, there have been no repercussions as yet.

Liberia is one of the 29 countries in Africa and the Middle East, where female genital cutting is still widely practiced, while at least 24 nations in Africa have passed legislation criminalizing it.

Liberia has signed and ratified several regional and international human rights instruments. Those instruments call upon the state to ensure that women and girls are protected from all forms of violence and discrimination including FGC. They include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), The African Charter on the Rights and Welfare of the Child.

Human rights advocates in Liberia have tried for years to have the practice banned. It was initially included in the country's New Domestic Violence Law (DVL) but opponents managed to have it removed by the time the law passed in 2019. On 19th January 2018 just before turning over power to President George Weah, former Liberian President Ellen Johnson Sirleaf signed Executive Order 92, temporarily banning the practice of FGM for a year but the ban lapsed a year later.

Across the country, gender-based violence is pervasive. The continuous incidents of these and various forms violence against Liberian girls and women led eight foreign diplomatic missions and ECOWAS in Liberia to issue a joint statement in late November urging the Government of Liberia to fulfill its commitments to scale up a survivor-centered, comprehensive response to gender-based violence, including prevention, psychosocial support, medical assistance, access to justice and rehabilitation programs for perpetrators.

The statement was issued by the embassies of France, Ireland, Germany, Sweden, United Kingdom, United States of America, ECOWAS Commission, and the Delegation of the European Union to mark the launch of the 30th Anniversary of the global campaign "16 Days of Activism Against Gender-Based Violence". The coalition also called on the Liberian government to strengthen and enforce existing laws such as the rape law and the domestic violence act, including the provision of resources for awareness about these laws.

**Atty. Glasgow Amplifies Cry For War Crime Court (GNN Liberia)** By Cholo Brooks

Dec. 7, 2021

**A Liberian lawyer, Attorney Herbert Glasgow has intensified his campaign for the setting up of a war and economic crime court following several years of civil war in Liberia.**

He said key players during the civil war cannot be moving freely while victims and their family members are grieving on a daily basis.

Tales of atrocities dominate account of Liberia civil war but not a single person has been tried for war crimes in the country's courts.

This is despite the estimated 250,000 dead, amounting to around 8% of the population at the time, and survivors willing to testify about the conflicts from 1989 to 1997 and 1999 to 2003.

According to Attorney Glasgow, impunity has long denied Liberia many deserving development opportunities in the wake of the lip service given to the implementation of the recommendations of the Truth and Reconciliation Commission (TRC) that call for those involved in war and economic crimes to account.

The legal practitioner said as Liberians go to the polls to elect another badge of leaders in 2023, it is about time that President George ensures that major actors of the Liberian civil war are brought to justice to account for their actions that led to the deaths of around 250,000 innocent lives. He also called on Liberians to reject at the polls all those indicted for war and economic crimes.

Meanwhile, Attorney Glasgow seized the moment to call on former warlords including Nimba County Senator Prince Johnson, Grand Gedeh County Representative George Boley, Professor Alhagi Kromah and Sekou Damate Conneh to offer themselves to face justice for the actions of their respective rebel groups.

Meanwhile, the lawyer has decried the prevailing economic hardship of Liberians due to high economic crisis facing the country as many investment groups are nowhere to be found as government alone cannot be the means of employment.

**UN expert calls for probe into suspected ritualistic killings in Liberia (GNN Liberia)** By Cholo Brooks

Dec. 12, 2021



**A UN human rights expert today called on the Liberian Government to promptly investigate a series of killings that have occurred this year, some of which have reportedly been linked to ritualistic practices.**

At least 10 people have been killed in unclear circumstances in 2021, including five in September reportedly with suspected links to ritualistic practices or political motivations. According to information received by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, three of the most recent victims were either former officials or had links to high profile former politicians.

The Liberian Independent National Commission on Human Rights and Chief Justice of the Supreme Court have both called for full investigations into the killings.

“Prompt, independent and thorough investigations into potentially unlawful killings is a key component of the right to life. These investigations should be conducted in accordance with the standards enshrined in The Minnesota Protocol on the Investigation of Potentially Unlawful Death,” said Tidball-Binz.

“Investigations should fully explore all possible motivations for these killings.

“Investigations should not only be aimed at bringing those responsible to justice, but also to draw necessary lessons for revising practices and policies with a view to avoiding repeated violations.”

UN human rights bodies have previously raised concerns and called for investigations into ritualistic killings in Liberia, including the Human Rights Committee in 2018.

The expert has written to the Government to raise his concerns.

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

## **EAST AFRICA**

### **Uganda**

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

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

### **Kenya**

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

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

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

**Chief UN prosecutor looks forward to achieving justice for victims of 1994 genocide against the Tutsi in Rwanda (United Nations)** December 13, 2021

**In the Félicien Kabuga case, Prosecutor Brammertz reported that the trial team filed its pre-trial brief and responded to significant additional litigation initiated by Mr. Kabuga's family members and associated third parties concerning seized assets. "My Office is ready for and looks forward to the commencement of this trial at the Arusha Branch when ordered by the Trial Chamber," he asserted.**

His Office also completed two more trials during the reporting period, he continued: At The Hague Branch, Jovica Stanišić and Franko Simatović were convicted at trial for aiding and abetting the crimes of murder, deportation, forcible transfer and persecution as crimes against humanity, and murder as a war crime.

At the Arusha Branch, in the Nzabonimpa et al. case, four accused were convicted at trial for contempt of court, with the Office proving that they engaged in a "brazen effort" to interfere with the administration of justice by improperly influencing witnesses to recant in a failed effort to overturn Augustin Ndirakobuca's genocide conviction.

With the start of the Kabuga trial approaching, "we look forward to this opportunity to achieve more justice in the courtroom for the victims of the 1994 Genocide against the Tutsi in Rwanda."

Search for fugitives at 'decisive' stage

Turning to the search for remaining fugitives indicted by the International Criminal Tribunal for Rwanda, Prosecutor Brammertz said the most wanted fugitive is Rotais Mpiranya, the former commander of the Presidential Guard.

His Office is also working to locate and account for five other fugitives indicted for genocide, including Fulgence Kayishema, who was previously located in South Africa.

"The coming period will be of decisive importance," he said. "We expect further significant advancements in our work". The success of these efforts depends on the full and effective cooperation of Member States, including Zimbabwe and South Africa.

Regarding Zimbabwe, Prosecutor Brammertz said he had undertaken a mission in November to Harare, where he met with Vice President Constantino Chiwenga and other senior officials, who reaffirmed Zimbabwe's unreserved commitment to assist his Office.

He said that while he had not yet received a response to recommendations for improving cooperation, "I trust that in the coming period, I will be able to report that Zimbabwe is providing full and effective cooperation."

In South Africa, a failure to cooperate

Turning to South Africa, where his Office has faced "immense" challenges over three years in obtaining cooperation, he reported that the Government failed to arrest Mr. Kayishema and to provide critical information.

"The situation with South Africa is among the most severe instances of non-cooperation my Office has faced since the Mechanism's establishment," he stressed.

Nonetheless, he said his Office submitted an urgent request three months ago to establish a joint investigation team and he visited Pretoria in November to discuss the matter. "Unfortunately, I am unable to provide a more positive update today," he said. "South Africa is still failing to adhere to its international obligations."

In terms of assisting national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda – he said the workload associated with this residual function is much greater than anticipated.

In 2013, his Office received some 100 requests for assistance. In each of the last two years, it received nearly 400 – a four-fold increase – including from the Prosecutor General of Rwanda, the Special State Prosecutor's Office of Montenegro and the War Crimes Prosecutor's Office of Serbia.

After 25 years, genocide denial continues

Finally, Mr. Brammertz reported on the continued denial of crimes and glorification of génocidaires and war criminals, stressing that murals of Ratko Mladić in Belgrade and the publications of extremist Rwandan diaspora groups have "one sad thing" in common:

“More than 25 years later, there are still those who deny, relativize and minimize the judicially established facts of genocide, crimes against humanity and war crimes.”

While some may say that truth and justice are the source of social conflict, Mr. Brammertz explained, “the reality is that genocide denial and glorification of war criminals provoke hatred,” condemning present and future generations to bear the burdens of the past.

Judge Carmel Agius, President of the International Residual Mechanism, presented the legal body’s report to the Security Council (document A/76/248-S/2021/694), highlighting the “strong progress” made during the reporting period.

He described the Mechanism’s on-time delivery of all three judgements projected for June 2021 – the appeal judgement in the Mladić case, as well as trial judgements in the Stančić and Simatović case and the Nzabonimpa et al. case – as “striking”.

He credited the “remarkable” efforts by the Mechanism’s judges, staff and defence teams to overcome obstacles that could have derailed the cases.

A new chapter

As a result of its favourable performance, the Mechanism has entered a new chapter in its operations, he said. The core driver of its activities – its pending judicial caseload – is now limited to appeal proceedings in its cases and the trial in the case against Félicien Kabuga.

**Jail term sought for Rwanda driver over genocide (Nokia News)** By Maria Daisy  
December 15, 2021

### **French prosecutors on Wednesday asked for a 15-year jail term for a former hotel driver accused of complicity in Rwanda’s 1994 genocide.**

French-Rwandan Claude Muhayimana is on trial for complicity in genocide and in crimes against humanity for his alleged role in transporting Hutu militiamen who massacred hundreds of Tutsis.

Muhayimana, who investigators say also hid Tutsis at risk of death and helped some escape, fled after the genocide and gained French nationality in 2010.

The now 60-year-old “contributed to the genocide by driving and transporting the killers over a very long period of three months”, the prosecutor told the court, calling Muhayimana “an essential part of the operation to hunt down every last Tutsi”.

The prosecutor described Muhayimana as “an opportunist” who he said “adapted to the genocide by serving the perpetrators of the genocide”.

Muhayimana, who was married to a Tutsi woman at the time, has denied the charges.

Investigators also discovered that he had hidden Tutsis at risk of death and helped some flee.

Some 800,000 people died between April and July 1994 as the extremist Hutu regime tried to wipe out Rwanda’s Tutsi minority, causing one of the 20th century’s biggest massacres.

The verdict in the trial is due on Thursday after four weeks of proceedings involving around 50 witnesses, some who were flown in from Rwanda.

Muhayimana’s trial is the third in France linked to the genocide. In the previous ones, an army captain was sentenced to 25 years and two mayors to life imprisonment.

France has in the past refused requests to extradite suspects to Rwanda, prompting President Paul Kagame to accuse Paris of denying Rwandans justice.

But relations between the two countries have warmed considerably since a historians’ report commissioned by President Emmanuel Macron and released in March recognised France’s “overwhelming” responsibilities in failing to halt the massacres.

That was followed by a visit by Macron to Kigali in May, when he acknowledged that his country had ignored warnings of the impending massacres while backing the genocidal regime.

**[back to contents]**

## Somalia

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

## EUROPE

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

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

#### **Bosnia Upholds Serb Ex-Policeman's Crimes Against Humanity Sentence (Balkan Transitional Justice)** By Haris Rovcanin

December 2, 2021

**The appeals chamber of the Bosnian state court on Thursday confirmed the verdict sentencing Simo Stupar, a former reservist policeman at the Public Security Station in Vlasenica, to 12 years in prison for crimes against humanity.**

The state court said it had "rejected as unfounded an appeal filed by the defendant's defence lawyer".

The verdict was handed down in Stupar's absence as he left Bosnia and Herzegovina in October and is currently a fugitive.

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

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

He and three others also participated in the murder of a disabled civilian.

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

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

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

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

**Bosnian Serbs Accuse State Court of War Crimes Bias (Balkan Transitional Justice)** By Irvin Pekmez  
December 7, 2021

**Around a hundred Bosnian Serbs, bussed into Sarajevo under police escort, staged a**

**protest on Tuesday in front of the Bosnian state court and prosecution building, clutching banners and photographs of Serbs killed during the war to protest a perceived neglect for crimes committed against Serbs.**

The protest follows the arrest last week of seven Bosnian Serb police officers accused of war crimes in the eastern region of Bijeljina and an appeals verdict in November quashing the conviction of Sakib Mahmuljin, former commander of the Bosnian Army's Third Corps, for failing to stop the torture and killing of Serb prisoners.

"Can any of you tell me when the last Serb war victim was identified? I don't remember," said Veselko Pejic, whose father, Milos Pejic, is still missing from the war. "I'll keep searching for as long as I live."

"We have come here to show our neighbours in Sarajevo and the joint state of Bosnia and Herzegovina that we must work and cooperate in a different way if we want to live in peace and prosperity," said Pejic, from the village of Vozuca some 100 kilometres north of Sarajevo.

Also from Vozuca, Raduska Pavlovic said her son was taken prisoner during the war. "I'm searching for my son, Sladjan, to find him while I'm still alive, to bury him," she said.

Around 100,000 people died in the Bosnian war, the large majority of them Muslim Bosniaks. Some 7,603 are still classified as missing. The predominantly Serb-populated Republika Srpska says 1,652 people from its entity are still missing.

Some Serbs argue that the justice system is biased against them, a claim Bosnian state authorities reject.

"How come we have heroes on one side and criminals on the other?" said Andjelko Nosovic, president of the Association of Detainees of Republika Srpska. "All we are asking is for this court of injustice to finally start doing its job and show respect to all victims who lost their lives."

**Bosnia Arrests Five More War Crimes Suspects As Sweep Continues (Radio Free Europe Radio Liberty) December 7, 2021**

**The Investigation and Protection Agency of Bosnia-Herzegovina (SIPA) says five former soldiers have been arrested in Sarajevo for committing crimes against Serb civilians who were prisoners of war between 1992 and 1994 during the Bosnian War.**

SIPA said in a statement on December 7 that at least eight civilians were killed and more than 100 injured by the five soldiers, who are accused of unlawful imprisonment, torture, abuse, forced labor, and inflicting bodily and mental harm, along with murder.

The imprisoned civilians were being held illegally in wartime prison camps in a former school and in another partially built building in Sarajevo.

"The accused are charged with the murder of at least eight civilians who were imprisoned. Among the suspects are the direct perpetrators of the killings," the statement said.

It added that Serbian police were part of the operation as some of the victims now live in Serbia.

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

This is the third operation to arrest war crimes suspects conducted by SIPA in the past two weeks.

On December 3, seven people were arrested and charged with participating in the killing of 22 Bosniaks, including seven children, in the village of Balatun nearly 30 years ago. At the time, the three suspects were members of the Serb police.

Four days before that, the agency arrested nine people in the northwestern town of Novi Grad who are suspected of crimes against humanity.

More than 100,000 people died in the war in Bosnia among the Bosniaks -- who are mostly Muslims -- Serbs and Croats.

Bosnian Serbs besieged the capital, Sarajevo, during the conflict, but many Serbs also remained in the city and dozens were killed by Bosniak fighters who were in control.

Ethnic relations in Bosnia remain tense years after the war ended in 1995 in a U.S.-brokered peace agreement that created two entities within Bosnia -- one Bosnian Serb and the other Bosniak-Croat.

## **Bosnian Serb Ex-Soldier Pleads Not Guilty to Crime Against Humanity (Balkan Transitional Justice)** By Aida Trepanic

December 13, 2021

**“I plead not guilty,” Bosko Uncanin told the Bosnian state court in Sarajevo on Monday after confirming that he understands the charge accusing him of committing a crime against humanity.**

The indictment alleges that the defendants in the case, all members of the Bosnian Serb Army, participated alongside others in the shooting of at least 78 Bosniak civilians next to a school building in the village of Velagici in the Kljuc municipality on June 1, 1992.

The other defendants are Ilija Krcmar, Svetislav Racic, Zeljko Bajic, Marinko Miljevic, Dragan Despot and two men with the same name, Nikola Cuk.

Judge Vesna Jesenkovic said defendants Miljevic and Despot have already entered their pleas, while the other defendants failed to appear in court to plead.

Five of the defendants are currently in Serbia. Judge Jesenkovic said the summons that were sent to the two suspects called Cuk and to defendant Krcmar had been returned to the court undelivered.

[[back to contents](#)]

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

**Official Website of the ICTY**

**Croatia: Decades after Balkan wars, UN expert urges new push for justice (UNnews)** December 2, 2021

**Following armed conflict from 1991 to 1994 in Croatia and the rest of former Yugoslavia, that triggered increased radicalization and hate speech, an independent UN human rights expert urged the authorities on Thursday to redouble efforts towards full justice for victims and survivors.**

“It is important that the Government gives an unequivocal sign to society and the international community, of its commitment towards a comprehensive and holistic transitional justice process aimed at addressing past abuses, preventing their recurrence and establishing the foundations of a peaceful and respectful society for all”, Fabián Salvioli, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, said in a statement at the end of a six-day official visit to the country.

Respond to radicalization

While praising the “progress made after the conflict, and particularly during Croatia’s accession process to the European Union”, in prosecuting war criminals, searching for missing persons, and institutional reforms aimed at ensuring the rule of law, democracy and the promotion and protection of human rights, the UN expert observed however, that “progress appears to have stalled in the last seven years”.

The Special Rapporteur flagged rising concerns over “the prospects of effective social reconciliation, particularly as a result of mounting instances of hate speech, glorification of war crimes, and the relativization of the decisions of the ICTY and national tribunals”.

While noting legislative measures adopted by the Government to curb the extremely worrying trend, Mr. Salvioli also pointed out that implementation was insufficient.

“I urge the relevant police, judicial, legislative and executive authorities to adopt all necessary measures to adequately respond to the raise in radicalization and hatred expressed in certain sectors of society, to ensure that the steps taken so far towards reconciliation are not irremediably reverted”, he said.

#### Acknowledging the past

In Croatia, the UN expert met senior government officials, civil society and human rights representatives and survivors, and visited mass grave sites, exhumation locations, memorials of the 1990s conflict and sites of World War Two concentration camps.

He recalled that “for a process of transition and reconciliation to be effective” it is vital to acknowledge the suffering and dignity of all victims, as well as “the transmission of their stories to current and future generations, not only through school curricula and textbooks, but also through cultural activities and through the media”.

“The legacy of past violations in all its complexities must be adequately and comprehensively addressed to assist in the process of social reconciliation, placing the victims at the centre of this process”, spelled out the Special Rapporteur.

#### Reporting on country situation

The independent expert will submit a full report on the visit to the Human Rights Council next year.

Special Rapporteurs are appointed by the Geneva-based UN Human Rights Council to examine and report back on a specific human rights theme or a country situation. The positions are honorary and they are not paid for their work.

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

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

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

### **Turkey**

**VP confirms Turkish intelligence was involved in Nagorno-Karabakh war, refuting long-denied claim (Nordic Monitor)** By Levent Kenez

December 3, 2021

**Turkey’s vice president last week stated that its National Intelligence Organization (Milli İstihbarat Teşkilatı, MİT) played an active role in the Nagorno-Karabakh war in 2020, helping to shape the balances in the field.**

Vice President Fuat Oktay made a presentation on the annual activities of state institutions operating under the Presidency at parliament’s Planning and Budget Committee on November 26. Stating that MİT is a source of pride for the country, Oktay told deputies that the organization renders great service to Turkey’s interests with the operations it carries out abroad.

“In many regions such as Syria, Libya, Upper Karabakh and most recently Afghanistan, the organization has carried out important work that protects our national interests and shapes the balances in the field in favor of our country, in line with our state policy,” he said. “We have not only carried out the most successful operations in our history against terrorist organizations at our borders and just beyond but have also achieved many successes, from ending the 30-year occupation of Karabakh to the struggle for legitimacy in Libya against the putschists. We are progressing and demonstrating our concrete achievements one by one.”

It is no secret that Turkey supported its ally Azerbaijan militarily, but no official statement has ever been made regarding the involvement of Turkish intelligence in the war. On the contrary, it was persistently denied that MİT took any initiatives regarding the war zone, the biggest reason being an accusation that MİT transferred jihadist fighters under its control in Syria

to Nagorno-Karabakh.

Head of the Russian Foreign Intelligence Service Sergey Naryshkin had previously mentioned the Turkish intelligence agency in Nagorno-Karabakh, saying, “We know the work of Turkish intelligence, and we see certain elements of its work,” on November 6, 2020, during a TV interview, as reported by the Tass news agency.

He also claimed that Moscow had obtained confirmed intelligence about the participation of Syrian mercenaries on the battlefield, referring implicitly to the accusation about MİT.

“We have precise information about the presence of terrorists in the combat zone in the Karabakh region, from the Middle East, and from Syria primarily,” Naryshkin said.

Armenia continuously claims that foreign fighters were brought from Syria and Libya through Turkish intelligence and that they committed war crimes. Nordic Monitor has learned that Armenian diaspora organizations continue to investigate which MİT agents took part in the conflict last year as part of efforts to file a war crimes complaint about Turkey and Azerbaijan with the International Criminal Court.

Following the war, Turkey and Azerbaijan took concrete steps to improve relations in the military and intelligence fields. The two countries in June signed a protocol known as the Shusha Declaration, emphasizing the military cooperation between them as well as Turkey’s commitment to Azerbaijan’s territorial integrity. According to the text signed by the countries’ presidents, if a third state or states carries out attacks or threats against one of the two parties, the countries will jointly take appropriate initiatives and assist each other militarily to prevent that threat or attack, moving Turkey’s aid and support to a more legitimate ground.

Meanwhile, in the bill for the 2022 budget, a total of 3.5 billion lira is allocated to MİT.

Nordic Monitor previously reported that MİT spent nearly half a billion Turkish lira in secret operations in 2020 while enjoying a huge spike in the assets it holds, valued at more than 32 billion lira.

According to the August 2021 audit report by the Court of Accounts, a copy of which was obtained by Nordic Monitor, MİT spent 495.4 million Turkish lira in what was described as “secret service expenditures.” What is more, the assets it holds jumped to 32.7 billion lira, a whopping increase of 92 percent compared to the previous year. It should also be noted that MİT secretly uses a large amount of money from discretionary funds given to the president.

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

## **Kosovo Specialist Chambers**

**Kosovo Arrests Serbian Citizen for War Crimes on Border (Balkan Transitional Justice)** By Xhorxhina Bami  
December 9, 2021

**An unnamed Serbian national was arrested on Wednesday at the Jarinje border crossing on suspicion of having committed war crimes against civilians during the Kosovo war.**

A Serbian citizen, named only as D.A., was arrested in Kosovo on Wednesday on suspicion of having committed war crimes against civilians during the Kosovo war, the Kosovo Special Prosecution announced on Thursday.

Police said suspect was arrested on Wednesday at the border crossing between Kosovo and Serbia in Jarinje and taken into custody on a court order.

“The Special Prosecution, within the legal time limits against the same (suspect), will make a request for detention,” the prosecution announcement read. Other details on the case are still not public.

The head of Kosovo’s Special Prosecution, Drita Hajdari, told BIRN in July that her office was prioritising cases of wartime massacres due to the big backlog. She also said she was exploring legal loopholes to bring old cases back to the court.

The Special Prosecution has only four prosecutors and is due to hire at least two more. Hajdari had said that four prosecutors were not enough to complete all the work because they had inherited 900 war-crime cases from the EU rule of law mission EULEX and 2,000 files for missing persons, alongside accepting other cases. “Currently, we have 1,000 cases,” Hajdari had



told BIRN.

A major problem in war crimes trials in Kosovo is lack of legal cooperation with Serbia. But in June, Kosovo amended its criminal code to make trials in absentia easier, meaning there is no need for a defendant to be sought in the state where he or she is believed to be before putting him or her on trial.

A summons for questioning to an absent suspect will also not have to be sent out five times before the case proceeds.

However, critics told BIRN in August that trials in absentia don't necessarily mean any more war criminals will actually go to jail.

**'Hope dies last': Kosovo families haunted by war missing (France 24)** December 14, 2021

**More than two decades have passed since war ripped Kosovo apart, but the trauma unleashed by the fighting lingers for Bajram Cerkini and other relatives of those still deemed as missing.**

"The war is not over yet in my family," said 82-year-old Cerkini, an ethnic Albanian whose son Reshat is among the missing. "My wife still hears his footsteps and voice at night."

The late 1990s war between Serbian forces and ethnic Albanian guerrillas killed an estimated 13,000 and only ended after NATO intervened.

Thousands more went missing -- many of whom were abducted during bouts of ethnic cleansing and later murdered with their bodies dumped in mass graves, water wells or burnt.

In the years following the war, forensics experts from across the globe descended on Kosovo in a bid to identify remains and return them to their families, as well as to document potential war crimes.

In some cases, just small fragments of bones were recovered and handed over to families.

But not all were found, with 1,625 officially unaccounted for, according to Kosovo authorities.

The fate of the missing is one of many hot-button issues thwarting on-off talks between Kosovo and Serbia since the former breakaway province declared independence in 2008 -- a move never officially recognised by Belgrade.

#### Hunt for mass graves

Kosovo officials continue to lambast Serbia for dragging its feet, often accusing its officials of refusing to divulge the locations of more burial sites.

During the war's final moments, as Serb forces withdrew from Kosovo amid NATO bombing raids, mass graves across the breakaway province were hastily unearthed with the remains trucked back to Serbia to conceal evidence of crimes.

Since the war's end, nearly 1,000 bodies of Kosovo Albanians have been exhumed from sites throughout Serbia -- including hundreds from a mass grave at a special police unit's outpost near Belgrade.

"Trying to hide a crime, they committed another one," said Andin Hoti, the chairman of Kosovo's committee for missing persons -- whose own father remains unaccounted for.

Similar issues have continued to dog neighbouring Bosnia where experts are still trying to locate more mass graves near Srebrenica where an estimated 8,000 Muslim men and teenagers were butchered by Serb forces.

"It's getting harder and harder to find mass graves. We are still looking for more than 1,000 people," said Almasa Salihovic, a spokesperson for the Srebrenica Memorial Center.

In Kosovo, where Bajram Cerkin's NGO Voice of Parents is one of several representing families of the missing, the issue resonates beyond the political sphere.

In the capital Pristina, an art exhibition entitled "A grave is better than not knowing" has sought to capture the pain of the unconsolated, with neon-red digital clocks showing the hours and minutes that have passed since families last saw their loved ones.

The families of the missing "do not want to die without burying their dead" said artist Driton Selmani, the creator of the

exhibition.

'Maybe tomorrow'

But even when remains are finally unearthed, new trauma is often triggered.

In October, Vesel Rukolli was informed that remains belonging to his father and uncle had been recovered from a grave months earlier in southern Serbia's Kizevak.

The discoveries came five years after some of his uncle's remains had been found in another village in Serbia.

His uncle had been murdered in April 1999 after Serbia forces massacred nearly 40 people in the village of Rezalle in Kosovo.

As the Serb forces fled the scene, they used a bulldozer to remove the bodies, dismembering many of their victims.

Following the later discovery, the family was forced to disinter his uncle's body to run forensics tests before burying him for a second time.

"It was burdensome. Very wearing," Rukolli sighed, as he adjusted a wreath on his uncle's grave.

And while most of those killed and missing from the war are ethnic Albanian, many Serbs are still unaccounted for -- a point Belgrade frequently raises in its war of words with Kosovo officials.

Officials in Pristina insist they are taking the matter seriously, with five undisclosed locations in Kosovo being excavated in the search for Serb victims of the war.

For over 22 years, Svetlana Marinkovic has been waiting for word about her husband's fate after he disappeared just days after the conflict ended.

"Maybe tomorrow we will find out," Marinkovic told AFP from her home in the Serb town of Gracanica.

"The hope dies last."

**[back to contents]**

## Azerbaijan

**International Court of Justice urges Armenia to take urgent measures against groups and individuals making violent calls on ethnic grounds (Trend)** December 7, 2021

**The International Court of Justice ruled that the Armenian state should take urgent measures against groups and individuals making violent calls on ethnic grounds in Armenia, Trend reports.**

Moreover, the International Court of Justice rejected Armenia's main claim of the immediate return of so-called prisoners of war on Dec. 7.

The International Court of Justice also rejected Armenia's claim to close the Military Trophy Park in Baku, Azerbaijan.

At the same time, Armenia's claim on the investigation of war crimes by Azerbaijan was not approved.

**About 95% of historical, cultural monuments destroyed in Azerbaijani liberated lands (Trend)**  
December 12, 2021

**About 95 percent of historical and cultural monuments were destroyed in the Azerbaijani territories liberated from the Armenian occupation, Azerbaijani Minister of Culture Anar Karimov told reporters, Trend reports.**

Karimov added that more than 400 historical and cultural monuments have been discovered in the liberated territories since November 2020.

"About 140-150 monuments which were found were not listed in the register," the minister said. "There were more than 800

cultural institutions, theaters and libraries, music schools, etc. in the liberated territories."

"Our monitoring shows that about 95 percent of historical cultural monuments were destroyed," Karimov added. "This monitoring is still underway."

"There are places which our representatives have not visited yet due to a mining hazard, landscape complexity," the minister said. "But this work is underway."

"After the end of the monitoring, we will prepare a list and appeal to the international organizations with a demand to bring the Armenian side to justice," Karimov said.

"The destroyed monuments testify that war crime and a crime against humanity were committed," the minister said.

**One year after arrests for war crimes, Azerbaijan remains silent (Eurasianet)** By Ulkar Natiqgizi  
December 15, 2021

**Last December, Azerbaijani prosecutors announced that they were charging four soldiers with crimes committed against Armenians in the just-completed 44-day war. It was a surprising step that offered some hope that the many crimes committed in the conflict – and often documented on social media – would be punished.**

But a year later, no further information has been released. Emails from Eurasianet seeking comment from prosecutors have gone unanswered.

The only information about the cases remains a single press release issued December 14, 2020, on the website of the general prosecutor's office, that announced that four soldiers had been detained and charged with "insulting the bodies of Armenian servicemen killed during the fighting for the liberation of our lands, as well as inhumane treatment of captured Armenian servicemen."

The press release continued: "Necessary research will be conducted on other videos spread on social media and the public will be provided with detailed information about the results."

Instead, the criminal cases announced then have been closed to the public. International organizations and embassies that have tried to follow the cases have been unable.

No further cases have been announced, either, despite evidence of far more crimes than just the four that were prosecuted. In the aftermath of the war a stream of videos, usually shot by soldiers themselves and released on Telegram channels, depicted torture, humiliations and mutilations of corpses. Several executions of captives were shown, and at least two live beheadings.

Similar videos, although a smaller number of them, also emerged from the Armenian side. Armenia has announced no prosecutions of war crimes committed against Azerbaijanis. Eurasianet asked the state prosecutor's office if any cases were being pursued, in an email response a spokesperson said that: "There is one joint investigation involving several soldiers. An investigation is underway to identify crimes and people who committed those crimes."

Meanwhile, human rights groups have documented and verified many of the crimes from both sides that had been documented on social media.

In November, the Council of Europe's Commissioner for Human Rights, Dunja Mijatović, published a memorandum on the human rights consequences of the war. It noted the announcement of the four prosecutions in Azerbaijan, but said there has been little follow through, given the large number of crimes documented by human rights groups.

"To date, there is however no indication that any of the other incidents documented above have been independently, promptly, publicly and effectively investigated by the relevant [Azerbaijani] authorities, Mijatović wrote. "There is also no information about any investigations or prosecutions by Armenian authorities in relation to those allegations."

Both Armenia and Azerbaijan took the occasion of the memo to blame each other for failing to pursue the crimes against their side.

Azerbaijan takes "very seriously the allegations of inhumane and degrading treatment by some Azerbaijani servicemen over the captured Armenian military," Azerbaijan said in its formal response to the report. "On the contrary, 'there is no information about any investigations or prosecutions by Armenian authorities' as it was rightly pointed out by the Commissioner," the response continued.

"[T]here should be no illusion that Azerbaijan would voluntarily agree to an independent, thorough, and consequential

investigation into allegations of war crimes during the hostilities of September-November 2020,” Armenia wrote in its response.

Last year’s announcement likely marked the first time that Azerbaijan had opened a criminal case on war crimes, said human rights lawyer Emin Abbasov.

“But the official press release indicates that four Azerbaijani servicemen were accused of charges based on Article 245 of the Criminal Code (“Violation of a grave or corpses”). It appears that no servicemen have been prosecuted for the alleged ill-treatment or torture of Armenian prisoners of war, soldiers or civilians,” Abbasov told Eurasianet.

On top of that, no information about the result of the prosecutions are available in the court’s public records, he said. “In other words, there is no information about the fate of those who were detained,” Abbasov said. The lack of information about the cases is in part a factor of excessive secrecy and lack of transparency in military issues, said Baku-based analyst Anar Mammadli.

“What is happening in the army is secret. Unfortunately, there is no transparency,” he told Eurasianet. “This case is an example of the overall trend – we don’t know what happened.”

In addition, the negative reaction among some Azerbaijanis to the prosecutions showed that the government did a poor job of explaining the rationale.

“It is necessary to explain to people the principles of international humanitarian law, what is envisaged in the Azerbaijan criminal code in such cases,” Mammadli said.

In Armenia, there is similarly little appetite for pursuing crimes committed against Azerbaijanis.

“[I]n Armenian society, a mindset of victimhood resulting from the 1915 Armenian genocide and exacerbated by the Nagorno-Karabakh war continues to prevail such that Armenians may lack sufficient critical self-reflection to be able to remain completely objective in investigating possible wrongdoing on their part,” wrote Sheila Paylan, a lawyer and human rights expert, in a recent piece for Foreign Policy.

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

## MIDDLE-EAST

### Iraq

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

#### **ISIL committed war crimes at Mosul prison, UN investigation finds (Al Jazeera)**

December 3, 2021

**The head of a United Nations team investigating ISIL’s (ISIS) atrocities in Iraq has said the armed group’s fighters committed crimes against humanity and war crimes at a prison in the northern city of Mosul, where at least 1,000 mostly Shia Muslim prisoners were systematically killed seven years ago.**

Christian Ritscher told the UN Security Council on Thursday that evidence collected from mass graves containing the remains of victims of executions carried out at Badush Central Prison and from survivors shows detailed preparations of the attack by senior ISIL members followed by an assault on the morning of June 10, 2014.

“Prisoners captured were led to sites close to the prison, separated based on their religion and humiliated,” he said. “At least

1,000 predominantly Shia prisoners were then systematically killed.”

Ritscher said the investigators’ analysis of digital, documentary, survivors and forensic evidence, including ISIL documents, has identified a number of members from the group who were responsible for the crimes.

As a result of the investigations, he said the UN Investigative Team to Promote Accountability for Crimes Committed by the Islamic State in Iraq (UNITAD) has concluded that ISIL committed “crimes against humanity of murder, extermination, torture, enforced disappearances, persecution and other inhumane acts” at Badush prison as well as the “war crimes of willful killing, torture, inhumane treatment, and outrage upon personal dignity”.

#### ISIL crimes in Iraq

ISIL fighters seized Iraqi cities and declared a self-styled caliphate in a large swath of territory in Syria and Iraq in 2014. The group was formally declared defeated in Iraq in 2017 following a three-year bloody battle that left tens of thousands dead and cities in ruins, but its sleeper cells continue to launch attacks in different parts of Iraq. On Friday, at least three civilians and seven Iraqi Kurdish Peshmerga fighters were killed in an attack blamed on ISIL.

In May, Ritscher’s predecessor, Karim Khan, told the Security Council that investigators had found “clear and compelling evidence” that ISIL fighters committed genocide against the Yazidi minority in 2014. He also said the armed group successfully developed chemical weapons and used mustard gas.

Ritscher hailed the “landmark moment” earlier this week that saw the first-ever conviction of an ISIL member for the crime of genocide at the regional court in Frankfurt, Germany. Taha al-Jumailly, a 29-year-old Iraqi, was also convicted of crimes against humanity, war crimes and bodily harm resulting in death over the death of a five-year-old Yazidi girl he had bought as a slave with her mother and then chained up in the hot sun to die.

“We now have the chance, collectively, to make such prosecutions the norm, not a celebrated exception,” Ritscher said. “In cooperation with Iraqi authorities and those of the Kurdistan region, together with survivors and with the support of this council, we are building the evidence that can deliver meaningful justice for all those who suffered from ISIL crimes in Iraq.”

#### Use of chemical weapons

Ritscher also said evidence collected relating to the Badush prison attacks underlined the detailed planning by ISIL in carrying out their atrocities.

The group’s approach “is seen even more clearly in two other key lines of investigation that have accelerated in the last six months: the development and use of chemical and biological weapons by ISIL, and the financial mechanisms through which it sustained its campaign of violence,” he said.

The team’s evidence also “shows that ISIL clearly identified and then seized chemical production factories and other sources of precursor material, while also overtaking the University of Mosul campus as a hub for research and development,” Ritscher said.

The group’s programme became more sophisticated and investigators have identified more than 3,000 victims of ISIL chemical weapons attacks as well as its use of rocket artillery projectiles containing a mustard sulphur agent, he said.

In his next briefing to the Security Council, Ritscher said he will present the team’s findings on ISIL’s use of chemical weapons including the crimes it committed.

He also stressed the critical importance of bringing ISIL’s financiers and those who profit from the group’s crimes to justice.

Ritscher said investigators have uncovered the inner workings of the ISIL central treasury and a network of senior leaders who also acted “as trusted financiers, diverting wealth that ISIL gained through pillage, theft of property from targeted communities and the imposition of a systematic and exploitative taxation system imposed on those living under ISIL control”.

He said the team recently shared information with the Iraqi judiciary on the use of money service businesses by the group “as key facilitators of their financing,” and it looks forward to expanding this kind of cooperation.

#### **Iraq hangs three on ‘terrorism’ charges: security sources (Arab News)**

December 14, 2021

**Iraq on Tuesday hanged three men convicted of “terrorism” offenses in a prison in the city of Nasiriyah in the mainly Shiite Muslim south, two security sources told AFP.**

One of those executed was found guilty of involvement in a summer 2013 car bombing in Nasiriyah, one of the sources said. A second was convicted for his part in a similar attack in Karbala province further north, the source added.

Iraq executed more than 50 people in 2020, the fourth highest number in the world, according to human rights group Amnesty International. Many were convicted members of the Islamic State jihadist group.

The group overran large swathes of northern and western Iraq in a lightning offensive in 2014 before eventually succumbing to counter-attacks by government forces in 2017.

Murder as well as terrorism offenses is punishable by death in Iraq.

Tuesday's executions bring the number put to death this year to 17, according to an AFP tally.

All were executed in Nasiriyah prison.

**[back to contents]**

## **Syria**

### **Syria/Russia: 12 Civilians Dead in Idlib Artillery Attacks (Human Rights Watch)**

December 8, 2021

**The Syrian-Russian military alliance fired at least 14 large-caliber artillery shells into the town of Ariha in Idlib governorate on October 20, 2021, killing 12 civilians and injuring 24, Human Rights Watch said today. The apparent lack of military targets in the areas that were hit, amid homes, stores, schools, and markets, highly suggests an indiscriminate attack.**

Russia has been fighting in Syria in partnership with Syrian armed forces since September 2015. In March 2020 Turkey and Russia agreed to a ceasefire for all warring parties in the northwest Idlib governorate, currently under the control of antigovernment armed groups, some of which are loosely tied to Turkey. Small-scale attacks have continued despite the ceasefire but the attack in Ariha was among those with the largest civilian casualties.

“Syria and Russia appear to have violated the laws of war with deadly consequences for civilians there,” said Belkis Wille, senior crisis and conflict researcher at Human Rights Watch. “Once again, Idlib’s children are victim to callous and unlawful military actions.”

The attack on Ariha, home to roughly 30,000 people, began minutes after two improvised explosive devices detonated in Damascus at 6:45 a.m., targeting a military bus and killing 14 people. An armed group in the Damascus area, Saraya Qassioun, claimed the attack several hours later.

Human Rights Watch remotely interviewed eight people who witnessed the Ariha attack, including one wounded in it, three who had family members who were wounded or killed, one rescue worker, and one healthcare worker who treated the victims. It analyzed 52 videos and 64 photographs taken during and just after the attacks and uploaded to social media platforms or shared directly with it. Human Rights Watch also provided a summary of its findings and questions about the attack to the Syrian and Russian governments but has not received a response.

Dr. Waseem Bakir, head of the Medical Community Committee in Ariha, shared the names of 12 civilians, including 4 children, who were killed in the attack, and the 24 injured civilians, including 6 children.

Three of the witnesses said they heard nearby artillery exchanges between the Syrian-Russian alliance and anti-government forces that day around 7 a.m., and later heard from neighbors that the exchanges had occurred in Ma’rzafa village, five kilometers east of Ariha, where they said the armed group Hay’et Tahrir al-Sham (HTS) has a presence.

The first artillery strike in Ariha hit about one hour later. Based on the reviewed videos and photographs, Human Rights Watch documented five impact sites in the center of town, all within an 0.77 square kilometer area. These shells fell near schools, markets, and a chicken slaughterhouse and damaged two buildings. Witnesses said the shells hit near a health clinic.

Human Rights Watch documented 14 detonations in the town, most of them within a few minutes of one another.

The attacks took place when children were going to school. A local Education Ministry employee said that shells landed in direct proximity to seven schools, which together serve about 3,800 children. Ariha currently has 21 schools with roughly 260 staff and 6,600 students.

One of the people killed in the attack was a teacher, Qamar al-Hafidh, 28, who died near the Abdul al-Hamid Ghanimi school for girls (also known as Banat Ariha school), where she taught, the Education Ministry employee said. Three of the children killed and one of the wounded were on their way to school at the time of the attack.

Artillery shells also hit a vegetable market and the town's main market, which was supported by the United Nations, damaging at least five market stalls and destroying parts of a multi-story building and the top floor of another. A shell also hit near a health clinic, the al-Ameen Health Center, killing Zakaria Bizee, 65, who was walking to his mother's house to have breakfast, his brother said. "The area was calm for months and I don't know why they targeted us," said the brother, who is now taking care of Zakaria's four children.

One shell detonated next to the chicken slaughterhouse, killing a man who worked there, Mahmoud al-Sarih, 28, al-Sarih's brother said. Al-Sarih's cousin, who also worked at the factory and was wounded in the attack, said that he, al-Sarih, and at least five others were there when the attack on Ariha started. He said al-Sarih went outside to get internet reception so he could receive news of the ongoing attack when the artillery shell hit.

"The blast pressure threw me up against the wall," said the cousin. "For several moments I couldn't see anything through the dust and didn't know what had happened to me. Finally, I was able to make it outside to see what happened to the others. I found Mahmoud dead, alongside a boy who was only 16 called Ibrahim. It was Ibrahim's first day working at the store next door."

The brother said: "When I got home, I found Mahmoud's body already in the ambulance. I wanted to see him one last time but when I looked, I saw his face all smashed up."

The seven witnesses interviewed all said they were not aware of any military targets in the vicinity of the six impact sites at the time of the attacks. No military personnel or equipment are visible in the videos and photographs of the five sites that Human Rights Watch reviewed.

The attack in Ariha fits a pattern of unlawful Syrian and Russian attacks that kill civilians. In September, Human Rights Watch documented 46 air and ground attacks documented 46 Syrian-Russian attacks across Idlib in the 11-months prior to the ceasefire, including the use of cluster munitions, that killed at least 224 civilians and wounded 561. Based on interviews and analysis of satellite imagery, photographs, and videos, it found that the Syrian and Russian armed forces' repeated attacks on civilian infrastructure in Idlib were apparent war crimes and may amount to crimes against humanity. Three of the 46 attacks occurred in Ariha.

An end to the ceasefire and resumption of fighting would expose civilians to more unlawful attacks, possibly triggering further mass displacement with catastrophic humanitarian consequences, Human Rights Watch said. Displaced people could try to cross Syria's northern border, where Turkish forces have previously pushed back, shot, and forcibly returned people fleeing the conflict in violation of international law.

International humanitarian law, or the laws of war, requires all warring parties to direct attacks on military objectives, and to avoid harming civilians or civilian objects. Attacks in which there are no evident military target, that are indiscriminate, or that cause civilian harm disproportionate to the anticipated military gain, are unlawful. The use of explosive weapons with wide-area effects, such as munitions with a large destructive radius, and those that are inherently inaccurate, should be avoided in populated areas where their effects foreseeably extend beyond discrete targets. The manner in which the 14 large-caliber artillery shells were used in the latest Ariha attack, hitting near stores, homes, and schools, falls under this category.

Human Rights Watch and others have repeatedly documented the use of explosive weapons with wide-area effects in populated areas and the devastating effects they have for civilians and on civilian infrastructure, including by causing deaths and injuries, damaging or destroying schools, hospitals, and affecting access to livelihoods. Warring parties should refrain from using explosive weapons with wide-area effects in populated areas because of the foreseeable indiscriminate harm to civilians. Countries should support a strong political declaration that addresses the harm that explosive weapons cause to civilians and commit to avoid using those with wide-area effects in populated areas.

Given the current deadlock within the United Nations Security Council, individual governments and regional blocs should, as an interim solution, impose targeted sanctions on civilian and military commanders credibly implicated in ongoing war crimes, crimes against humanity, or other serious violations, including Russian commanders. Concerned governments should ensure that their criminal justice authorities can investigate and prosecute criminal cases under the principle of universal

jurisdiction against commanders and officials implicated in war crimes, including as a matter of command responsibility.

“All parties should redouble efforts to protect civilians in the 10-year Syria conflict,” Wille said. “Other governments should use their influence and the legal, economic, and political tools at their disposal to stand up for civilians in Idlib and to avoid a humanitarian crisis.”

Human Rights Watch analyzed four videos recorded from balconies and rooftops in Ariha showing artillery shells hitting various parts of the town on the morning of October 20. One video, sent directly to researchers, was recorded from the roof of a residential building that overlooks a school in the southern part of Ariha. It shows plumes of smoke coming from two locations in the town center. Seventeen seconds into the video an alarm goes off and a few seconds later a shell hits another location in the center. Approximately 25 seconds after that another shell detonates near the first shell seen in the video.

Other videos recorded from further away captured the sound of large-caliber projectiles fired by artillery systems with rifled barrels and their detonation upon impact. Given the size and scale of the blast, and fragmentation damage apparent in videos and photographs at each attack location, the munitions used in these attacks were consistent with 152mm high-explosive/fragmentation artillery projectiles. The Syrian-Russian alliance has frequently used this type of cannon artillery and ammunition in recent months. Other attacks by the Syrian government or Russian forces in Idlib with 152mm class cannon artillery systems have used Russian-made Krasnopol laser-guided projectiles, including strikes on the villages of Taftanaz and Afes on November 13, based on reports by the Syria Civil Defence (SDC), commonly known as the White Helmets.

Based on the reviewed videos and photographs and the evidence of victims and witnesses, Human Rights Watch documented six attack sites in Ariha on October 20, including the strike near the school.

#### The Strike Near at Abdul al-Hamid Ghanimi (Banat Ariha) School

Twin brothers Omar and Ali Abd al-A'al al-Aboud, 10, had breakfast at home with their older brother, Abdullah, and left for school just before 8 a.m. on October 20, Abdullah said. Along the way, the first artillery shells hit Ariha and the boys sought shelter in an appliance store that shared a wall with the Abdul al-Hamid Ghanimi school.

CCTV footage from inside the store, reviewed by Human Rights Watch, shows Omar, Ali, and six other people inside, five children and three adults. A man, identified by witnesses and from the list of victims as Hasoon Hussein Khadija, is holding the hand of his daughter, Zahra Hasoon Hussein, and pulling her to the back of the store. Two other men and a boy are standing at the front of the shop and two children are walking toward them when a shell explodes outside.

The time stamp on the video when the shell hit shows October 20, 2021, at 09:05:28 a.m. This time is inconsistent with witness reports, metadata from other videos, and the time stamp in a CCTV video from a nearby store, all of which place the time of this attack at around 8 a.m. The discrepancy is likely due to the time set incorrectly in this CCTV camera's settings. Based on videos of the explosion, damage to the shop's exterior, and debris on the ground, the impact was likely on the street a few meters from the shop and the school wall.

As the dust and debris settle, the CCTV camera captures Omar and another boy lying motionless on the ground, and Ali holding his right leg as he drags himself to the back of the store. Khadija and his daughter run out of the store. The other people in the store cannot be seen. Video recorded outside by the SDC shows rescue workers carrying the bodies of Omar and a second boy, to a nearby ambulance.

Omar and Ali's older brother said he was worried about his brothers from the moment the shelling began, but it was too unsafe to leave the house. “A few minutes later, I got a call and they told me that Omar and Ali were wounded ... Omar passed away and Ali lost his right leg,” he said.

Witnesses said that Khadija, who was holding his daughter's hand in the store, died. His name appears on the list of victims from the attack and Human Rights Watch obtained a video recorded by the SDC that shows rescue workers carrying his body into an ambulance. Khadija is wearing a distinctive plaid shirt and has injuries to the right side of his abdomen, consistent with where he was standing in the store when the shell struck.

His daughter apparently suffered minor injuries. A photograph posted on Twitter and sent directly to researchers shows her in the hospital right after the attack with cuts to her hands and face.

The SDC footage also shows two other deceased men, one outside the store and the other being carried into the ambulance. Their names are not known. Another boy, who was visible at the back of the store in the CCTV footage, is seen in the SDC footage running out of the store with no apparent injuries.

Omar and Ali's brother said the family had been displaced from Maarat al-Nu`man, a town also in Idlib governorate that had frequently come under attack and moved to Ariha in 2019. “We were happy that children could go back to school but never



thought that they would never come back,” he said.

**Civilian Deaths Mounted as Secret Unit Pounded ISIS (New York Times)** By Dave Phillips, Eric Schmitt, Mark Mazzetti  
December 12, 2021

**A single top secret American strike cell launched tens of thousands of bombs and missiles against the Islamic State in Syria, but in the process of hammering a vicious enemy, the shadowy force sidestepped safeguards and repeatedly killed civilians, according to multiple current and former military and intelligence officials.**

The unit was called Talon Anvil, and it worked in three shifts around the clock between 2014 and 2019, pinpointing targets for the United States’ formidable air power to hit: convoys, car bombs, command centers and squads of enemy fighters. But people who worked with the strike cell say in the rush to destroy enemies, it circumvented rules imposed to protect noncombatants, and alarmed its partners in the military and the C.I.A. by killing people who had no role in the conflict: farmers trying to harvest, children in the street, families fleeing fighting, and villagers sheltering in buildings. Talon Anvil was small — at times fewer than 20 people operating from anonymous rooms cluttered with flat screens — but it played an outsize role in the 112,000 bombs and missiles launched against the Islamic State, in part because it embraced a loose interpretation of the military’s rules of engagement. “They were ruthlessly efficient and good at their jobs,” said one former Air Force intelligence officer who worked on hundreds of classified Talon Anvil missions from 2016 to 2018. “But they also made a lot of bad strikes.” The military billed the air war against the Islamic State as the most precise and humane in military history, and said strict rules and oversight by top leaders kept civilian deaths to a minimum despite a ferocious pace of bombing. In reality, four current and former military officials say, the majority of strikes were ordered not by top leaders but by relatively low-ranking U.S. Army Delta Force commandos in Talon Anvil. The New York Times reported last month that a Special Operations bombing run in 2019 killed dozens of women and children, and that the aftermath was concealed from the public and top military leaders. In November, Defense Secretary Lloyd J. Austin III ordered a high-level investigation into the strike, which was carried out by Talon Anvil. But people who saw the task force operate firsthand say the 2019 strike was part of a pattern of reckless strikes that started years earlier. When presented with The Times’s findings, several current and former senior Special Operations officers denied any widespread pattern of reckless airstrikes by the strike cell and disregard for limiting civilian casualties. Capt. Bill Urban, a spokesman for the military’s Central Command, which oversees operations in Syria, declined to comment. As bad strikes mounted, the four military officials said, Talon Anvil’s partners sounded the alarm. Pilots over Syria at times refused to drop bombs because Talon Anvil wanted to hit questionable targets in densely populated areas. Senior C.I.A. officers complained to Special Operations leaders about the disturbing pattern of strikes. Air Force teams doing intelligence work argued with Talon Anvil over a secure phone known as the red line. And even within Talon Anvil, some members at times refused to participate in strikes targeting people who did not seem to be in the fight. The four officials worked in different parts of the war effort, but all interacted directly with Talon Anvil on hundreds of strikes and soon grew concerned with its way of operating. They reported what they were seeing to immediate superiors and the command overseeing the air war, but say they were ignored. The former Air Force intelligence officer, who worked almost daily on missions from 2016 to 2018, said he notified the main Air Force operations center in the region about civilian casualties several times, including after a March 2017 strike when Talon Anvil dropped a 500-pound bomb on a building where about 50 people were sheltering. But he said leaders seemed reluctant to scrutinize a strike cell that was driving the offensive on the battlefield. Every year that the strike cell operated, the civilian casualty rate in Syria increased significantly, according to Larry Lewis, a former Pentagon and State Department adviser who was one of the authors of a 2018 Defense Department report on civilian harm. Mr. Lewis, who has viewed the Pentagon’s classified civilian casualty data for Syria, said the rate was 10 times that of similar operations he tracked in Afghanistan. “It was much higher than I would have expected from a U.S. unit,” Mr. Lewis said. “The fact that it increased dramatically and steadily over a period of years shocked me.” Mr. Lewis said commanders enabled the tactics by failing to emphasize the importance of reducing civilian casualties, and that Gen. Stephen J. Townsend, who commanded the offensive against the Islamic State in 2016 and 2017, was dismissive of widespread reports from news media and human rights organizations describing the mounting toll. In a telephone interview, General Townsend, who now heads the military’s Africa Command, said outside organizations that tracked civilian harm claims often did not vet allegations rigorously enough. But he strongly denied that he didn’t take civilian casualties seriously. “There’s nothing further from the truth,” said General Townsend, who added that as commander he ordered monthly civilian casualty reports in Iraq and Syria be made public. He blamed any civilian casualties on “the misfortunes of war” and not because “we didn’t care.” With few Americans on the ground, it was difficult to get reliable counts of civilian deaths, according to Gen. Joseph L. Votel, the head of the military’s Central Command at the time, and General Townsend’s boss. “Our ability to get out and look after a strike was extraordinarily limited — it was an imperfect system,” General Votel said in a telephone interview. “But I believe we always took this seriously and tried to do our best.” Tips, Intercepts and Strikes Officially, Talon Anvil never existed. Nearly everything it did was highly classified. The strike cell’s actions in Syria were gleaned from descriptions of top secret reports and interviews with current and former military personnel who interacted with the group and who discussed it on the condition that they not be named. The strike cell was run by a classified Special Operations unit called Task Force 9 that oversaw the ground offensive in Syria. The task force had multiple missions. Army Green Berets trained allied Syrian Kurdish

and Arab forces. Small groups of Delta Force operators embedded with ground forces, and an assault team of Delta commandos were on call to launch ground raids on high-value targets, including the Islamic State leader, Abu Bakr al-Baghdadi. Most of the firepower, though, was run by Talon Anvil. It worked out of bland office spaces, first in Erbil, Iraq, and then, as the war progressed, in Syria, at a shuttered cement plant in the north, and at a housing complex near the Iraqi border called Green Village, former task force members said. The cell used tips from allied ground forces, secret electronic intercepts, drone cameras and other information to find enemy targets, then hit them with munitions from drones or called in strikes from other coalition aircraft. It also coordinated air support for allied Kurdish and Arab forces fighting on the ground. Outwardly, the operators showed few signs that they were military, said a former task force member who worked with the strike cell during the height of the war in 2017. They used first names and no rank or uniforms, and many had bushy beards and went to work in shorts and footwear that included Crocs and Birkenstocks. But from their strike room, they controlled a fleet of Predator and Reaper drones that bristled with precision Hellfire missiles and laser-guided bombs. The task force had a second strike cell that worked with the C.I.A. to hunt high-value Islamic State leaders. It used similar tools, but often tracked a target for days or weeks, and accounted for a fraction of the strikes. Both cells were created in 2014 when the Islamic State had overrun large parts of Iraq and Syria. Within a few years, the self-declared caliphate was attacking allies in the Middle East and launching terrorist attacks in Europe. The United States was desperate for a force that could identify enemy targets, and put Delta Force in charge. Early in the American-led offensive, which was known as Operation Inherent Resolve, the military struggled to function at “the speed of war,” as only high-ranking generals from outside Delta could approve strikes, according to a RAND Corporation report on the air war. Seventy-four percent of sorties returned without dropping any weapons, and the offensive began to stall. Tactics changed late in 2016 when General Townsend took command and, in an attempt to keep pace with a rapidly expanding offensive, moved the authority to approve strikes down to the level of on-scene commanders. Within Task Force 9, that authority was effectively pushed even lower, a senior official with extensive experience in Iraq and Syria said, to the senior enlisted Delta operator on shift in the strike room — usually a sergeant first class or master sergeant. Under the new rules, the strike cell was still required to follow a process of intelligence gathering and risk mitigation to limit harm to civilians before launching a strike. That often meant flying drones over targets for hours to make sure the cell could positively identify enemies and determine whether civilians were in the area. But the Delta operators were under enormous pressure to protect allied ground troops and move the offensive forward, the former task force member said, and felt hobbled by the safeguards. So in early 2017, they found a way to strike more quickly: self-defense. Most of Operation Inherent Resolve’s restrictions applied only to offensive strikes. There were far fewer restrictions for defensive strikes that were meant to protect allied forces under imminent threat of harm. So Talon Anvil began claiming that nearly every strike was in self-defense, which enabled them to move quickly with little second-guessing or oversight, even if their targets were miles from any fighting, two former task force members said. The classified rules of engagement warned that self-defense strikes should not be used to circumvent the more restrictive rules for offensive strikes, two officers with knowledge of the rules said. But for Talon Anvil, there was a tenuous logic to the tactic, one of the former task force members said. If defense rules allowed Talon Anvil to attack an enemy target on the front lines, then why not the same type of target 10 or even 100 miles away that might one day be on the front lines? Soon Talon Anvil was justifying nearly every strike as defensive. “It’s more expedient to resort to self-defense,” said Mr. Lewis, the former Pentagon adviser. “It’s easier to get approved.” But speeding up strikes meant less time to gather intelligence and sort enemy fighters from civilians, and the four former military personnel who worked with Talon Anvil said that too often the cell relied on flimsy intelligence from Kurdish and Arab ground forces or rushed to attack with little regard to who might be nearby. One former task force member said the vast majority of Talon Anvil’s strikes killed only enemy fighters, but that the Delta operators in the strike cell were biased toward hitting and often decided something was an enemy target when there was scant supporting evidence. Part of the problem, he said, was that operators, who rotated through roughly every four months, were trained as elite commandos but had little experience running a strike cell. In addition, he said, the daily demands of overseeing strike after strike seemed to erode operators’ perspective and fray their humanity. The former Air Force intelligence officer said he saw so many civilian deaths as a result of Talon Anvil’s tactics citing self-defense that he eventually grew jaded and accepted them as part of the job. Even still, some attacks stood out. In one, he said, Talon Anvil followed three men, all with canvas bags, working in an olive grove near the city of Manbij in the fall of 2016. The men had no weapons, and were not near any fighting, but the strike cell insisted they must be enemy fighters and killed them with a missile. In another, as civilians were trying to flee fighting in the city of Raqqa in June 2017, scores of people boarded makeshift ferries to cross the Euphrates River. He said the task force claimed the ferries were carrying enemy fighters, and he watched on high-definition video as it hit multiple boats, killing at least 30 civilians, whose bodies drifted away in the green water. A senior military official with direct knowledge of the task force said that what counted as an “imminent threat” was extremely subjective and Talon Anvil’s senior Delta operators were given broad authority to launch defensive strikes. At times, the official acknowledged, that led to bad strikes, and those who showed poor judgment were removed. But the official emphasized these instances were rare. Fighters, or Children? As airstrikes escalated in 2017, a broad array of U.S. partners working with the strike cell grew troubled by its tactics. The C.I.A. had officers embedded in Task Force 9 to supply intelligence on Islamic State leaders and coordinate strikes. The agency was pursuing high-value individuals, and often tracked them for days using multiple drones, waiting to strike when civilian deaths could be minimized. The task force did not always like to wait, two former C.I.A. officers said. C.I.A. personnel were shocked when they repeatedly saw the group strike with little regard for civilians. Officers reported their concerns to the Department of Defense’s Inspector General, and the agency’s leadership discussed the issue with top officers at the Joint Special Operations Command, one former C.I.A. officer

said. The officer said he never saw evidence that these concerns were taken seriously. A C.I.A. spokesman declined to comment. Talon Anvil also clashed at times with the Air Force intelligence teams based in the United States that helped to analyze the torrent of footage from drones. The Delta operators would push analysts to say they saw evidence such as weapons that could legally justify a strike, even when there was none, the former Air Force intelligence officer said. If one analyst did not see what Delta wanted, Delta would ask for a different one. Delta Force and analysts sometimes argued over whether figures in the sights of a drone were fighters or children, one of the former task force members said. All of the footage from the strikes is stored by the military. In an apparent attempt to blunt criticism and undercut potential investigations, Talon Anvil started directing drone cameras away from targets shortly before a strike hit, preventing the collection of video evidence, the former Air Force intelligence officer and one of the former task force members said. Another Air Force officer, who reviewed dozens of task force strikes where civilians were reportedly killed, said that drone crews were trained to keep cameras on targets so the military could assess damage. Yet he frequently saw cameras jerk away at key moments, as if hit by a wind gust. It was only after seeing the pattern over and over, he said, that he began to believe it was done on purpose. A Hunt for Targets

One morning before dawn in early March 2017, Talon Anvil sent a Predator drone over a Syrian farming town called Karama to cripple enemy positions in the area in preparation for an offensive by allies a week later. For the former Air Force intelligence officer, the mission stands out as an example of Talon Anvil's flawed way of operating, and how military leaders seemed to look the other way. At about 4 a.m., he said, the drone arrived over the town's flat-roofed houses. His Air Force intelligence team was watching from a secure operations center in the United States. A Talon Anvil operator typed a message into the chat room the cell shared with intelligence analysts: All civilians have fled the area. Anyone left is an enemy fighter. Find lots of targets for us today because we want to go Winchester. Going Winchester meant expending all of the drone's missiles and 500-pound bombs. As the drone circled, the town appeared to be asleep, the former officer said. Even with infrared sensors, the team did not see movement. Talon Anvil focused in on a building and typed in the chat that a tip from ground forces indicated that the building was an enemy training center. Sensors suggested an enemy cellphone or radio might be in the neighborhood but was unable to pinpoint it to a single block, let alone a single building. Talon Anvil did not wait for confirmation, and ordered a self-defense strike, the former officer said. The Predator dropped a 500-pound bomb through the roof. As the smoke cleared, the former officer said, his team stared at their screens in dismay. The infrared cameras showed women and children staggering out of the partly collapsed building, some missing limbs, some dragging the dead. The intelligence analysts began taking screen shots and tallying the casualties. They sent an initial battle damage assessment to Talon Anvil: 23 dead or severely wounded, 30 lightly wounded, very likely civilians. Talon Anvil paused only long enough to acknowledge the message, the former officer said, then pressed on to the next target. The former Air Force officer said he immediately reported the civilian casualties to Operation Inherent Resolve's operations center, then called the center's liaison officer on the red line. He said he never heard back and saw no evidence that any action was ever taken. Operation Inherent Resolve made a commitment to investigate and report every case of civilian casualties publicly, but nothing in its reports matches the incident. The true toll of the strike in Karama remains uncertain. During a five-day window in early March, Operation Inherent Resolve acknowledged that it launched 47 strikes in the region. Satellite images from the time show extensive damage to at least a dozen buildings, including the building that the former officer said he saw bombed. Local media reported that airstrikes in Karama on March 8 and 9 killed between seven and 14 people and wounded 18. For two years after the strikes, Operation Inherent Resolve said it could not confirm any civilian casualties in the town. Then, in 2019, it acknowledged that one man had been wounded when the coalition struck an enemy fighting position. It gave coordinates a block from the building the former Air Force intelligence officer said he saw destroyed. In response to questions from The Times this month, a Special Operations official acknowledged its strike cell had hit targets in the town on March 8 and killed 16 fighters, but denied that any civilians had died. No outside group has ever investigated the secret strike, and it is unclear what steps the military took to determine what happened. The former officer said no military investigators ever contacted him. The evidence from the strike — the chat room records, bombing coordinates and video — is stored on government servers, the former officer said. But because of the secrecy surrounding Talon Anvil, all of it is classified.

## **Two Danish Bunkering Firms Sentenced for Fueling War in Syria (The Maritime Executive)**

December 14, 2021

**On Tuesday, a Danish court ruled that bunker supplier Dan-Bunkering is guilty of breaching EU sanctions on the Syrian government for providing fuel to Russian intermediaries. The CEO of parent company Bunker Holding, Keld Demand, has been handed a four-month suspended prison sentence, and Dan-Bunkering has been fined nearly \$5 million - plus an additional profit confiscation of \$2 million.**

In 2015-17, Dan-Bunkering employees conducted nearly three dozen transactions with Russian buyers, selling them consignments of jet fuel. According to prosecutors, these parcels were allegedly diverted to Syria in violation of EU sanctions on the Syrian government.

The prosecution asserted that Dan-Bunkering's employees should have known that there was a high risk that the fuel would end up in Syria, where it was used to propel Russian fighter jets in support of Syrian dictator Bashar al-Assad's war effort. Russian air support was a critical component of al-Assad's successful operation to retake Aleppo from rebel forces in 2015-16;

the air campaign racked up accusations of war crimes, including an alleged pattern of air strikes on civilian hospitals, markets and schools.

The court concluded that Dan-Bunkering should have "realized it was overwhelmingly probable" that this would be the final use for the fuel, and that such a use would violate EU sanctions on Syria.

Prosecutors had sought a two-year sentence for Keld Demand and a combined \$60 million in fines for Dan-Bunkering and Bunker Holding, and the final sentencing levels were much lower. However, the sentences were still unusual for a white-collar crime case, according to criminal law specialist Prof. Thomas Elholm of the University of Copenhagen.

"It is an unusual case because the court has given very large fines and custodial sentences to a [corporate] director. It is conditional, but still a custodial sentence," Elholm told DR. "The verdict may have significance later for other cases, because it is one of the first verdicts to determine the level of punishment. That way it is a special case."

In a statement, Dan-Bunkering and Bunker Holding said that they would be considering the court's ruling and making a determination on whether to file an appeal. In addition, they noted that only Dan-Bunkering had been convicted of a deliberate breach of sanctions, not Bunker Holding or its CEO, which were convicted only of negligence.

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

## Yemen

**U.N. urged to restore scrutiny of war crimes in Yemen (Reuters)** By Stephanie Nebehay

December 2, 2021

**Activist groups called on the U.N. General Assembly on Thursday to create a new panel of independent experts to collect and preserve evidence of possible war crimes by all sides in Yemen's bitter conflict for future prosecution.**

Bahrain, Russia and other members of the U.N. Human Rights Council pushed through a vote in October to shut down its war crimes investigations in Yemen, in a stinging defeat for Western states.

Some 60 groups, including Human Rights Watch and Amnesty International, called in a joint statement for a fresh investigation and accused Saudi Arabia and the United Arab Emirates of an "aggressive lobbying campaign" to quash that Geneva-based expert panel set up four years ago.

More than 100,000 people have been killed and 4 million been displaced in the war marked by Saudi-led coalition air strikes as well as shelling and missiles by Iran-aligned Houthi fighters.

The Saudi-led Sunni Muslim coalition intervened in Yemen in March 2015 after the Houthis ousted the internationally recognized government from power in the capital, Sanaa, in 2014.

"For too long, parties to the conflict in Yemen, including Saudi Arabia and Houthi forces, have committed atrocities with impunity," Agnes Callamard, secretary-general of Amnesty International, told a press conference.

The Saudi-led Sunni Muslim coalition intervened in Yemen in March 2015 after the Houthis ousted the internationally recognized government from power in the capital, Sanaa, in 2014.

"For too long, parties to the conflict in Yemen, including Saudi Arabia and Houthi forces, have committed atrocities with impunity," Agnes Callamard, secretary-general of Amnesty International, told a press conference.

**Human Rights Groups Decry \$18B Arms Deal Between France, UAE Over War Crimes in Yemen (Newsweek)** By Lora Korpar

December 3, 2021

**France and the United Arab Emirates announced an arms deal Friday worth billions of euros, provoking backlash from human rights groups.**

The Associated Press reported that France will sell the UAE 80 upgraded Rafale warplanes for 16 billion euros (\$18 billion). They will also buy 12 Airbus-built combat helicopters.

As French President Emmanuel Macron traveled Friday to the Persian Gulf to sign the deal, groups such as the Human Rights Watch denounced the move. The groups warned that the aircrafts could be used for "unlawful attacks or even war crimes" in Yemen and Libya.

The UAE and Saudi Arabia have long been accused of involvement in Yemen's conflict. Al-Jazeera reported that in late October, a London-based legal team submitted a case accusing 22 high-ranking Saudi and UAE officials of involvement in "crimes against humanity."

"France's support for the UAE and Saudi Arabia is even more objectional as their leaders have failed to improve their countries' disastrous human rights records domestically, although their public relations efforts to present themselves as progressive and tolerant internationally is in full swing," Human Rights Watch said in a statement.

French aircraft manufacturer Dassault Aviation said it will start delivering planes to the UAE in 2027.

The deals offer a shot in the arm for France's defense industry after the collapse of a \$66 billion contract for Australia to buy 12 French submarines that ultimately went to the U.S. But the deals faced criticism by human rights groups concerned about the UAE's involvement in the years-long war in Yemen.

France has particularly deep ties to the UAE, a federation of seven sheikhdoms on the Arabian Peninsula. France has a naval base there and French warplanes and personnel also are stationed in a major facility outside the Emirati capital, Abu Dhabi.

Speaking to reporters in Dubai, Macron said they are important contracts for the deepening defense cooperation between France and the UAE that will contribute to the stability of the region and enhance a common fight against terrorism.

In addition, "it's important for our economy because the planes are manufactured in France," he said.

Macron and Sheikh Mohammed bin Zayed Al Nahyan, the crown prince of Abu Dhabi and the UAE's de facto ruler, were present at the Rafale contract signing.

Dassault said the UAE is buying the upgraded F4 version of its multirole Rafale combat aircraft. That will make the Emirates Air Force the first Rafale F4 user outside of France, it said.

Dassault Aviation boss Eric Trappier called the sale "a French success story" and "excellent news for France and for its aeronautical industry."

The purchase marks a sizable step up for the UAE's military capabilities in the oil- and gas-rich region. Charles Forrester, a senior analyst at Janes, said the fighter "will significantly upgrade UAE's airpower capabilities in terms of strike, air-to-air warfare, and reconnaissance." Abu Dhabi also hopes to buy American stealth F-35 fighters after diplomatically recognizing Israel last year.

Dassault said the Rafale will give the UAE "a tool capable of guaranteeing sovereignty and operational independence."

French defense officials were jubilant. Defense Minister Florence Parly said the Rafale deal "directly contributes to regional stability." The additional sale of Caracal helicopters also illustrates "the density of our defense relationship," she said.

Macron's keen interest in forging personal relationships with Abu Dhabi's crown prince and his counterpart in Saudi Arabia, Crown Prince Mohammed bin Salman, makes him a welcome guest in the region. Both Gulf leaders value a degree of pragmatism when discussing democracy and human rights—issues on which their countries have been heavily criticized by rights groups and European lawmakers—while pursuing business opportunities.

Months after Macron was elected in 2017, he traveled to the UAE to inaugurate Louvre Abu Dhabi, built under a \$1.2 billion agreement to share the name and art of the world-famous museum in Paris.

In September, Macron hosted Abu Dhabi's crown prince at the historic Chateau de Fontainebleau outside Paris, which was restored in 2019 with a UAE donation of 10 million euros (\$11.3 million).

The UAE and France also have become increasingly aligned over a shared mistrust of Islamist political parties across the Middle East and backed the same side in Libya's civil strife.

A senior French presidency official who spoke to reporters ahead of the trip on customary condition of anonymity said Macron will "continue to push and support the efforts that contribute to the stability of the region, from the Mediterranean to the

Gulf."

## **Yemen's non-state judicial systems spell death, torture for journalists (Committee to Protect Journalists)** By Justin Shilad

December 9, 2021

### **On December 1, four journalists were on death row in the Yemeni capital, Sanaa, for the crime of spreading false news.**

Before they were detained in 2015, Abdulkhaleq Amran, Akram al-Waleedi, Hareth Hameed, and Tawfiq al-Mansouri worked for various outlets, including the independent Al-Masdar newspaper and outlets associated with al-Islah, one of the parties in Yemen's fragile coalition government. They were not included in CPJ's annual prison census, which counts people imprisoned by state authorities for their reporting, because they were jailed by Ansar Allah, the militant group known as the Houthis that for the past seven years has controlled Sanaa and its institutions – including the court that sentenced the four journalists to death in April 2020.

The Houthis have previously followed through on such sentences, prompting an international outcry when a firing squad executed nine men in September 2021. The threat has cast a chill over Sanaa and other parts of Yemen, where dozens of others await execution, including religious minority activists and some of the Houthis' political opponents.

CPJ documented at least one other journalist detained in Sanaa in 2021, and is still investigating unconfirmed reports of others jailed by the Houthis, but they are not the only group claiming that authority in Yemen. Aden, a southern port city, and other parts of the south are under the control of the separatist Southern Transitional Council. Formed in 2017, the STC aims to restore the independence of South Yemen, which existed as a state prior to Yemen's reunification in 1990.

Journalists in those areas have previously faced assault and prolonged detention, CPJ has found, particularly for reporting on abuses committed by militias loyal to the STC, such as the Security Belt forces, or for critical reporting on the STC's military backer, the United Arab Emirates. The STC oppose the Houthis, but also routinely clash with Yemen's internationally recognized national government and a multinational coalition attempting to broker an end to enduring civil war – a conflict that has led to an estimated 233,000 deaths in what the United Nations says is the world's worst humanitarian crisis.

CPJ's email requesting comment from Muhammad Abdelsalam, a spokesperson for the Houthis, was not returned before publication. STC spokesperson Mansour Saleh told CPJ via messenger app that the group respects press freedom and allows critical journalists to operate freely, characterizing allegations of abuse as a campaign to undermine the cause of southern independence.

Yemen offers an example of the implications for journalists when non-state groups establish not only security forces and prisons, but courts and legal proceedings. What results is a parallel system of justice bereft of impartiality, despite some of the trappings of due process, according to those who have worked within such systems or seen them up close. Yet facsimile justice systems offer no accountability, and with non-state actors known for violence filling the gaps left by a crumbling state, crimes against journalists continue with impunity.

Abdel Majeed Farea Sabra, a lawyer for the four journalists on death row, told CPJ that Houthi forces raid and shutter media outlets that they disagree with, so trials – which are closed to the press and other observers – should be seen within the larger context of the group's hostility towards independent journalists.

"The measures taken by the Houthis against freedom of opinion and expression in general, and the rights of journalists in particular, [are] horrific," he said. "No authority has carried out measures like these in the Republic of Yemen since the adoption of the constitution [in 1991]."

The situation under the Southern Transitional Council is hardly better. STC forces detained Adel al-Hasani, a journalist and fixer who had extensive contact with the international media, in Aden in September 2020 and held him without charge for nearly half a year. CPJ reported earlier this year that he had been beaten, suspended from the ceiling, and deprived of sleep in custody.

A person familiar with al-Hasani's case told CPJ that his experience was common in STC-controlled areas, where security forces had sexually assaulted and tortured detainees, and many were being held in undisclosed locations. The person spoke on condition of anonymity for fear of retaliation.

A local NGO, Mwatana for Human Rights, has independently documented numerous cases of torture and abuse in unofficial prisons operated by all of Yemen's warring forces, and The Associated Press identified sexual torture by Emirati officers or Yemeni guards in at least four prisons in Aden in 2018.

“They are languishing in very bad prisons and are not given any right of defense,” the person said of other detainees in southern Yemen. “There are those who have been there until this moment, for years, without any trial [or] fair procedures.”

STC spokesperson Mansour Saleh told CPJ that all prisons in STC-controlled areas operate according to existing laws.

Aden has also been the site of two recent journalist murders: the June 2020 shooting of Nabil Hasan al-Qaety by men in military uniforms, and the car bomb attack last month that killed Rasha Abdullah al-Harazi and severely injured her husband, Mahmoud al-Atmi. No group claimed responsibility for that attack, which took place the month before the United Nations Human Rights Council failed to renew the mandate of the Group of Eminent Experts, the only independent mechanism on an international level to investigate such abuses.

Saleh said that the STC was investigating al-Harazi’s murder and accused the Yemeni government of shielding those responsible for al-Qaety’s murder.

The killings may never be properly investigated under the country’s patchwork of judicial institutions, particularly given the abuses in Aden’s judicial proceedings highlighted by the person CPJ spoke with.

“Transparency and integrity [do] not exist in the system at all,” they said.

### **Arms sales: France and the United Arab Emirates, partners in the crimes committed in Yemen? (International Federation for Human Rights)**

December 14, 2021

**80 Rafale fighter jets: the striking outcome of President Macron’s December 2021 tour of the Gulf countries, illustrating the vitality of French military exports in the region. FIDH and its member organisations and partners publish the report "Arms sales: France and the United Arab Emirates, partners in the crimes committed in Yemen?". This report is the product of research conducted between April 2019 and April 2021 by FIDH and its member organisations from Yemen, the Gulf and France, respectively Mwatana for Human Rights, the Gulf Centre for Human Rights (GCHR), and the Human Rights League (LDH) in collaboration with the Observatoire des armements. This work reveals that French companies and the French state have failed to respect some of their international human rights commitments, making them potentially complicit in the crimes committed by the United Arab Emirates.**

Under French law, exports of military equipment are subject to a general principle of prohibition, unless the Government grants authorisation. The aim is to ensure that "Made In France" weapons do not fuel armed conflict or civil war, nor be used to commit human rights violations. The United Arab Emirates, a long-standing and strategic ally of France, is nevertheless engaged in the war in Yemen, the cause of the world’s greatest humanitarian disaster according to the UN, and which has resulted in the death of nearly 400,000 people.

By becoming the third largest exporter of military equipment in the world in 2020, France has achieved commercial success at the expense of its international commitments, since a significant proportion of these exports are to a regime accused of violating international human rights law and international humanitarian law. The close partnership between France and the United Arab Emirates is a textbook case of the complex interplay of political, military and industrial links forged over the years to circumvent international law. It illustrates a veritable "system" designed to circumvent the legal and moral safeguards that govern the arms trade.

The growth in technology transfers and the establishment of major French industrial brands (or their branches) over the past ten years have made Abu-Dhabi the fifth largest customer of French military equipment. The Gulf region thus acts as a "grey zone" where French equipment can be sold, manufactured or transited through without hindrance. Denounced for years, particularly with regard to the French surveillance equipment supplied to Al-Sissi’s Egypt, this institutionalised duplicity still escapes any effective democratic control.

Our report first outlines France’s legal obligations with regard to arms exports and documents the involvement of Abu-Dhabi and affiliated groups in the conflict in Yemen, and in the violation of human rights. It provides several direct and detailed testimonies of victims of these abuses. The second part of the report looks at the development of the strategic partnership between France and its Emirati allies. It brings up to date the process that allows for the direct export of arms, transfer of French knowledge and skills, and joint development of arms with the Emirates, in the framework of a project involving other suppliers (German, British, etc.), and finally the development of arms by foreign subsidiaries of French companies.

The findings of this report confirm the pertinence of the demands that FIDH and its partner organisations have been making for years. The first demand is to ban the export of arms and surveillance technology to the United Arab Emirates as long as

serious human rights violations are committed by UAE authorities, military forces and proxy forces at home and abroad, notably in Yemen. Particularly as long as the abuses committed are not investigated. We also call for the creation of a permanent parliamentary commission of inquiry, with responsibility for the systematic a priori and a posteriori control of France's exports of arms and surveillance equipment to fragile regions. We finally demand the reform of the authorisation process for the exportation of arms and dual-use equipment, as the current process alarmingly lacks transparency.

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

## **Special Tribunal for Lebanon**

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

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

## **Israel and Palestine**

**Israel 'whitewashed' crimes against Palestinians during Gaza protests (Middle East Monitor)**

December 2, 2021

**Israel failed to investigate shootings that killed more than 200 Palestinians and wounded thousands more during the Great March of Return protests in 2018, human rights groups have revealed in a joint report. The report has been published by the Gaza-based Palestinian Centre for Human Rights (PCHR) and B'Tselem with the title "Unwilling and Unable: Israel's Whitewashed Investigations of the Great March of Return Protests".**

The protests along the Gaza-Israel nominal border called for the implementation of the Palestinians' legitimate right to return to their homes inside what is now Israel, as well as an end to Israel's siege of the territory.

"The report shows how Israel worked to whitewash the truth and protect the political and military officials responsible, instead of taking action against the individuals who devised and implemented the unlawful open-fire policy, which resulted in the killing of more than 200 Palestinians and the injury of some 8,000 others," said the groups.

Israeli soldiers fired live ammunition at protesters, using butterfly bullets – which explode upon impact, pulverising tissue, arteries and bone and causing severe internal injuries – to kill or maim anyone in their sights. According to Gaza's Al-Mezan Centre for Human Rights, this resulted in the killing of at least 215 Palestinians, most of them unarmed, including 47 people under the age of 18 and two women. The centre said that 20,000 more were wounded, the largest number recorded in the occupied Palestinian territories since the end of the Second Intifada in 2005.

As of April, out of 143 cases transferred to military prosecutors by an Israeli fact-finding mechanism, 95 were closed with no further action. Only one – the killing of a 14-year-old Palestinian – led to an indictment, with the remainder still pending, the report said. It cited figures obtained from the Israeli military through a freedom of information request. The indicted soldier was convicted of "abuse of authority to the point of endangering life or health" in a plea bargain and sentenced to one month of community service.

"Israel was quick to announce it is investigating the protests, primarily due to the proceedings underway at the International Criminal Court (ICC) in The Hague," said the PCHR and B'Tselem. That announcement was made because the ICC will assert jurisdiction only when the state in question is "unwilling or unable" to carry out its own investigation. Once a state has



investigated the incidents, the court will not intervene.

However, the two organisations added that declaring that an investigation is underway is not enough to stave off intervention by the ICC. The investigation must be effective, be directed at the higher-ranking officials responsible for devising and implementing the policy, and lead to action against them.

B'Tselem and the PCHR said that the state of Israel and the Israel Defence Forces misled the justices about the collective punishments inflicted on the Palestinians who took part in the Great March of Return protests. They added that the High Court somewhat knowingly looked the other way, not wanting to get into a debate about security issues relating to the Palestinians.

Israel is not a member of the International Criminal Court. The Palestinian Authority joined it in 2015.

**Dutch court upholds Gantz immunity in Israeli airstrike case (Washington Post)** By Mike Corder  
December 7, 2021

**A Dutch appeals court on Tuesday upheld a lower court's decision to throw out a civil case against Israel's defense minister and another former senior military officer over their roles in a deadly 2014 airstrike.**

The Hague District Court ruled in January 2020 that the case against Israeli Defense Minister Benny Gantz and former air force commander Amir Eshel couldn't proceed because the men have "functional immunity from jurisdiction."

The Hague Court of Appeal said Tuesday that the lower court was right to rule that Gantz, who was military chief of staff at the time of the airstrike, and Eshel had immunity because they were carrying out Israeli government policies.

The case was brought by Ismail Ziada, who lost six members of his family in the airstrike that lawyers for the men argued was part of an Israeli military operation during the 2014 Gaza conflict. He wanted the Dutch court to order Gantz and Eshel to pay damages and his lawyers argued that the men didn't have immunity because their actions amounted to war crimes.

Ziada said Tuesday's ruling was "in contradiction with any sense of justice" and branded the judges "cowards" for their decision.

"A military slaughter in Gaza. A legal slaughter in The Hague. That's how it feels," he said.

Responding to the Dutch court decision while on a tour of the Gaza border, Gantz said he was proud of his command of the Israeli military, which he said "adheres to values and human rights" and observes international law "with a real goal to protect the citizens of Israel and allow them to live in peace and calm."

Roy Schondorf, a deputy Israeli attorney general, welcomed the ruling.

"The appeals court recognized their immunity from civil prosecution for anti-terror activities in the framework of operation 'protective edge.' This is a very important legal precedent that protects all IDF (Israeli military) commanders from similar attempts," Schondorf tweeted.

The lower court also said Ziada was free to sue the men in Israel. At hearings in 2019, Ziada rejected the idea that he has access to justice in Israel as "farcical as well as vicious."

Ziada told an earlier hearing that he lost his mother, three brothers, a sister-in-law and a 12-year-old nephew in the airstrike.

Israel's Justice Ministry told the court before the 2020 decision that an internal Israeli military investigation determined the airstrike had killed four militants hiding in the house. It said the attack was permissible under international law. Gaza's Hamas rulers themselves have said that two militants were in the building.

Ziada's lawyer Liesbeth Zegveld said the judges had taken a conservative interpretation of the law.

"They had the ... legal space to decide differently in our favor, legally speaking, but then there's no precedent," Zegveld said. "So they had to do something not so much new, but something that hadn't happened before."

The ruling can be appealed to the Dutch Supreme Court.

**Israel closes probe into fatal shooting of Palestinian assailant (Al Jazeera)**  
December 9, 2021

## **Israel's Justice Ministry says it accepts police officers' claim that they acted in self-defence.**

Israel has closed an investigation into two police officers who shot dead a Palestinian assailant as he lay on the ground, accepting the claim that they had acted in self-defence.

Israel's Justice Ministry said on Thursday it had reached the decision to close the case after questioning the two officers.

"It was an incident that took place over mere seconds, in circumstances in which there was a real and concrete threat to the lives of the fighters and the civilians in the area," it said in a statement. "It was found to be legally justified to use a weapon."

The Palestinian, identified as 25-year-old Mohammad Salima, had stabbed an ultra-Orthodox Jewish man on December 4 outside Jerusalem's Old City. He then attempted to stab the police officers before being shot.

Footage shot by bystanders appeared to show Israeli police officers continuing to shoot Salima from point-blank range while he was lying on the ground and not appearing to pose a threat.

Palestinian President Mahmoud Abbas condemned the killing, saying "this is a continuation of the Israeli escalation against the Palestinian people" and calling the shooting "a war crime."

The United Nation's Human Rights Office (OHCHR) said it was "shocked by the apparent extrajudicial execution".

The killing has drawn comparisons to a widely publicised 2016 incident in which an Israeli soldier, Elor Azaria, was caught on camera shooting a wounded Palestinian attacker who was lying on the ground, prompting calls for an investigation.

Azaria served two-thirds of a 14-month sentence after being convicted of reckless manslaughter, in a case that sharply divided Israelis. The military pushed for his prosecution, saying he violated its code of ethics, while many Israelis, particularly on the nationalist right, defended his actions.

Public Defense Minister Omer Bar-Lev, who oversees the police, said the officers who killed Salima had "a second or two" after the first shot to determine whether the attacker was "going to set off an explosive belt."

Opposition groups and human rights groups have called the incident a "summary execution." Legislator Ofer Cassif of the Joint List, a predominantly Palestinian party in the Israeli Knesset, wrote on Twitter that that "executing a man who no longer constitutes a threat is a horrible crime. This is the reality created by the occupation."

Israeli human rights group, B'Tselem, said in a tweet: "Contrary to the sanitized terminology Israeli authorities and media use, the assailant wasn't "neutralized". He was summarily executed."

The stabbing attack came amid a rise in violence in occupied East Jerusalem, which has been the scene of frequent crackdowns by Israeli police on Palestinians protesting the forced expulsions of Palestinian families in favour of hardline Israeli settler groups.

On Wednesday, an Israeli woman was stabbed and lightly wounded in a tense neighbourhood in east Jerusalem. The suspect, a 14-year-old Palestinian girl, fled the scene and was later arrested inside a nearby school, police said.

Last month, a Hamas member opened fire in Jerusalem's Old City, killing one Israeli and wounding four others before being fatally shot by police.

## **Classified Docs Reveal Massacres of Palestinians in '48 – and What Israeli Leaders Knew (Haaretz) By Adam Raz**

December 9, 2021

**Testimonies continue to pile up, documents are revealed, and gradually a broader picture emerges of the acts of murder committed by Israeli troops during the War of Independence. Minutes recorded during cabinet meetings in 1948 leave no room for doubt: Israel's leaders knew in real time about the blood-drenched events that accompanied the conquest of the Arab villages**

The discussions were fraught with emotion. Cabinet minister Haim-Moshe Shapira said that all of Israel's moral foundations had been undermined. Minister David Remez remarked that the deeds that had been done remove us from the category of Jews and from the category of human beings altogether. Other ministers were also appalled: Mordechai Bentov wondered what kind of Jews would be left in the country after the war; Aharon Zisling related that he had had a sleepless night – the criminals, he said, were striking at the soul of the whole government. Some ministers demanded that the testimonies be

investigated and that those responsible be held to account. David Ben-Gurion was evasive. In the end, the ministers decided on an investigation. The result was the establishment of the “committee to examine cases of murder in [by] the army.”

It was November 1948. Testimonies of massacres perpetrated by Israel Defense Forces soldiers against Arabs – targeting unarmed men as well as elderly folk and women and children – were piling up on the cabinet table. For years these discussions were concealed from the public by the military censors. Now, an investigative report by Haaretz and the Akevot Institute for Israeli-Palestinian Conflict Research for the first time makes public the sharp exchanges between the ministers on this subject and reveals testimonies about three previously unknown massacres, as well as new details about the killing in Hula, Lebanon, one of the most flagrant crimes of the war.

...

In October 1948, the IDF launched two large-scale operations: In the south, Operation Yoav, which opened a road to the Negev; and in the north, Operation Hiram. In the latter, within 30 hours, dozens of Arab villages in the north were overrun and tens of thousands of residents fled or were expelled from their homes. Within less than three days, the IDF had conquered the Galilee and also extended its reach into villages in southern Lebanon. The overwhelming majority of them took no part in the fighting. Most of the exchanges of fire were between the IDF and the Arab Salvation Army, consisting of volunteers from Arab countries.

At the time of Israel's campaign to conquer the Galilee, 120,000 Arabs remained in the area, half the number who had resided there on the eve of the United Nations' adoption of the partition plan, in November 1947. The IDF's rapid advance toward the northern border brought the soldiers into contact with the population that remained in the villages, among whom were elderly folk and women and children. The Palestinians' fate was now in the hands of the Israeli forces. That was the background to the massacres that were perpetrated against civilians and against Arab soldiers who were taken captive. At the war's end, some 30,000 Arabs remained in the north.

The atrocities of the 1948 war are known from diverse historical documentation: soldiers' letters, unpublished memoirs written in real time, minutes of meetings held by political parties, and from other sources. Reports about military and governmental investigations are for the most part classified, and the heavy hand of military censorship continues to obstruct academic research and investigative reporting. Still, the open sources provide a picture that is slowly becoming clearer. For example, testimonies about previously unknown massacres that took place in Reineh, at Meron and in Al-Burj, which are discussed below.

#### Reineh killings

The village of Reineh, near Nazareth, was conquered even before Operation Hiram, in July 1948. A few months later, Aharon Haim Cohen, from the department of the Histadrut labor federation that dealt with the Arab population, demanded that a representative of the parallel section in Mapam, a left-wing party that was part of the government, clarify the following: “Why were 14 Arabs murdered in the village of Reineh at the beginning of September, among them a Bedouin woman and also a member of the Land of Israel Workers Alliance, Yusuf al-Turki? They were seized next to the village, accused of smuggling, taken to the village and murdered.” Sheikh Taher al-Taveri, one of the leaders of the Palestinian community in the north, maintained that the Reineh massacre “is not the only one” and that these acts were “being carried out for the purpose of robbery.” The victim's families claimed that those murdered had been carrying hundreds of liras, a very substantial amount.

The village of Al-Burj (today Modi'in) was also conquered in July 1948, in Operation Dani. According to a document, whose author is unknown, that was found in the Yad Yaari Archive, four elderly men remained in the village after its capture: “Hajj Ibrahim, who helped out in the military kitchen, a sick elderly woman and another elderly man and [elderly] woman.” Eight days after the village was conquered, the soldiers sent Ibrahim off to pick vegetables in order to distance him from what was about to occur. “The three others were taken to an isolated house. Afterward an antitank shell (‘Fiat’) was fired. When the shell missed the target, six hand grenades were thrown into the house. They killed an elderly man and woman, and the elderly woman was put to death with a firearm. Afterward they torched the house and burned the three bodies. When Hajj Ibrahim returned with his guard, he was told that the three others had been sent to the hospital in Ramallah. Apparently he didn't believe the story, and a few hours later he too was put to death, with four bullets.”

According to the testimony of Shmuel Mikunis, a member of the Provisional State Council (predecessor to the Knesset) from the Communist Party, and reported here for the first time, atrocities were also perpetrated in the Meron region. Mikunis got around the censors in real time by asking the prime minister a parliamentary question, which ended up in the Knesset Archive. He demanded clarification from David Ben-Gurion about acts that Mikunis said had been done by members of the underground Irgun militia: “A. They annihilated with a machine gun 35 Arabs who had surrendered to that company with a white flag in their hands. B. They took as captives peaceful residents, among them women and children, ordered them to dig a pit, pushed them into it with long French bayonets and shot the unfortunates until they were all murdered. There was even a woman with an infant in her arms. C. Arab children of about 13-14 who were playing with grenades were all shot. D. A girl of

about 19-20 was raped by men from Altalena [an Irgun unit]; afterward she was stabbed with a bayonet and a wooden stick was thrust into her body.”

This is the place to emphasize that we have no additional testimony that reinforces the brutal descriptions of the events in Reineh, Al-Burj and Meron. This is not surprising, considering how much material remains locked away in the archives. With regard to Mikunis’ testimony, there are additional reasons to suspend healthy skepticism. In that same parliamentary question to Ben-Gurion, Mikunis provided a minutely detailed description of the massacre in the Lebanese village of Hula, and it turned out later, in court, that his sources were reliable. (There is no evidence of a response from the prime minister.)

‘Some still showed signs of life’

The ministers appear to have been especially perturbed by the Hula massacre. The village was conquered by a company of the Carmeli Brigade, 22nd battalion, under the command of Shmuel Lahis. Hundreds of residents, a majority of Hula’s population, fled, but about 60 people remained in the village and surrendered without resistance. After the conquest, two massacres were perpetrated there, in two successive days. On the first day, October 31, 1948, 18 villagers were murdered, and on the following day the number of victims stood at 15.

Lahis, the company commander, was the only combatant who was tried on murder charges in Operation Hiram. He was acquitted by reason of doubt in the first episode, but was convicted of the second day’s massacre, which he carried out himself. The Lahis verdict was later relegated to the law archive of Tel Aviv University, and a short excerpt from the ruling on his appeal is here published for the first time.

Lahis ordered the removal “of those 15 Arabs from the house they were in and led them to an isolated house which was some distance from the village’s Muslim cemetery. When they got there, the appellant [Lahis] ordered the Arabs to be taken into one of the rooms and there he commanded them to stand in a line with their faces to the wall... The appellant then shot the Arabs with the Sten [gun] he held and emptied two clips on them. After the people fell, the appellant checked the bodies and observed whether there was life in them. Some of them still showed signs of life and the appellant then fired additional shots into them.”

Lahis stated in his defense that he had operated in the spirit of the battalion commander, who told him that “there is no need to burden intelligence [personnel] with captives.” He explained that he felt a powerful need for revenge because of the death of his friends, even though his victims had not taken part in the fighting. He was sentenced to seven years in prison; on appeal the prison term was reduced to one year. He served it in quite comfortable conditions in a military base in the north.

Over the years, the judges offered various explanations for the light sentence. Judge Gideon Eilat justified the sentence by noting that Lahis was the only person brought to trial, even though graver murders had been committed. Judge Chaim Dvorin said, “As a judge it was difficult for me to come to terms with a situation in which we are sitting behind a table and judging a person who behaved during battle as he behaved. Could he have known at the time who was innocent and who was an enemy?”

Following his release, Lahis was pardoned by President Yitzhak Ben-Zvi. Three decades later he was appointed director general of the Jewish Agency. In that capacity he conceived the idea of Jerusalem Day, commemorating the re-unification of Jerusalem during the Six-Day War, which has since been marked annually.

Deir Yassin

Millions of documents from the state’s founding are stored in government archives, and banned from publication. On top of this there is active censorship. In recent years personnel of the Malmab unit (Hebrew acronym for “director of security of the defense establishment”) have been scouring archives around the country and removing evidence of war crimes, as an investigative report by Hagar Shezaf in Haaretz revealed in 2019. However, despite the efforts at concealment, the accounts of about massacres continue to accumulate.

The groundwork was laid by the historian Benny Morris, who conducted comprehensive, pioneering research in archives, starting in the 1980s. To this was later added the work of another historian, Adel Manna, whose focus is oral history and who studied the history of the Arabs of Haifa and the Galilee. Manna described, among other events, the execution squad that massacred nine residents of Majd al-Krum (his own birthplace). Additional publications over the years, such as the testimonies reported here, are gradually filling in the missing pieces of the puzzle.

Morris recorded 24 massacres during the 1948 war. Today it can be said that the number is higher, standing at several dozen cases. In some of them a few individuals were murdered, in others dozens, and there are also cases of more than a hundred victims. With the exception of the massacre in Deir Yassin, in April 1948, which has resonated widely over the years, this gloomy slice of history appears to have been repressed and pushed aside from the Israeli public discourse.

Among the major massacres that took place during Operations Hiram and Yoav were the events in the villages of Saliha, Safsaf and Al-Dawayima. In Saliha (today Kibbutz Yiron), which lay close to the border with Lebanon, the 7th Brigade executed between 60 and 80 inhabitants using a method that was employed a number of times in the war: concentrating residents in a building in the village and then blowing up the structure with the people inside.

In Safsaf (today Moshav Safsufa), near Safed, soldiers from the 7th Brigade massacred dozens of inhabitants. According to one testimony (subsequently reclassified by the Malmab unit), "Fifty-two men were caught, tied them to one another, dug a pit and shot them. Ten were still twitching. Women came, begged for mercy. Found bodies of 6 elderly men. There were 61 bodies. 3 cases of rape."

In the village of Al-Dawayima (today Moshav Amatzia), in the Lachish District, troops of the 8th Brigade massacred about 100 people. A soldier who witnessed the events described to Mapam officials what happened: "There was no battle and no resistance. The first conquerors killed 80 to 100 Arab men, women and children. The children were killed by smashing their skulls with sticks. There wasn't a house without people killed in it." According to an intelligence officer who was posted to the village two days later, the number of those killed stood at 120.

An article published by an anonymous soldier in the journal *Ner* after the war indicates that the phenomenon of killing non-combatants was widespread in the IDF. The writer related how his comrades in the unit had murdered an elderly Arab woman who remained behind during the conquest of the village of Lubiya, in Lower Galilee: "This became a fashion. And when I complained to the battalion commander about what was going on, and asked him to put a stop to the rampage, which has no military justification, he shrugged his shoulders and said that 'there is no order from above' to prevent it. Since then the battalion just descended further down the slope. Its military achievements continued, but on the other hand the atrocities multiplied."

'This is a Jewish question'

In November-December 1948, when the war pressure had abated somewhat, the government turned to discussing the reports of massacres, which reached ministers in different ways. A perusal of the minutes of these meetings leaves no room for doubt: The country's top leaders knew in real time about the blood-drenched events that accompanied the conquest of the Arab villages.

In fact, the minutes of cabinet meetings from this period were made available for public perusal as early as 1995. However, the sections of the discussions that were devoted to "the army's behavior in the Galilee and the Negev" – the term on the cabinet's agenda – remained redacted and censored until only a few days ago. The present report was made possible following a request to the state archivist made by the Akevot Institute.

Even now, the transcripts are not available in full. It is evident that the direct mentions of war crimes remain redacted. However, the exchanges between the ministers about the question of whether to investigate the crimes or not – exchanges that were concealed for 73 years – are now available to researchers, journalists and curious citizens. Here, for example, is what the cabinet meeting of November 7, 1948, sounded like:

Minister of Immigration and Health Haim-Moshe Shapira (Hapoel Hamizrahi): "To go that far is forbidden even in times of war. These matters have come up more than once in cabinet meetings, and the defense minister investigated and demanded, and orders were given. I believe that in order to create the impression that we take this matter very seriously, we must choose a committee of ministers who will travel to those places and see for themselves what happened. People who commit these acts must be punished. The matter was not a secret. My proposal is to choose a committee of three ministers who will address the gravity of the matter."

Interior Minister Yitzhak Gruenbaum (General Zionists): "I too intended to ask a question along these lines. I have learned that an order exists to cleanse the territory." At this point Gruenbaum tells about an officer who transported residents in a bus to enemy lines, where they were expelled, and adds, "But apparently others lack the same intelligence and the same feeling. Apparently the order can be executed by other means."

At this point many lines are redacted.

Labor Minister Mordechai Bentov (Mapam): "The people who did this claimed they had received orders in this spirit. It seems to me that we have not been as helpless about any issue as we are, apparently, about this issue. In my opinion this is not an Arab question, it is a Jewish question. The question is which Jews will remain in the country after the war. I see no way but to eradicate the evil with a strong hand. As we have not seen that strong hand in [army] headquarters or in the Defense Ministry, I support Mr. Shapira's proposal for a committee to be chosen, which will be given the authority by the government to investigate every person it wishes. It's necessary to investigate the chains of command, who received orders from whom, how things are being done without written orders. These things are done according to a particular method. It turns out that an

order is one thing and procedure another.”

Prime Minister and Defense Minister David Ben-Gurion (Mapai): “If they flee, there is no need to run after them. However, it is different with regard to residents who remain in their places and our armies chase them away. That can be prevented. There is no need to chase them away. In Lod and Ramle explicit orders were given not to chase away the inhabitants and it turned out that they were forced [to leave]. I wanted to go to Lod in the first days after the conquest, and I was given a few excuses as to why I shouldn’t go. The first time I accepted them naively. A more serious matter is that of the theft. The situation in that regard is horrible.”

‘Fools’ paradise’

The November 7, 1948, meeting ended with a decision to appoint a committee of three ministers to examine the testimony about massacres. The committee consisted of Haim-Moshe Shapira, Bentov and Justice Minister Pinhas Rosenbluth (Rosen), from the Progressive Party. A week later they informed the cabinet that the meager powers they had been given did not enable them to get to the truth of the matter. Three more days passed, and the cabinet met again to discuss the investigation of the crimes.

Bentov: “It is known to me that there are circles in the army who want to sabotage the government’s decisions.”

Shapira: “We must find the best way to stop the plague. The situation in this matter is like a plague. Today the committee heard one witness, and I buried my face in my hands, in shame and disgrace. If this is the situation, I don’t know from which side a greater danger exists to the state – from the side of the Arabs or from our own side. In my opinion, all our moral foundations have been undermined and we need to look for ways to curb these instincts. We have reached this state of affairs because we did not know how to control things when this first started. My impression is that we are living in a fools’ paradise. If no shift occurs, then we are undermining the government’s moral basis with our own hands.”

Agriculture Minister Aharon Zisling (Mapam): “I received a letter from a certain person about this matter. I have to tell you that I knew about the situation in this matter, and I placed the subject on this table more than once. After reading the letter I received, I couldn’t sleep the whole night. I felt that something was being done that was affecting my soul, the soul of my home and the soul of all of us here. I could not imagine where we had come from and where we are going. I know that this is not a chance thing but something that determines the nation’s standards of life. I know that this could have consequences in every area of our life. One transgression generates another, and this matter becomes people’s second nature.”

Police Minister Bechor-Shalom Sheerit (Sephardim and Oriental Communities): “Already in the first days of the People’s Administration [pre-May 1948 temporary legislative body], I demanded a stringent approach on this matter, and you didn’t listen to me. You are overwrought about their grave deeds. I put forward several proposals on this subject, and to this day not one of them has been accepted.”

Transportation Minister David Remez (Mapai): “We have slid down a terrible slope – true, not the whole army, but if there are deeds like these and they are recurring in quite a few places, they are undoubtedly horrific to the point of despair.”

Following the discussion, Ben-Gurion declared incisively: “Since the committee did not fulfill the role it was tasked with, it is hereby abolished.” To which Gruenbaum retorted, “We are burying the matter.” Minister Shapira, who had been the one to call for the committee in the first place, commented that he felt the earth give way beneath his feet.

In fact, the ministers grasped very quickly that the prime minister had no interest in a through investigation of war crimes. He refused to grant the committee of three the authority to subpoena witnesses, and blamed its members’ laziness for its failure. Whereas some ministers demanded the establishment of a committee with teeth and urged that those responsible be brought to justice, Ben-Gurion pulled in a completely opposite direction. The meeting ended with the following decision: “The government assigns to the prime minister [responsibility for] investigating all of the claims made about the army’s behavior vis-a-vis Arabs in the Galilee and the south.”

Two days after the meeting, on November 19, 1948, he appointed the attorney general, Yaakov-Shimshon Shapira, to investigate the events. The prime minister noted in the letter of appointment that the attorney general “is hereby requested to take it on himself to examine and investigate whether harm was inflicted by soldiers and the army on the life of Arab residents of the Galilee and the south, which was not in accordance with the accepted rules of war.”

Two weeks later, the attorney general submitted his report to the prime minister. In the cabinet meeting of December 5, Ben-Gurion read out its main points, but this section of the minutes remains redacted. In the 1980s, historian Morris petitioned the High Court of Justice, requesting that the report be made available to him, but the petition was rejected. The Akevot Institute has been working for several years to have the report declassified.

The report is mentioned only a few times in the academic literature – so few that some have questioned its very existence. The

historian Yoav Gelber, the author of one of the most informative books about the War of Independence (“Independence Versus Nakbah: The Arab-Israeli War of 1948,” in Hebrew), wrote that he did not find “Shapira’s investigative report or any reference to it, or any other evidence to the effect that an investigation was conducted in the matter of the irregular actions that took place in the Galilee.” Nevertheless, the report does exist, and the minutes now made available show that the cabinet ministers were not at all pleased with its content or its recommendations.

After reading out the main points of the report to the cabinet, Ben-Gurion said, “I do not accept everything he [Shapira] wrote, but I think he has done something important and has said things that others would not have dared say.” He then took the opportunity to criticize his fellow cabinet members. “Of course, it’s easy to sit here around this table and cast blame on a small number of people, on those who fought.”

Haim-Moshe Shapira: “The attorney general has indeed presented a report from what he was told, but that is not his job. In my opinion, the only thing that it’s still possible to do, is to select on behalf of the government a public committee that will investigate the matter and go fully into its details. But if these deeds are covered up, the blame lies with the entire government if it does not bring the offenders to justice.”

Remez: “These deeds remove us from the category of Jews and from the category of human beings altogether. Precisely on these grave matters we have been silent to this day. We must find a way to put a stop to these deeds, but we must not silence our conscience by placing the whole gravity of the blame on boys who were dragged in the wake of deeds that were done earlier.”

Bentov: “People get used to the fact of turning away and start to understand: there is no justice and no judge.”

#### Code of silence

Throughout the cabinet meetings, there were several mentions of a code of silence existing among soldiers about war crimes. Minister Shapira stated: “The fact is that the soldiers are afraid to testify. I asked one soldier whether he would be willing to appear before the committee. He asked me not to mention his name, to forget that he spoke with me and to consider him someone who doesn’t know a thing.”

Ben-Gurion also addressed the difficulty of breaching the circle of silence: “In regard to the Galilee, a few things have been published. Not all the rumors fit the facts. Several things have been confirmed. What happened in Dawayima cannot be confirmed. There is a cover-up. The matter of the cover-up is extremely serious. I assigned someone to conduct a clarification about a certain matter, and an organized operation was mounted against him not to do the clarification. He was under great pressure.” Ben-Gurion asserted that it was impossible to ascertain the truth, not in the north and not in the south. He added that in the Negev, “deeds were done that are no less shocking than the deeds in the Galilee.”

The code of silence helped those who wished to sweep the crimes under the carpet and avoid investigations and indictments. Indeed, Shmuel Lahis, the commander of the unit that perpetrated the Hula massacre, was among the few who were accused of murder in the War of Independence. Not even the Al-Dawayima massacre, which was investigated internally by the IDF, produced indictments.

The intensity of the cover-up in the army comes through in a book by Yosef Shai-El, a soldier in Lahis’ company, who testified in the trial against his former commander. In his unpublished memoir from 2005, “The First Eighty Years of My Life,” Shai-El writes: “After the trial verdict was handed down, I went through hard times for a while. People would grab me in cafés and various places in the city and hit me. I made it a habit to go out with a pistol in my pocket. I’d found the pistol in an abandoned house in Acre long before. Everyone knew I was a sniper, and I enjoyed quiet for some time. The police informed my father that there was a plan to kidnap me from the house, and I hid in a friend’s home.”

Even those who did not have the benefit of silence and a cover-up, and were tried for crimes committed in the war, were finally let off the hook. In February 1949 a retroactive general pardon was issued for any crimes committed during the war. The public at large appears not to have been disturbed by any of this. The events described above took place during the period when the military justice system was being created. This might explain why the military internalized an organizational culture that goes easy on the killing of Palestinians by soldiers during operations. The philosopher Martin Buber termed the frame of mind that dominated Jewish society at the time a “war psychosis.”

Half a year later, the first Speaker of the Knesset, Joseph Sprinzak, appeared before the parliament’s Foreign Affairs and Defense Committee. Mentioned in the meeting were two items that had appeared in the press that day, which epitomized the attitude toward the acts of murder during the war. One report referred to an officer who during the fighting had ordered the murder of four wounded individuals; the second report was about a person who sold stolen army equipment. The former was sentenced to six months in prison, the latter to three years. Sprinzak, in any event, was under no illusions. “We are far from humanism,” he told the committee. “We are like all the nations.”

## **Israel: Abusive Policing in Lod During May Hostilities (Human Rights Watch)**

December 14, 2021

### **Israeli law enforcement agencies used excessive force to disperse peaceful protests by Palestinians in Lod (al-Lydd) during civil unrest in the city in May 2021, Human Rights Watch said today.**

At times the police appeared to act half-heartedly and unevenly to violence against Palestinian citizens of Israel committed by Jewish ultra-nationalists. Public statements by senior Israeli officials appeared to encourage discriminatory responses by authorities and the judiciary. The police response in Lod took place amid systematic discrimination that the Israeli government practices against Palestinian citizens of Israel in many other aspects of their lives.

“Israeli authorities responded to the May events in Lod by forcibly dispersing Palestinians protesting peacefully, while using inflammatory rhetoric and failing to act even-handedly as Jewish ultra-nationalists attacked Palestinians,” said Omar Shakir, Israel and Palestine director at Human Rights Watch. “This apparent discriminatory response underscores the reality that the Israeli state apparatus privileges Jewish Israelis at the expense of Palestinians, wherever they live and irrespective of their legal status.”

The Commission of Inquiry on Israel and the Occupied Palestinian Territory established by the United Nations Human Rights Council in May should investigate these apparently discriminatory practices and whether the inflammatory comments by senior Israeli officials incited violence.

Human Rights Watch in July and October interviewed 10 Lod residents in person, including a current and a former city councilor, relatives of victims, and two Jewish witnesses. Human Rights Watch also conducted analysis and geo-localization of several video clips filmed between May 10 and 14 and published on social media. The evidence indicated that the authorities responded to the events in an apparently discriminatory manner.

Human Rights Watch also reviewed reports by Israeli and international media to establish as precise a timeline as possible and interviewed an additional witness, who wishes to remain anonymous, to many of the acts of violence and the police response, as well as analysts from two Israeli human rights organizations who examined the events in Lod.

Lod, a mixed Jewish and Palestinian city in central Israel, has experienced the rising influence of an ultra-nationalist group, the Garin Torani, which has sought to promote the city’s Jewish identity amid longstanding discrimination against the country’s Palestinian citizens. In 2013, an alleged Garin Torani sympathizer, Yair Revivo of the Likud Party, was elected mayor and has served continuously since then.

Unrest in Lod and in other cities in Israel and the West Bank took place in May against the backdrop of discriminatory efforts to force Palestinians from their homes in occupied East Jerusalem, the use of excessive force by Israeli security forces against protesters and worshippers at the al-Aqsa mosque in Jerusalem, and the eruption on May 10 of hostilities between Israel and Palestinian armed groups in Gaza that lasted until May 21. During those hostilities, Israeli authorities and Palestinian groups committed violations of the laws of war and war crimes, as documented by Human Rights Watch.

Israeli authorities forcibly dispersed many of the street protests that Palestinians carried out inside Israel and the West Bank during this period.

On the evening of May 10, Palestinians began peacefully protesting outside Lod’s al-Omari mosque against the threatened takeover of Palestinian homes in East Jerusalem. While the police had authorized the demonstration, witnesses said security forces fired teargas and threw stun grenades at the crowd after a young man replaced an Israeli flag with a Palestinian flag on public property. Palestinian demonstrators later set garbage bins, cars, and tires on fire, and confrontations with Jewish residents broke out elsewhere in the city.

In the four days that followed, groups of Palestinian and Jewish rioters separately targeted Jewish and Palestinian properties and places of worship. In addition to the killing of a Jew and a Palestinian, scores were injured, a Muslim cemetery was vandalized, and dozens of cars burned. The government issued an emergency declaration on May 12 aiming to curb the violence, including by prohibiting non-residents from entering Lod.

In some instances, documented by Human Rights Watch, law enforcement deployed to secure Lod stood by or failed to act in a timely manner to protect Palestinian residents of Lod from violence by Jewish ultra-nationalists located near them or in their line of sight. Witnesses said they included members of ultra-nationalist Jewish groups who came from outside Lod. In one case, the Israeli newspaper Haaretz reported that municipal authorities provided overnight accommodations to members of these groups.

On October 26, Human Rights Watch wrote to Mayor Revivo, the Israeli police commissioner, and the Public Security and



Justice ministries about our interim findings. The police commissioner oversees all police commands in the country. None have responded.

Israeli authorities and courts handled in starkly different ways the murders of a Palestinian man and of a Jewish Israeli respectively killed by civilians in complex circumstances during the Lod violence. In the murder of Musa Hassuna, a Palestinian, the authorities released all Jewish suspects on bail less than 48 hours after the killing, after they pleaded self-defense. The authorities closed the investigation against them less than six months later without charges. In the murder of Yigal Yehoshua, who is Jewish, eight Palestinian suspects have been detained for months, awaiting prosecution on a number of charges, including “murder as an act of terrorism.” While the victims were killed in different circumstances, one in the midst of a skirmish and the other as he drove home, both cases are muddled and rely on limited and seemingly inconclusive evidence. Yet, one led to indictments while the other did not.

Amnesty International and Israeli human rights groups said that the authorities responded to disturbances in a discriminatory manner in other so-called “mixed-cities” inside Israel, including Jaffa and Ramle. This report focuses on the events in Lod.

On May 12, scores of Jewish ultra-nationalists who do not live in Lod entered the city, some of them armed, in violation of the government’s emergency declaration issued hours earlier barring non-residents from entering, witnesses told Human Rights Watch. An Israeli journalist reporting from Lod and the sitting city councilor said that municipal authorities hosted the outsiders overnight in a building owned by the city near a Palestinian cemetery. Mayor Revivo denied having been informed of this move or approving it. Overnight, these groups threw stones at Palestinian houses and shops, and at the al-Omari mosque. Video clips of some incidents show police positioned close to Jewish rioters as they throw stones but doing nothing.

Following the May unrest, over about two weeks, security forces detained 2,142 people across Israel and East Jerusalem in a “deterrence” operation that authorities named “Law and Order.” According to Amnesty International, approximately 90 percent of those detained were Palestinian citizens of Israel and residents of East Jerusalem. In a September report, AFP wrote that the Israeli police had confirmed the arrest of 154 people in connection to “disturbances” in Lod. Out of those, 120 were Palestinians.

Palestinian citizens of Israel face systematic discrimination in many other facets of life, including with regard to legal status, land policies, and access to resources and services, as Human Rights Watch has documented. This systematic discrimination reflects the Israeli government’s overarching policy to privilege Jewish Israelis at the expense of Palestinians.

Human Rights Watch has found that Israeli authorities are committing the crimes against humanity of apartheid and persecution, based on an Israeli government policy to maintain the domination by Jewish Israelis over Palestinians wherever they live, and grave abuses against Palestinians living in the Occupied Palestinian Territory. The crime of apartheid is committed when these elements come together.

International human rights law requires authorities to provide everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law. The authorities have a duty to protect everyone’s right to life, without discrimination, which requires taking reasonable measure to prevent attacks that threaten life, and to investigate and prosecute those responsible.

International human rights law also requires security forces to protect the right to peaceful assembly, regardless of the demonstrators’ political views or identity, without using excessive force. At the same time, law enforcement needs to respond to violent acts in a proportionate manner that minimizes the use of force and protects people and property, without discrimination.

Israeli authorities should investigate how authorities responded to unrest in Lod and across Israel.

The UN Commission of Inquiry established by the Human Rights Council in May is the first to look at violations committed inside Israel’s 1967 borders. Commissioners should investigate the Israeli government’s actions in Lod and treatment of Palestinians across Israel and the occupied territories, Human Rights Watch said.

“In Lod, Israeli police and authorities appear to have treated citizens differently based on whether they are Jewish or Palestinian,” Shakir said. “The UN Commission of Inquiry should seize the unprecedented opportunity to tackle the discrimination and other abuses Palestinians in Israel face solely on account of their identity.”

For additional details of the May events, please see below.

Lod: City with a Long History of Discrimination

Lod, strategically located between Tel Aviv and Jerusalem, came under Israeli control in July 1948. The Israeli historian Benny Morris has said that Israeli forces expelled nearly all of Lod’s inhabitants, under orders from the then-Israeli leader,

David Ben Gurion. Historians estimate that Israeli forces expelled between 30,000 and 70,000 Palestinians. The expulsion left fewer than 1,000 Palestinians in the city, a large number of whom worked for the railway company and were needed to operate the train tracks. Israeli forces then distributed the former Palestinian inhabitants' land and property to Jewish Israeli citizens and destroyed unoccupied houses to prevent their former owners' return.

Palestinians today make up to 30 percent of the city's population. They have faced decades of land confiscations and discriminatory land policies, as Human Rights Watch has documented generally for Palestinian citizens of Israel.

In 2013, Lod residents elected as mayor Yair Revivo, of the Likud Party and a reported sympathizer of the ultra-nationalist group Garin Torani (Torah Seed). The group seeks to promote the Jewish presence within cities that have sizable Palestinian minorities inside Israel, including Lod. Jewish and Palestinian residents of Lod who spoke to Human Rights Watch said that the group's growing influence and the influx of Jews who lived in settlements in Gaza before they were dismantled in 2005 has further strained Jewish-Palestinian relations in the city.

Maha al-Naqeeb, a former city councilor, said that "discrimination, racism and the existence of settler groups inside Arab neighborhoods" has created "an accumulation of anger and frustration" among the city's Palestinian residents.

Ghassan Mounayer, a social activist from Lod and adviser to a Knesset member, said that Palestinians in the city face "a reality of house demolitions and displacement. Every time they see a police vehicle, they think they are coming to demolish their house."

Tayseer Shaaban, a Palestinian lawyer and Lod resident, said the May protests and riots are a result of "frustration" with "years of racism, discrimination, and neglect by the municipality."

#### May 10 Protest by Palestinian Residents: Excessive Force & Arbitrary Detention

Around 9:30 p.m. on May 10, a group of Palestinian residents of Lod organized a protest outside the al-Omari mosque against the anticipated takeover of Palestinian homes in East Jerusalem. Two civil society lawyers and a city council member said that the police had approved the protest following requests made around noon. Witnesses said that protesters demonstrated peacefully when police used teargas, rubber bullets, and a stun grenade to disperse the crowd after a protester replaced an Israeli flag on an electric pole with a Palestinian one.

"When the flag was raised and hung on the electric pole, all of a sudden, without any warning or any kind of announcement, the police started throwing stun grenades," said Fida Shehadeh, a city councilor. "One grenade hit my foot, and another one hit a baby carriage next to me."

Police also arrested some Palestinian demonstrators. Tayseer Shaaban, the father of a 16-old-boy detained that night, said police violently shoved his son to the ground while arresting him. "[Authorities] accused him of burning the flag of the state and destroying state symbols, but they had no proof, so he was released 24 hours later," the father said. "To this day, my son is in total shock from his detention," he said in July.

#### May 11, 2021: Two Killings, Two Approaches

Later that night, some Palestinian demonstrators set trash cans, cars, and tires alight near the al-Omari mosque and tensions flared in other parts of the city.

A video posted to Twitter on May 11 shows about 20 men advancing shortly before 1:30 a.m. from a roundabout on Ha-Hashmonaim Street into Ha-Prakhim Street. Several of the men are seen throwing rocks and Molotov cocktails in the direction that they were heading. Shortly thereafter, at least 16 rounds are heard fired from at least one semi-automatic weapon. The suspects were later identified as Jewish men by media and the lawyer representing some of them.

In the video, one man, later identified as Musa Hassuna, a 31-year-old Palestinian citizen of Israel, comes into the camera frame, his hands appearing empty, and immediately falls to the ground. His father said that Musa was struck by a bullet in the chest when he went into the street to move his new car after hearing disturbances. He died from his injuries. Issa Shaaban, 21, and another man were also injured in the shooting. Shaaban, who said he was returning home from shopping when he was shot in the arm and back, said that the roundabout felt like a "war zone."

Police apprehended four Jewish men in connection with the killing, including a former elite force soldier who is still enrolled as a reservist, his defense lawyer said. The men claimed they acted in self-defense and asked to be released. The Rishon LeTzion Magistrates Court initially denied the request, stating that "the suspects' claims do not fit the objective facts." Nevertheless, the court released the men on bail on May 13 and protected their identity through a non-publication order.

The defendants' release followed May 12 statements by then-Public Security Minister Amir Ohana who characterized the

killing as “self-defense,” called the suspects’ arrest “terrible,” and said he would have freed them immediately if he had had the authority to do so. He made these remarks before knowing the final results of any judicial investigation into the case.

On October 21, Israeli media reported that the Central District Attorney’s Office had decided to close the case against the suspects without charging them. A statement by prosecutors relayed by media said that a ballistic analysis of the scene did not match the weapons found on four of the suspects. A fifth suspect, media reported, could not be ruled out, but prosecutors said the reported presence of other bullet casings meant they “could not determine with the required level of confidence as to who fired the bullet.”

Shaaban, who was injured during the incident, said that he felt the police had not investigated the shooting properly. “They ... got my statement and they told me that they will investigate the issue,” he said in August. “But I haven’t heard anything from them since then.” Hassuna’s father said that the police have not contacted him. “They didn’t contact me as a father to give more information about the killing of my son and I have not heard anything from them since,” he said.

Israeli authorities, though, did arrest four of Musa Hassuna’s relatives and one of his friends in the days following his murder. They were indicted in late July for a range of criminal offenses that include burning tires and trash cans, blocking roads, burning private cars using gasoline, and assembling Molotov cocktails. Some of them are accused of shooting from the roof of their house and one of throwing stones at the police.

Less than 24 hours after Hassuna’s murder, Palestinian rioters stoned the car of Yigal Yehoshua, 52, as he drove home. A stone hit Yehoshua, fracturing his skull. He managed to drive on, but crashed his car in the parking lot under his home. He died at the hospital six days later from a brain injury.

Days later, the authorities arrested eight Palestinians – six from Lod and two from the West Bank – who they alleged were responsible for the murder. The authorities did not conceal their identities, and the Israeli press published their names. On June 24, the authorities charged the men in detention “with murder under aggravated circumstances in a collaborated act of terror, collaborating to throw stones in an act of terror against a vehicle, and deliberately damaging a vehicle for racist motives.” According to Haaretz, the prosecution indicted the men despite DNA material from the stone that hit Yehoshua being no match with that of any defendant.

They also charged the men with obstruction of justice for allegedly trying to get security camera footage of the incident erased. Media reported that the defendants had confessed to their crimes following interrogation by Shin Bet, Israel’s internal security services. The Shin Bet has an extensive track record of mistreating and torturing Palestinian detainees, according to the Public Committee against Torture, an Israeli nongovernmental organization. A defense attorney representing one of the men indicted told Haaretz his client had been “interrogated for long hours while tied to a chair.”

#### May 11, 2021, Funeral Procession: Apparent Excessive Use of Force

In the afternoon of May 11, several thousand people gathered peacefully for Musa Hassuna’s funeral procession in Lod. Hassuna’s father said that the Lod police commissioner, Shimon Dahan, had called the family a few hours before the funeral, asking them not to march on Exodus Street, a major artery with a Jewish pre-army preparatory school run by the Garin Torani that had been attacked the previous night by Palestinian rioters, who set fire to its beit midrash (room for reading the Torah).

The funeral procession, though, went ahead as planned. Videos of the procession show mourners marching peacefully from the al-Omari mosque onward, shouting slogans. Human Rights Watch interviewed three participants who said that security forces used teargas and rubber bullets to prevent the passage of the funeral procession near the pre-army preparation school, an apparent use of excessive force.

As mourners approached Exodus Street and the Garin Torani school, police intervened. “When the funeral reached the main street, specifically at the segment where the Garin Torani building is located, suddenly we were attacked by teargas and rubber bullets,” Hassuna’s father said. This cut the procession in two.

Ghassan Munayyer, who was at the funeral, said the police response generated anger and chaos: “Young men reacted by throwing stones and smashing whatever they saw or had nearby.” Media reports said the rioters set one police car on fire and injured two police officers.

#### Israeli Officials’ Inaccurate and Inflammatory Declarations

Israeli officials’ statements appeared to inflame rather than ease tensions. Late on May 11, Mayor Revivo said on national television that Lod had experienced a “Kristallnacht,” a reference to the 1938 pogrom in Germany in which pro-Nazi militias and citizens burned, vandalized, and looted Jewish synagogues, businesses, and institutions throughout Germany, killing over 90 Jews and arresting about 30,000. Revivo called for the army to be deployed. “Every minute, a car or a synagogue or a school is going up in flames,” he said. This statement was neither accurate nor balanced, given that both Jews and Palestinians

were attacking one another.

Hours later, on May 12, then-Israeli President Reuven Rivlin tweeted that the Palestinian rioters were “bloodthirsty,” calling what had happened a “pogrom,” a reference to the late 19th and early-20th century massacres of Jews in Eastern and Central European countries by non-Jewish civilians and militias, often with support of the authorities. He wrote: “The sight of the pogrom in Lod and the disturbances across the country by an incited and bloodthirsty Arab mob, injuring people, damaging property and even attacking sacred Jewish spaces is unforgivable.”

On May 13, a day after armed Jewish ultra-nationalists roamed the city, Yossi Harush, Lod’s deputy mayor and a member of Bayit Yehudi, a Zionist-religious party, warned Palestinians not to leave their homes. He also threatened that if police did not protect Jewish citizens, outsiders would once again come to use force against Palestinians:

Hundreds of people are coming, including two battalions of reservists, who are volunteering to come here to protect homes ... from settlement councils. From Judea, Samaria, and Jerusalem ... We saw where it went from there yesterday. We saw how many beatings there were. I am telling you, if the police don’t wake up and take responsibility, I will recommend to all the Arab residents of Lod not to leave their homes. I am telling you this, remember that I said this to you today.

On May 28, almost two weeks later, Amichai Langfeld, a Lod city councilor also from Bayit Yehudi, said the Jewish community would be ready to use violence to defend itself, without emphasizing the need for the authorities and law enforcement to protect everyone, including Palestinians:

We’re in favor of calming things down, but we aren’t suckers and we have our honor. And anyone who wants to mess with us should know that security forces will have a bone to pick with them, and if they come up against us, they’ll wish they hadn’t.... We’ll take care of ourselves, and anyone who deals with us should know that, if necessary, we are armed and will open fire. We will protect our lives, including our property. No one will mess with Jews in Israel. They won’t mess with us.

**Arrival of Jewish Ultra-Nationalist Groups: Discriminatory Enforcement of Emergency Law and Municipal Complicity with Rioters**

On May 12, for the first time since 1966, when Israel lifted the military rule it had imposed on most Palestinians in Israel since 1949, Israel activated a state of emergency in Lod under a law human rights lawyers say was meant to give the authorities more authority to act in the event of natural disasters. Then-Public Security Minister Ohana imposed the order shortly before 5 p.m. The Association for Civil Rights in Israel said that, “The declaration was made according to a provision in the law that was not intended to grant authority for dealing with disruptions of order.”

The “state of emergency” authorizes the police to close off parts of the locality, enter any place without a warrant or probable cause and use “reasonable force” to ensure civilian compliance. Following the emergency declaration, the authorities deployed Border Police officers to Lod to assist the police, imposed an overnight curfew beginning at 8 p.m. with a penalty of up to three years in prison for violations, and announced a ban on non-residents entering the city.

Hundreds of security forces were deployed to Lod in the wake of the emergency declaration but witnesses to some of these incidents said that they did not see Israeli forces intervene decisively to stop Jews who were throwing rocks at Palestinian houses, mosques, and shops. Video clips of some incidents show police positioned close to Jewish rioters as they throw stones but doing nothing.

The emergency declaration, however, did not prevent large numbers of Jewish ultra-nationalists, including members of La Familia, a football fan club with a reputation for anti-Palestinian racism, and Hilltop Youth, far-right militants living in settlement “outposts” – settlements without formal authorization from the Israeli government – in the occupied West Bank, from entering and walking around Lod well after curfew, media reports and people interviewed said. Their arrival followed mobilization on social media channels and messaging applications where users shared tactics and encouraged one another to defend Jewish Israelis. A pro-settler organization named Regavim, for instance, posted a call on Facebook for “armed veterans” and “graduates of combat officers’ course” to come to the aid of Jews in mixed cities.

On May 12, a thread of videos posted on Twitter by an Israeli journalist indicates that some men who came from the unlawful settlement of Yitzhar, in the occupied West Bank, were among those who attacked the mourning tent for Musa Hassuna. Groups of Jewish ultra-nationalists also threw stones at Palestinian houses and shops, and at the al-Omari mosque.

Haaretz reported that these out-of-towners spent the night, with the city’s permission, in a municipal building near the Muslim cemetery. A Palestinian former city councilor corroborated that members of these groups stayed in a public building. Mayor Revivo, however, denied on May 14 that he had “approved the provision of the structure of the old municipality” and said he had ordered security forces to evict them. On May 14, Bar Peleg, a Haaretz journalist on the scene, reported that at least eight tombs in the Muslim cemetery had been desecrated and vaults cracked open with heavy stones.

Shehadeh, the city councilor, said that she saw about 200 men she assumed, based on their clothing, were Hilltop Youth members next to the cemetery late at night on May 13. A resident told Human Rights Watch she saw about 70 to 100 people who looked like Hilltop Youth parading in her mixed neighborhood of Banit on May 13, chanting “Muhammad is dead,” and “A good Arab is a dead Arab.”

#### May 12 and 13, 2021: Half-Hearted Police Response to Attacks by Jewish Ultra-Nationalists

On the evening of May 12, around 7 p.m., scores of Jewish ultra-nationalists, including some who told a journalist that they were from Yitzhar, a West Bank settlement with a reputation for ultra-nationalist violence, harassed Musa Hassuna’s mourning tent from a short distance, insulting the family and throwing stones despite the presence of at least 15 Israeli police in riot gear deployed to block entrance to the tent. People in or near the tent threw stones toward the attackers. A video Peleg, the journalist, posted on Twitter indicates the police eventually chased the attackers away prior to throwing stun grenades and teargas at the mourning tent.

Videos posted by Peleg in the hours that followed the attack on the mourning tent show dozens of Jewish ultra-nationalists moving through Lod’s old town to confront Palestinians at al-Omari mosque and throw stones at Palestinian houses. Despite an increased police presence in Lod, bolstered by the arrival of Border Police, and a curfew, the crowd succeeded in reaching the mosque.

In one video on file with Human Rights Watch, riot police stand near Jewish ultra-nationalists as they throw rocks, presumably at Palestinians, and do not stop or arrest them.

Jewish groups approached the al-Omari mosque around 8:30 p.m., a half hour past the curfew. A video Peleg posted at 8:32 p.m. shows the group approaching the mosque, while the police, trailing them, throw at least three stun grenades in their direction but do not try to prevent them from reaching the mosque, for instance by using teargas or blocking them physically. The stun grenades failed to disperse the group.

Khaled Zabarka, a lawyer from Lod who was praying at the mosque at the time, said that young men posted outside the mosque to protect it ran inside shouting, “They’re shooting.” Zabarka then recalled hearing detonations. “We were afraid because the day before, Mousa was killed and that day they attacked the mourning tent and now they are attacking us in the mosque,” he said. Zabarka called the police to ask for help.

Ten minutes later, Zabarka said, police and border forces arrived and started shooting teargas around the mosque and inside its yard. Meanwhile, the mosque’s muezzin had called through the mosque’s loudspeaker for help to defend the mosque, prompting the arrival of dozens of Palestinians and leading to an exchange of rocks between the groups.

A video shot outside mosque at the time shows the police firing teargas and throwing stun grenades toward the mosque while Jews and Palestinians continued to throw stones at one another. “The gas got into the mosque rooms, injuring many worshippers,” Zabarka said. “We were confused, we had settlers attacking us and the police firing teargas against us, at the same time.”

Almost two hours later, less than 300 meters from the al-Omari mosque, clusters of Jewish youths continued to roam the city, some with rocks in their hands, well into the curfew. One video filmed after the incident at the mosque shows police using physical force and shields to push a group of young Jewish men away.

On the morning of May 13, Shehadeh and other members of the Palestinian city counselors gathered at the Lod police station, demanding the removal of all the groups from out of town. “The commanders there, the station commander and the regional commander, both agreed with us,” she said, and “at 2 p.m. La Familia were out and between 6 p.m. and 7 p.m. another bus or two left the city.”

But that same night, apparent Jewish ultra-nationalists attacked Shehadeh’s house just as she finished a television interview. They threw heavy stones at the house and cars parked in front of it, she said. It took the police a long time to intervene, she recalled:

I called Shimon Dahan [the Lod police commissioner] and explained the situation, he said they are on their way. But Shimon didn’t send his men and the police didn’t show up. Forty minutes later ... the settlers were still there, surrounding my house and throwing stones, and the police didn’t arrive. Then I called the commander of the region, Yigal Ezra. Seven minutes later, the police were next to my house, and I heard some stun grenades and I also heard the police saying; “Guys, leave the area.” Two hours later, the [ultra-nationalists] arrived again, and threw stones at my house.

Shehadeh said that the ultra-nationalists targeted other families as well. “Many of the Palestinian residents called me back then, terrified from the extremist settlers in their neighborhoods,” she said. “They called the police, but they didn’t get any answer or protection.” Maha al-Naqeeb, a former city councilor, said that her son witnessed several attacks against Palestinian

houses and called the police asking for protection. “They either didn’t pick up the phone or replied saying they are busy,” she said.

#### Arbitrary and Selective Detention of Palestinians in Israel

On May 13, then-Prime Minister Benjamin Netanyahu called during a visit to Lod for the administrative detention of rioters – an abusive detention tool allowing prolonged detention without charge or trial that Israel has used extensively against Palestinians in the occupied Palestinian territories, but rarely against Palestinians inside Israel since 1966. He also told police forces not to worry about any possible future investigations of their conduct: “We hear talk of apprehension over commissions of inquiry, investigations, inspections – we will give you all the tools to protect yourself and the citizens of Israel.”

From the morning of May 14 onward, the unrest subsided in Lod. Israeli Police Commissioner Kobi Shabtai on May 18 described the events as involving “terrorists on both sides,” but then-minister of Public Security, Amir Ohana, lambasted Shabtai for his remarks and persisted in describing the responsibility for the unrest as resting primarily with the Palestinians: “Arab rioters attacked Jews, police officers and synagogues ... The policy is to deal aggressively with the terrorist rioters. There is no moral equivalence and there never was ... Yes, the few who attacked Arabs will also be dealt with severely. But there’s a long way from that to saying ‘both sides.’”

On May 23, police began a “Law and Order” operation with the objective of “restor[ing] deterrence and increas[ing] governance in locations with a history [of violence].”

Haaretz reported that Palestinians made up about 91 percent of the 2,142 people detained by the police in relation to the unrest in Lod, East Jerusalem, and other “mixed-cities.” Out of those, as of June 3, only 285 were formally charged, raising questions as to the grounds that led to the remaining 1,857 detentions.

#### **In the May 2021 fighting, Israel bombed four towers in Gaza, leaving dozens of families homeless and business owners jobless (B’Tselem)**

December 15, 2021

**In late October, B'Tselem published the testimonies of dozens of Palestinians from the Gaza Strip whose loved ones were killed in the most recent round of fighting last May. In that round, Israel killed 232 Palestinians, including 54 minors and 38 women. At least 137 of those whose lives were lost did not take part in the fighting. Thousands were injured and thousands more lost their homes and possessions. According to the Ministry of Labor and Housing in Gaza, about 2,200 housing units sustained heavy damage as a result of Israeli attacks and have been deemed uninhabitable. Roughly 50,000 additional units sustained partial damage.**

During the fighting, Israel bombed four high-rise towers, three of them in the a-Rimal neighborhood in central Gaza City and a fourth west of the city. Three of the towers collapsed, and the fourth became uninhabitable and unusable. The bombings also damaged nearby buildings and businesses. The total damage is estimated at millions of dollars: dozens of family homes and dozens of offices and businesses destroyed, including the offices of international and Palestinian media outlets.

While Israel did notify the owners of the towers of its intent to bomb, it did not give residential and commercial occupants enough time to remove their belongings from the premises. Condo owners lost not only the homes they had purchased with their hard-earned money, but almost everything they owned – from furniture and appliances to pictures and documents; business owners lost their source of income, along with merchandise purchased and paid for. Media outlets lost expensive equipment and materials gathered over many years.

These are the four high-rise towers Israel attacked:

In the evening hours of 11 May 2021, the owner of Hanadi Tower received a phone call from a man who introduced himself as an Israel Security Agency agent and instructed him to have the building evacuated. At around 7:00 P.M., aircrafts fired missiles at the building, reducing it to rubble. The 14-story high-rise housed government offices and businesses.

About two hours later, at around 9:00 P.M., Israeli Air Force aircrafts bombed al-Jawharah Tower. The missile assault continued for several hours, and while the building remained standing, its interior was completely destroyed and its foundations sustained heavy damage. The 11-story high-rise had six residential units that housed 30 people, including 17 minors; 58 offices occupied by media outlets (including television stations); medical, legal and engineering offices; and stores located on the ground floor.

The next day, on 12 May 2021, at around 6:00 P.M., aircrafts fired missiles at a-Shorouq Tower. The 14-story high-rise contained press offices, advertising agencies, a restaurant, a coffee shop, a clothing store, a jewelry store and offices of the

Popular Front for the Liberation of Palestine and of Islamic Jihad.

On Saturday, 15 May 2021, at around 3:00 P.M., Israeli aircrafts fired missiles at al-Jalaa Tower. The 13-story high-rise contained 30 residential units, of which 25 were occupied, housing 116 people, including 62 minors. The tower also housed international media outlet offices, including the Associated Press and Al-Jazeera, as well as law offices, advertising agencies and others. As in many other cases, Israel has attempted to justify the assault on the four towers – which constitutes a war crime – by citing various security pretexts and making claims it does not even try to prove. However, there is no justification for leaving scores of people homeless and others jobless. Israel's excuses hinge on an extreme, unfounded interpretation of international law which defies the objectives of this body of law and has been repeatedly rejected by legal scholars.

Bombarding buildings, sometimes while the occupants are still inside, is not a new policy: Israel has used it before. This was, in fact, one of the more horrifying hallmarks of the fighting during Operation Protective Edge in the summer of 2014, and it resulted in hundreds of deaths. Israel has refused to back down from this policy despite the lethal outcome, and applied it again in the last round of fighting. Reality, however, has changed since 2014. The International Criminal Court in The Hague is conducting an investigation against Israel and is looking, among other things, into the policy of bombing residential towers. The investigation is expected to result in steps taken against the persons responsible for this policy.

B'Tselem's field researchers in Gaza collected testimonies from several people who lived in two of these towers, who lost their homes, possessions and livelihoods.

The bombing of al-Jawharah Tower, 11 May 2021

On 11 May 2021, at around 9:00 P.M., the military notified the owners of al-Jawharah Tower on the corner of al-Wihada and al-Jalaa Streets that it was going to bomb the building and instructed them to evacuate immediately. The tower's 11 stories housed 30 people in six residential units, including 17 minors. They also housed 58 businesses including offices, media outlets, medical clinics and stores, among them an optician's, a bridal gown store, two restaurants, a web company, a real estate office and two print shops.

About an hour later, at around 10:00 P.M., after all residential and commercial tenants had vacated the building but were given no time to take anything with them, Israeli Air Force drones fired several warning missiles at the roof of the building and nearby. About four hours later, at around 2:00 A.M., Israeli warplanes fired several missiles at the building, causing severe damage. While the tower remained standing, it is no longer inhabitable. The businesses located on the first floor were completely destroyed.

B'Tselem's field researchers collected testimonies from people who lived or owned businesses in the tower:

The bombing of al-Jalaa Tower, 15 May 2021

On 15 May 2021, at around 2:00 P.M., the military informed the owner of al-Jalaa Tower in the a-Rimal neighborhood that the building would be bombed and the tenants must evacuate immediately. The high-rise, built in 1995, had 13 stories and housed 116 people, including 62 minors, in 25 apartments. Five other units were vacant. The building also housed about 40 businesses, including the offices of the Associated Press new agency and the al-Jazeera media network.

At around 3:00 P.M., after all occupants had left the tower, although without enough time to remove their belongings, an Israeli Air Force drone fired a warning missile at it. About five minutes later, an Israeli warplane fired several missiles at the tower, and it collapsed. The bombing caused damage to nearby structures and businesses.

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

## **Gulf Region**

**Rights group: Saudi Arabia executed 886 inmates since 2015, including minors, women (PressTV)**  
December 12, 2021

**Saudi Arabia has executed 886 people, including minors, in an accelerating rate**

## **during the past six years, a Europe-based rights group reports.**

Since 2015, Saudi Arabia has executed 886 prisoners, including 12 minors and 20 women, in an increasing rate, the Arabic-language Mirat al-Jazeera news website reported on Sunday, citing figures provided by the second conference on victims of Saudi government's rights violations.

In the virtual conference, which was held by the European Saudi Organization for Human Rights (ESOHR), it was revealed that 41 of the executed were foreign nationals who had been behind bars in Saudi Arabia.

The conference, which was held online on December 10, on the occasion of World Human Rights Day, was attended by a number of activists and opponents of the Saudi regime in an attempt to shed light on the extent of the repression practiced by Riyadh against dissidents, including arrests and executions, which threatens the lives of human rights defenders in the Arab kingdom.

In 2019 alone, Saudi Arabia set a record number of executions after Saudi authorities executed 184 people, despite the general decrease of executions around the world.

According to rights activists, Riyadh's growing use of the death penalty, mostly as a political weapon against dissidents, is alarming.

In the latest executions carried out by Saudi authorities against Shia detainees in Qatif and al-Ahsa in the kingdom's Eastern Province, Muslin bin Mohammad al-Mohsen was executed after he was accused of allegedly participating in a cell aimed at destabilizing the internal security of Saudi Arabia.

The Shia-majority Eastern Province has been the scene of peaceful demonstrations since February 2011. Protesters have been demanding reforms, freedom of expression, the release of political prisoners, and an end to economic and religious discrimination against the oil-rich region.

The protests have been met with a heavy-handed crackdown by the regime. Security forces have increased security measures across the province.

Earlier this year, Saudi authorities also executed Mustafa al-Darwish for alleged crimes he committed when he was seventeen years old. The ministry of interior claimed that the young citizen attempted to destabilize the internal security of the country through spreading sedition.

The regime's virtual and non-virtual media distort the facts through deceptive means, and the ministry of interior does not talk about how people are sentenced and such lies, said human rights activist Taha al-Hajji.

In April 2019, Saudi officials announced the mass execution of 37 men, 33 of whom were citizens who had been executed on cruel trials on charges such as alleged espionage, terrorist acts, and inciting insecurity.

It was the largest mass execution in Saudi Arabia since January 2016, when Saudi authorities executed 44 people on terrorism charges.

Ever since Mohammed bin Salman became Saudi Arabia's de facto leader in 2017, the kingdom has ramped up arrests of activists, bloggers, intellectuals, and others perceived as political opponents, showing almost zero tolerance toward dissent.

Muslim scholars have been executed, women's rights campaigners put behind bars and tortured, and freedom of expression, association, and belief continue to be denied.

Saudi Arabia executed more than 2,000 people between 1985 and 2016. Rights groups have cited rampant cases of torture and unfair trials.

**[back to contents]**

**ASIA**



# Afghanistan

**ICC prosecutor defends war crimes probe of Afghanistan's Taliban (Reuters)** By Stephanie van der Berg  
December 9, 2021

**The prosecutor of the International Criminal Court on Thursday denied bowing to political pressure when he decided to focus an Afghan war crimes investigation on alleged crimes by the Taliban and Islamic State Khorasan rather than by U.S. or former Afghan government troops.**

Prosecutor Karim Khan, who took office in June, said he had to consider his budget as well as whether prosecutions could lead to a conviction and the gravity of the crimes alleged. "I am not making a decision based on any timidity," Khan told journalists during the court's annual gathering of member states.

In September Khan announced he would ask judges to push ahead with the Afghanistan investigation begun under his predecessor. But he said he would focus on crimes by the Taliban and ISIS-K and "deprioritize" looking into suspected crimes by U.S. forces and Afghan government troops.

That decision was criticized by victims' groups and some international law experts. "Looking at the scale and the gravity I am not apologetic that the more serious crimes and continuing violations were Taliban and ISIS K," he said.

Khan said his office is running 11 investigations in different countries and another 16 preliminary examinations and must make choices about what to prioritize.

"We have a budget that is not in proportion with the responsibility," Khan said, in a signal to the ICC's member states who gathered in The Hague to vote on next year's funding.

Khan is overseeing investigations such as Israel in the Palestinian Territories and Russia in Ukraine. Khan said he was reviewing cases with an eye to pursuing those that involve the worst atrocities or are most likely to end in convictions.

The ICC is a court of last resort, intervening only when a member country is unable or unwilling itself to prosecute war crimes, crimes against humanity or genocide.

**Government Collapse in Afghanistan Marked by 'Repeated War Crimes and Relentless Bloodshed' – New Report (Amnesty International)** By Gabby Arias  
December 14, 2021

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

The report, No Escape: War Crimes and Civilian Harm During The Fall Of Afghanistan To The Taliban, documents torture, extrajudicial executions and killings by the Taliban during the final stages of the conflict in Afghanistan, as well as civilian casualties during a series of ground and air operations by the Afghan National Defense and Security Forces (ANDSF) and US military forces.

"The months before the government collapse in Kabul were marked by repeated war crimes and relentless bloodshed committed by the Taliban, as well as deaths caused by Afghan and US forces," said Agnès Callamard, Amnesty International's Secretary General.

"Our new evidence shows that, far from the seamless transition of power that the Taliban claimed happened, the people of Afghanistan have once again paid with their lives. "Homes, hospitals, schools and shops were turned into crime scenes as people were repeatedly killed and injured. The people of Afghanistan have suffered for too long, and victims must have access to justice and receive reparations.

"The International Criminal Court must reverse its misguided decision to deprioritize investigations into US and Afghan military operations, and instead follow the evidence on all possible war crimes, no matter where it leads."

The United Nations Assistance Mission in Afghanistan reported that 1,659 civilians were killed and another 3,524 injured in the first six months of 2021, an increase of 47% from the prior year.

### Taliban atrocities

As they seized control of districts across Afghanistan in July and August 2021, members of the Taliban tortured and killed ethnic and religious minorities, former ANDSF soldiers, and those perceived as government sympathizers in reprisal attacks.

On September 6, 2021, Taliban forces attacked Bazarak town in Panjshir province. After a brief battle, approximately 20 men were captured by Taliban fighters and detained for two days, at times jailed in a pigeon coop. They were tortured, denied food, water and medical assistance, and repeatedly threatened with execution.

One of the men captured by the Taliban said: “[The] Talib had taken a knife... he was saying he wanted to behead the wounded... because they are infidels and Jews.”

Another man added: “They kept us underground. When we were asking for medical treatment of the wounded, the Taliban were saying, ‘Let them die’... There was no food and water, and no support to the wounded. They had brutal relations with us. When we were asking for water, they were saying, ‘Die of thirst’.” Torture and cruel and inhuman treatment of captives constitute war crimes.

Later the same day, the Taliban also attacked the nearby village of Urmaz, where they conducted door-to-door searches to identify people suspected of working for the former government. The fighters extrajudicially executed at least six civilian men within 24 hours, mainly by gunshots to the head, chest or heart. Such killings constitute war crimes.

Eyewitnesses said that while some of the men had previously served in the ANSDF, none were in government security forces or taking part in hostilities in any way at the time of execution. The report also documents reprisal attacks and executions of people affiliated with the former government in Spin Boldak. Amnesty International previously documented Taliban massacres of ethnic Hazaras in Ghazni and Daykund provinces.

The full scale of the killings nationwide still remains unknown, as the Taliban cut mobile phone service, or severely restricted internet access, in many rural areas.

### Civilian casualties from US and Afghan air strikes

The report documents four air strikes – three most likely carried out by US forces, and one by the Afghan Air Force – in recent years. The strikes killed a total of 28 civilians (15 men, five women, and eight children), and injured another six.

The strikes generally resulted in civilian deaths because the US dropped explosive weapons in densely populated areas. Amnesty International has previously documented similar impacts of explosive weapons in numerous other conflicts, and supports a political declaration to curb their use.

On November 9, 2020, an air strike most likely carried out by US forces killed five civilians – including a three-month-old girl – and wounded six at a family home in the Mulla Ghulam neighborhood of Khanabad city, in Kunduz province.

A nine-year-old child who was injured in the attack said: “I was sleeping when the first bomb hit... They were telling us to hide somewhere in case the second bomb happened. My father said I had to find my younger brother. The second bomb killed my mother, my uncle, my aunt, and my sister.”

Such strikes form a pattern of civilian harm that continued until the last moments of the conflict, when a US drone strike killed 10 people, including seven children, in Kabul on August 29, 2021. The US military later admitted that those killed were civilians.

### Civilians killed in ground combat

The report documents eight cases during ground combat in which a total of 12 civilians were killed (five men, one woman, and six children), and 15 more injured. Through a combination of negligence and disregard for the law, the US-trained ANDSF frequently launched mortar attacks that hit homes and killed civilians in hiding.

The fighting in Kunduz city was especially fierce in June 2021. In the suburb of Zakhail, government forces launched mortars into densely populated neighborhoods. Meanwhile, Taliban forces gained ground, using schools and mosques to launch attacks, and demanding food from families trapped in their homes.

On June 22, 2021, one man was killed and two people were injured during a mortar attack in Zakhail. The ANDSF most likely launched the mortar from the First Police District, approximately 2.5 kilometers from the scene of the explosion. The man

killed was Abdul Razaq, 20, who was recently engaged to be married. Fragments from the mortar tore open his head and stomach. Later the same day in the same neighborhood, one child was killed and two more were injured when a mortar – again most likely launched by the ANDSF – hit a home where a family was in hiding. A metal fragment hit Manizha, a 12-year-old girl, in the spine, paralyzing and eventually killing her.

One man said the Taliban often forewarned families about combat, but they had received no similar communication from the government. He said: “The Taliban...say, ‘We will be fighting tonight’, and the people who can afford to leave do – but the poor people stay because they will starve if they leave. But there is no use of asking the government, when we know they are going to do nothing.”

The use of mortars, whose use in populated areas is inherently indiscriminate, can constitute a war crime.

#### Reparations and accountability

Multiple family members of victims of military actions told Amnesty International they did not receive sufficient, if any, reparations from the government.

One man, whose family home was destroyed in an air strike, said: “No one from the government came afterwards. We went to the district and told them what happened. No one came to us. They said, ‘This is not good. It should not have happened. We share your pain’. But nothing happened.”

Amnesty International is calling on the Taliban and the US government to fulfill their international obligations, and establish clear and robust mechanisms for civilians to request reparations for harm sustained during the conflict.

“The Taliban authorities now have the same legal obligation to provide reparations as the former government, and must address all issues of civilian harm seriously,” said Agnès Callamard.

“Victims and their families must receive reparations, and all those suspected of responsibility must be held to account in fair trials before ordinary civilian courts and without recourse to the death penalty.”

#### Methodology

Amnesty International conducted on-the-ground research in Kabul from August 1-15, 2021, and completed remote phone interviews with victims and witnesses via secure video and voice calls from August to November 2021.

Amnesty International conducted face-to-face interviews in Kabul with 65 people, and remote interviews through encrypted mobile apps with an additional 36 people, from a total of 10 provinces.

The organization’s Crisis Evidence Lab also reviewed satellite imagery, videos and photographs, medical and ballistics information, and interviewed relevant experts where necessary.

#### **UN says Taliban behind 72 extrajudicial killings in Afghanistan (Dhaka Tribune)**

December 14, 2021

**The UN said on Tuesday it had received credible allegations of over 100 extrajudicial killings in Afghanistan since the Taliban took power in August, with most carried out by the Taliban. United Nations deputy rights chief Nada Al-Nashif said she was deeply alarmed by continuing reports of such killings, despite a general amnesty announced by the new Taliban rulers after August 15.**

"Between August and November, we received credible allegations of more than 100 killings of former Afghan national security forces and others associated with the former government," she told the UN Human Rights Council.

"At least 72 of these killings," she said, were "attributed to the Taliban." "In several cases, the bodies were publicly displayed. This has exacerbated fear among this sizeable category of the population," she said.

The comments, given during a scheduled update to council on the rights situation in Afghanistan, came after the United States and other countries harshly condemned the Taliban following a Human Rights Watch report earlier this month documenting 47 summary executions.

Those killings were of former members of the Afghan National Security Forces, other military personnel, police and intelligence agents "who had surrendered to or were apprehended by Taliban forces" from mid-August through October, it said.

The Taliban spokesman Qari Sayed Khosti flatly rejected the report and other claims about extrajudicial killings as "not based on evidences."

He said there were some cases of former members of the now-defunct Afghan National Defence and Security Forces who had been killed, but that was "because of personal rivalries and enmities."

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

## **Extraordinary Chambers in the Courts of Cambodia (ECCC)**

**Official Website of the Extraordinary Chambers [English]**

**Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)**

**Cambodia Tribunal Monitor**

**Craig Etcheson on the Legacies of the Khmer Rouge Tribunal (The Diplomat)** By Sebastian Strangio  
December 14, 2021

**"The question of how to stabilize and rebuild a society that had been at war with itself for thirty years is extraordinarily complex and delicate."**

After 15 years, \$300 million, and convictions against three former leaders, Cambodia's United Nations-backed Khmer Rouge tribunal, the Extraordinary Chambers in the Courts of Cambodia (ECCC), is finally nearing its end.

Few non-Cambodians have played a more prominent role in the push for justice and accountability in Cambodia than Craig Etcheson. As an academic in the 1980s, he served as the head of the Washington-based Committee to Oppose the Return of the Khmer Rouge, and later helped document the country's dozens of "killing fields." He then served as chief of investigations for the office of the prosecution at the ECCC from 2006 to 2012. Etcheson is also the author of several books on Cambodia, including, most recently, "Extraordinary Justice: Law, Politics, and the Khmer Rouge Tribunals" (Columbia University Press, 2019).

Etcheson, currently a visiting scientist at Harvard University's T. H. Chan School of Public Health, spoke with The Diplomat about the politically complex origin of the court, the challenge of reconciling law and politics in international justice, and the possible legacies of the trials in Cambodia.

Your recent book documents in detail how the negotiations on the creation of the ECCC were forced to accommodate a range of incompatible legal, moral, and political interests. These included the rights and desires of victims, the United Nations' concerns about the legitimacy of the legal process, the political interests of the major donor governments (including Japan, France, and the United States), and the Cambodian government's desire for control over the process. What impacts did these compromises have on the structure of the court, its jurisdiction, and its subsequent proceedings? Do you think such compromises could have been avoided?

The negotiations that eventually resulted in the establishment of the ECCC consumed more than a decade, and as you rightly note, involved a large number of players, including victims' groups, multiple organs of the U.N., many governments, inter-governmental and non-governmental organizations, and, last but not the least, the Royal Government of Cambodia (RGC). This menagerie of players brought to bear an absolutely withering array of interests, many of which were incompatible. As a result, many of those interests simply could not be accommodated.

The most important players, however, were the U.N., the U.S., and the RGC. The U.S. was the crucial interlocutor which was able, after a great deal of effort, to get the U.N. and the RGC to Yes. The U.N. was able to secure the majority of its demands, except for what was perhaps the single most important one: a majority of international judges who could not be outvoted by the national judges. The RGC obtained its single most important, albeit unstated, demand: the ability to block prosecutions with which it did not agree. Without that condition, the Cambodian government would not have allowed an internationalized court to be established in anything resembling its eventual form.

Whether an alternative model of an internationalized court could have been created and would have succeeded is a historical

counterfactual whose likelihood is difficult to assess, but it seems highly doubtful to me. Consequently, many observers have argued – and I agree – that the ECCC, flawed though it is, was the last chance to bring the leadership of the Khmer Rouge to justice.

Alongside the ECCC's achievements – particularly its convictions against three senior former Khmer Rouge in its Case 001 and Case 002 – there have been numerous complaints about the Cambodian government's interference in the trial process, particularly in halting progress on two further cases (Case 003 and Case 004) involving lower-ranking Khmer Rouge. Briefly, how have Prime Minister Hun Sen and his government viewed the trials, and what considerations have influenced their approach toward it?

Hun Sen and his colleagues have always had a complicated and cautious view of the Khmer Rouge trials. From one perspective, Hun Sen has long claimed that he beat the Khmer Rouge militarily, he beat the Khmer Rouge politically, and with the trials presently all but completed, he can claim that he beat them legally. Now, however, the government appears to be shifting the narrative from one of retributive justice to one of a “win-win” restorative justice, wherein Hun Sen has achieved national reconciliation and unified the nation through his strength, wisdom, and benevolence. In Cambodia's political culture, the meaning of “reconciliation” is that the strong will crush the weak, and then there will be peace.

Even so, the question of how to stabilize and rebuild a society that had been at war with itself for thirty years is extraordinarily complex and delicate. This is where Hun Sen's benevolence comes in: he has not sought to crush the rank and file of his enemies, only to co-opt, marginalize, or if necessary, destroy their top leadership. For the “little people,” if they do not attempt to challenge his supremacy, then they are welcome to rejoin the national community. Once they do, they come under his protection, which we can see in the way that Cases 003 and 004 – which did not involve senior-level Khmer Rouge leadership – have unfolded at the ECCC.

Do you think it possible to isolate the law from politics in internationalized courts like the ECCC, as the United Nations and some human rights advocates sought during the negotiations over the court's founding?

One needs to distinguish between the creation of such courts, on the one hand, and the internal decision-making of the courts, on the other. I expect that organizations such as the United Nations and Human Rights Watch will always attempt to isolate the law from politics in internationalized courts, and to the extent that they can succeed in insulating the judicial deliberations of a court from political influences, it is a worthy goal to pursue. In some instances that will turn out to be possible – for example, at the Extraordinary African Chambers in Senegal – while in others – for example, currently at the Special Criminal Court in the Central African Republic, or at the ECCC – it will not. But the decisions about when and where to establish internationalized courts, who to prosecute at those courts, and what happens in the aftermath of the judicial proceedings, will always be fundamentally political decisions.

Given all of the various ways in which political considerations shaped the ECCC's structure and jurisdiction, can we view the resulting proceedings as “legitimate”?

It is inevitable that political considerations will shape an internationalized court's structure and jurisdiction; the real concern is with how much politics shapes the judicial proceedings themselves. Accordingly, many if not most observers are likely to deliver a mixed verdict on the question of whether or not the proceedings of the ECCC are/were legitimate. It appears to me that most legal observers do indeed regard the conduct and outcome of Cases 001 and 002 as legitimate, considering the care with which those cases were investigated, the extent to which the first instance trials were evidence-based and attentive to the rights of the accused, and the concern with which the appeals process evaluated the application of fact and law. The general chaos that has attended the progress of Cases 003 and 004, on the other hand, is likely to elicit a very different verdict.

The role of major powers to the ECCC – including Japan, Australia, the United States, and France – was crucial to the court's establishment. What drove their interest in seeing senior former Khmer Rouge leaders on trial?

Japan, Australia, the United States, and France all shared a common ideological interest in the establishment and operation of the ECCC, which was and is to further instantiate a regime of rules-based international order – those rules specifically being such elements of international humanitarian law as the Geneva Conventions on the Law of War, the Convention on the Prevention and Punishment of the Crime of Genocide, and customary prohibitions regarding crimes against humanity. All four also expressed various hopes that the Khmer Rouge Tribunal process would assist Cambodia in evolving towards a more classical liberal approach to the domestic rule of law. Additionally, all four may have hoped that the ECCC process, and their contributions to it, would enhance their respective influence with the Royal Government of Cambodia. The extent to which any of these interests or hopes ultimately will be realized in practice, however, is another matter altogether.

Your book observes the ways in which apparent straightforward concepts like “truth,” and “justice” often have vague and shifting meanings, especially in a social, cultural, and political context like post-Khmer Rouge Cambodia. Can you expand on this?

Concepts like “truth” and “justice” are not so much vague and shifting as they are complex and multivalent. Different people and different cultures understand the meanings of these concepts in different ways. In the specific case of Cambodia, one of the underlying arguments in my book, “Extraordinary Justice,” is that the political leaders of Cambodia have a different understanding of the function of law in society than do, say, the people who work in the United Nations Office of Legal Affairs (OLA). This goes to the roots of why the negotiations for the tribunal were so fraught, because both the Cambodian leadership and OLA knew that they each had different understandings on this matter, and both thought that the other’s understanding was either in error or irrelevant. This also goes to why the amount of credit attributed to the ECCC may well differ between Cambodia’s leaders, on the one hand, and the United Nations, on the other.

What impact do you think these complex and years-long trials will ultimately have in far-flung parts of Cambodia? Is this even quantifiable?

Some impacts of the ECCC on Cambodia certainly are quantifiable, and indeed have been quantified in various academic studies which have already been undertaken. For example, what impact did the ECCC have on civil parties to the proceedings? This question has been examined in some depth by numerous investigators, including several quantitative studies. Any number of other ECCC impacts have been examined, and will be studied in the future. But in any social/political/legal process as complicated as the ECCC, there will be many and varied impacts, not all of which are liable to be readily understood, much less carefully studied. For example, what impact did the ECCC have on internal CPP decision-making processes and policy orientations? We are likely to never know the answer to that in any detail, or with any certainty.

How much impact will the ECCC have on the persistence of impunity in Cambodia, and exactly what sort of impact is it? This might be a very difficult thing to quantify, and indeed, the true answer may not even become apparent for many years. Still, things do not have to be pinned down in some purportedly precise quantitative metric to be grasped; qualitative understandings also have their value. In this respect, though it also would be very difficult to measure, my own view is that the ECCC contributed materially to national reconciliation within Cambodia, and this already has had beneficial impacts in far-flung parts of Cambodia. In terms of Cambodia’s future, another significant impact of the ECCC has been on the education of youth, who now have a far more instructive curriculum on their country’s modern history than they did prior to the establishment of the ECCC. In the final analysis, however, whether the cumulative impact of the ECCC on Cambodia is ultimately for good or for ill is something that will be debated for decades to come.

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

## **Bangladesh International Crimes Tribunal**

### **The Hague Conference demands unconditional apology from Pakistan for 1971 war crimes in Bangladesh (Lokmat Times)**

December 2, 2021

**An international conference in The Hague, known as the city of Justice, demanded of the international community to recognise the 1971 Genocide in Bangladesh committed by Pakistan soldiers.**

The conference also urged the international community to put pressure on the Pakistan government to offer an unconditional apology to Bangladeshi people for the crime committed against humanity during the 9-month long liberation war in Bangladesh.

The conference was organized by the Europe-based Bangladeshi diaspora organisation, European Bangladesh Forum (EBF) in collaboration with Switzerland Human Rights Commission Bangladesh on Tuesday at the Nieuwspoort, the International Perscentrum (attached to Parliament building) in The Hague.

It may be mentioned that The Hague conference was the follow-up of the Geneva conference held on the same issue on September 30 at the Geneva Press Club in Switzerland.

A documentary film titled, 'War Crimes 1971' was screened at the start of the conference.

It may be recalled that in 1971 Pakistani military and their local collaborators committed one of the worst mass atrocities that the world witnessed in the 20th century.

The Pakistani occupation army in 9 months killed approximately 3 million people, violated over two hundred thousand girls and women and forced 10 million people to cross the border and take shelter in India.

This number of people killed by the Pakistani Army is the highest in the world in such a short period of time. The 1971 Genocide by the Pakistan Army is well documented and reported in the international media and also in the diplomatic correspondences during that period.

Speakers opined that international recognition of any crime against humanity, in this case here against Bangladesh is of immense importance and absolute necessity to show respect and honour to the three million victims and their family members by recognising the 1971 Genocide in Bangladesh.

Recognition of Genocide is essential to create a world free from violation of human rights and for the safety of our next generation across the whole world.

Because, they argue, if the world community doesn't recognize a crime as a crime, the world community keeps the door open for that crime to happen in the future and that is exactly what is happening in Balochistan, Afghanistan and other parts of the region.

Unfortunately, Bangladesh genocide has today become a forgotten chapter in the history and we know the common phrase, 'Justice delayed, justice denied'.

A number of experts with international reputation working on 'Genocide' issue from the U.K., Hong Kong, Netherlands, Belgium, Finland, Canada and Bangladesh took part in the discussion.

Besides, speakers from different ethnic groups including Afghan, Sindh, Baloch and Pashtun also spoke on the occasion. The speakers included Bangladesh ambassador in the Netherlands M. Riaz Hamidullah, Christopher A. Alexander, PC, former Canadian Ambassador in Kabul and former Minister of Canada, Prof Dr. Nuzhat Chowdhury.

Member of a Genocide victim family from Bangladesh, Dr. Ahmed Ziauddin, Board Member, International Crimes Strategy Forum (ICSF), Belgium, Chris Blackburn, Communications Director, Swiss Inter-Strategy Group and 'Friend of Bangladesh' Award Recipient, UK, Baseer Naveed also participated in the event.

Speaking on the day from Canada via on-line former Canadian Ambassador in Afghanistan and former Minister of Canada Christopher A. Alexander, PC said "1971 was not just a tragedy for Bangladesh, it led the Pakistani Army to refocus its efforts away from conventional warfare and towards regular war".

He added, "The ISI policy has been ignored for far too long and some have denied it, some have fallen victim to disinformation, some have been lobbied to turn a blind eye, but those days are ending."

Bangladesh ambassador in the Netherlands M Riaz Hamidullah said, "the first step is to understand what we are here for and because we live in a world of competitive issues we have to come to the point where we say, how much, and how far we can go".

Communications Director of Swiss Inter Strategy Group and 'Friend of Bangladesh' Award Recipient Chris Blackburn while addressing the conference said, "we can't rest on our laurels, the issue of recognition for the genocide of 1971 is very important. We know that this issue has been fought over and sabotaged. Pakistan needs to apologise. As activists we need to keep having meetings like these. We need to keep informing people about 1971. We need to consolidate and make new friendships with like-minded people. Afghans, Baloch and Hazaras especially."

Professor Dr. Nuzhat Choudhury, a member of the 1971 Genocide victim family in a video message sent from Dhaka said, "What the Pakistani Army did with us in Bangladesh, are now doing the same thing in Balochistan.

She added, "Pakistan has become the epicentre of terrorists, they helped the Taliban to develop. Pakistan is causing terrorism not in its own country, but it is spreading terrorism across the region particularly its Secret service ISI are still causing disruption in Bangladesh in the name of religion and their continuing to do so in the West as well."

**If Nazi war criminals can still be tried, why not Pakistanis? 1971 genocide can't be forgotten (ThePrint)** By Lt Gen H S Panag  
December 9, 2021

**The non-implementation of the verdict of the 7 December 1970 general elections,**

**the first in Pakistan, in which the Awami League won a majority, led to a country-wide Bengali nationalist and self-determination movement beginning March 1971. While Sheikh Mujibur Rahman had given a call for a "non-violent, non-cooperation movement", in execution there was large-scale mob violence against the non-Bengalis and Urdu-speaking Bihari Muslims, and the administration of the East Pakistan province was brought to a standstill.**

Instead of restoring the rule of law and implementing the electoral verdict, the infuriated West Pakistan-dominated government decided to teach the Bengalis a lesson. A brutal genocidal crackdown — Operation Searchlight — began on the night of 25/26 March 1971, which continued till 14 December 1971. Members/supporters of the Awami League, intellectuals, Bengali personnel of armed forces/paramilitary units, and the Hindu population were the targets of the genocide.

This genocidal ethnic and religious cleansing created the circumstances for the eventual dismemberment of Pakistan. It is a shame that, barring some civilian collaborators who have been belatedly brought to justice in Bangladesh, the officers and soldiers of the Pakistani army who perpetrated the heinous crime have remained unpunished despite being identified.

International laws on war crimes

Article 6 of the Rome Statute of the International Criminal Court defines 'Genocide' as 'the intentional mass-scale killing, with the intent to destroy, in whole or in part, of a national, ethnical, racial or religious group.' Article 8 of the same statute defines 'War Crimes' as 'grave breaches of the Geneva Conventions of 12 August 1949, which apart treatment of Prisoners of War, include the intentional killing of civilians, their torture, rape, enforced pregnancy, inhuman treatment or wilful causing of great suffering and injury and destruction of civilian property.'

Keeping in view the above, there should be no doubt that the Pakistan Army and its collaborators were guilty of genocide and war crimes. Apart from denial, the defense of Pakistan has been that its army was acting 'under the orders of the legitimate government in aid of civil authority to control an insurrection'. However, it is well established that even in such situations, Geneva Conventions and other international humanitarian laws and laws on human rights are applicable. Further, the Nuremberg Principles lay down that soldiers are accountable for the execution of 'illegal orders' that violate international humanitarian laws.

All foreign journalists in Dacca had been quarantined in a hotel. However, Indian newspapers gave detailed accounts of what was happening in East Bengal. As early as 31 March 1971, then Prime Minister Indira Gandhi called out the genocide. However, it was three notable individuals who took the genocide to the conscience of the world.

Archer Kent Blood, the then head of the United States Consulate in Dhaka, sent a series of telegrams to Washington, commencing with the one on 27 March — "Here in Decca we are mute and horrified witnesses to a reign of terror by the Pak[istani] Military." He, along with 20 members of his staff, also sent a "dissent telegram" via the State Department's Dissent Channel on 6 April 1971 — "Our government has failed to denounce the suppression of democracy. Our government has failed to denounce atrocities. .... we have chosen not to intervene, even morally, on the grounds that the Awami conflict, in which unfortunately the overworked term genocide is applicable, is purely an internal matter of a sovereign state."

Another bold journalist, Simon Dring, who managed to stay on in Dacca for a few days and wrote an article — 'Tanks crush revolt in Pakistan' in the Daily Telegraph. He wrote about the first 24 hours: "It is impossible to accurately assess what all this has so far cost in terms of innocent human lives. But reports began filtering in from the outlying areas — Chittagong, Comilla, and Jessore — put the figure, including Dacca, in the region of 15,000 dead. Only the horror of the military action can be properly gauged — the students dead in their beds, the butchers in the markets killed behind their stalls, the women and children roasted alive in their houses, the Pakistanis of Hindu religion taken out and shot en masse, the bazaars and shopping areas razed by fire and the Pakistani flag that now flies over every building in the capital."

However, the most graphic and poignant account that shook the conscience of the world and left a deep impact on Indira Gandhi, was given by Pakistani journalist — Anthony Mascarenhas in The Sunday Times on 13 June 1971. Being a Pakistani, he was allowed to accompany the Pakistani Army columns to tout the official version. The article simply titled 'Genocide' is blood-chilling.

Scale of violence

As per Bangladesh sources, three million people lost their lives, ten million fled across the border to India as refugees, and around 2,50,000 women were raped, including 25 thousand who became pregnant.

Others have assessed a much lower figure of 5,00,000 being killed, labelling the figure of three million as Bangladesh's 'national narrative'. The Central Intelligence Agency assessed that 2,00,000 civilians had been killed. Given the fact that 10 million refugees took shelter in India out of a population of 65 million, it is reasonable to assess that between 5,00,000 and a



million people were killed.

According to Australian doctor Geoffrey Davis, who was brought to Dhaka by the United Nations to assist with late-term abortions of raped women at the end of the war, said that the reported estimates of 2,00,000 to 4,00,000 — for the number of Bengali women who were raped — was probably too low.

Lt General A. A. K. Niazi in his book, *Betrayal of East Pakistan*, compares Lt Gen Tikka Khan to Hulagu Khan and Genghis Khan. This aspect was also discussed in the Hamoodur Rahman Commission Report too which obviously rubbished the claim.

Justice denied

Genocide and war crimes have repercussions for the entire international community. State actors must be held accountable and not allowed to get away with such heinous crimes. Unfortunately, so far, Pakistan has gotten away with it.

Bangladesh had made its intent very clear — to try the Pakistani army personnel for war crimes. Since the Pakistani Army had surrendered to the Indian Army, the 93,000 Prisoners of War (PoW) were moved to India. Both India and Bangladesh had identified 195 personnel, including senior officers, to be tried for war crimes. Pakistan's new Prime Minister then, Zulfikar Ali Bhutto, had released Rahman but promptly interred all Bengali personnel of the armed forces and civil services still in Pakistan and threatened to try them for treason. He also held to ransom nearly four lakh Bengali civilians stranded in West Pakistan.

Pakistan also linked the issue of the 195 war criminals with recognition of Bangladesh as a sovereign state rather than treating it like a breakaway province. The Chinese veto in the United Nations also hung like the sword of Damocles. Simla Agreement was signed on 2 July 1972 for future peace. Subsequently, an agreement was signed between India and Pakistan for the return of the PoWs apart from the 195 war criminals.

Despite being a very emotional issue in Bangladesh, realpolitik prevailed. The three countries — Bangladesh, India, and Pakistan — signed the Agreement of Prisoners of War and Civilian Internees on 9 April 1974. The understanding was that the war criminal will be tried in Pakistan. Alas, it never happened and the victims have been denied full closure. It is for Bangladesh to marshal international opinion and move the International Criminal Court. If Nazi war criminals can still be tried, why not the Pakistani War Criminals?

**Bangladesh summons US envoy over sanctions against law enforcement officials (The New Indian Express)**  
December 11, 2021

**Bangladesh Foreign Secretary on Saturday, December 11, 2021, summoned the US Ambassador to express Dhaka's disappointment over the sanctions imposed by Washington on seven present and former officials of the elite anti-crime unit Rapid Action Battalion (RAB), allegedly over human rights abuses and extra-judicial killings.**

On Friday, Benazir Ahmed, now a General Inspector of Police and a former Director-General of RAB, and six other officials were designated by the US Department of Treasury under the Global Magnitsky sanctions programme in connection with human rights abuse.

"Today, on International Human Rights Day, the US Department of the Treasury's Office of Foreign Assets Control (OFAC) is designating 15 individuals and 10 entities for their connection to human rights abuse and repression in several countries around the globe, pursuant to multiple sanctions authorities," a US Treasury press release said on Friday.

In a simultaneous announcement, the US State Department barred Ahmed, and another former RAB official Lieutenant Colonel Miftah Uddin Ahmed, from travelling to the United States.

"The Foreign Secretary (Masud Bin Momen) met US Ambassador Earl Miller and expressed the Bangladesh government's disappointment over the decision taken unilaterally by the US administration without any prior consultation," a foreign ministry statement said.

"Human rights violations and abuses were reported to be committed by wayward elements within law enforcement agencies in many countries, including in the US. But that would not justify singling out the high officials of any law enforcement agency for targeted sanctions," the statement said.

Momen lamented that the issues cited for imposing the designated sanctions remain under active discussions, including under the framework of the regular institutional dialogues between the two countries, and the US decision came without prior intimation.

Sources said that the sanction meant that the seven law enforcement officials could get their property in the United States, if any, confiscated.

Momen said that the allegations made against the RAB over certain specific incidents had been explained, along with information on the corresponding justice and accountability measures undertaken, to "not just to the US administration, but also to a number of UN human rights mechanisms on multiple occasions".

Despite these measures, he said, the US has decided to "undermine" a Bangladesh government agency that was at the forefront of combating terrorism, drug trafficking and other heinous transnational crimes "that were considered to be shared priorities with successive US administrations".

Momen regretted that the decision targeting the Bangladesh officials was made in tandem with those concerning certain countries that stand alleged to have committed serious international crimes, like "text book example of ethnic cleansing", by the UN and other concerned international bodies.

"All uniformed services in Bangladesh followed a set of legal and administrative procedures to address any allegation of wrongdoing against any of their members, and that RAB was no exception in this regard," the statement quoted Momen as telling the US Ambassador.

The Foreign Ministry statement said that the US Ambassador took note of Bangladesh's concerns, and assured that they would be conveyed to Washington.

"He (Miller) concurred that the excellent multi-faceted relations between two countries could be further deepened through established consultation mechanisms and high-level visits. He further expressed willingness of the US government to remain closely engaged with Bangladesh in the coming days on issues of mutual interest," the statement said.

Meanwhile, the RAB has rejected these allegations, saying that being a specialised wing of the police force, it was not involved in extra-judicial killings and does not support any such activity either as it operates in line with the Bangladesh Criminal Procedure Code.

In recent times, however, the elite force has increasingly come under criticism for extra-judicial killings, custody deaths and forced disappearances of the opposition activists.

"However, at times 'unwanted' incidents of gunshot exchanges occur with armed terrorists and drug peddlers while we conduct operational campaigns to arrest criminals," RAB spokesman Ashik Billah said.

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

## **War Crimes Investigation in Myanmar**

### **UK sanctions Lashkar-e-Jhangvi commander for crimes against humanity (Global Village Space)**

December 11, 2021

**New UK sanctions target human rights violations and abuses in Pakistan and Myanmar. On Saturday, The UK government sanctioned a Pakistani national, Furqan Bangalzai. The individual is a former commander of the banned Lashkar-e-Jhangvi organization. Bangalzai is accused of helping orchestrate the bombing of the Lal Shahbaz Qalandar shrine in Sehwan.**

The bombing carried out in 2017 killed at least 70 worshippers of the mystical Sufi sect and injured more than 150. The casualties of the brutal attack also included at least four children and 12 women.

The attack was considered an attack on pluralistic Islam in the country. The Sufi sect preaches pluralism focusing on peaceful co-existence and mutual tolerance.

A statement from the UK government on their official website stated that the sanction reinforces the UK government's

commitment to defending minority rights and religious freedoms.

The UK also announced new sanctions placed on the Myanmar military. The sanctions come as a response to the military's continued suppression of the population and committing human rights violations.

A statement from the UK government said that the sanctions aimed to hold Myanmar's military accountable. The Myanmar military has committed grave human rights violations, which have prompted us to respond, it further added.

The sanctions would limit the military's access to arms, equipment, and funding.

In a statement, the UK's Minister of State for South Asia, the UN, and the Commonwealth, Lord Tariq Ahmad of Wimbledon, welcomed the decision.

He added that the sanctions target some of the most horrific violations against human rights where people have been targeted because of their religious beliefs.

He also went on to say that the UK would always be a fierce human rights advocate. He said that the UK would continue working with other democracies to create a network of liberty to hold violators accountable.

The UK has announced the Myanmar sanctions together with the US and Canada.

**Myanmar military leader Min Aung Hliang accused of crimes against humanity (Jurist)** By Sharnam Vaswani  
December 13, 2021

**Myanmar's military leader Senior General Min Aung Hliang Friday was accused of crimes against humanity in a complaint to the International Criminal Court (ICC) by the Myanmar Accountability Project (MAP).**

Article 15 of the Rome Statute empowers the ICC Prosecutor to initiate an investigation on receiving information on crimes within the jurisdiction of the Court. MAP, a human rights advocacy group, has requested the ICC under Article 15 to launch a criminal investigation into "the use of torture as part of the violent crackdown against the protest movement in Myanmar." MAP's submission is accompanied by evidence of the widespread and systematic use of torture in furtherance of state policies in Myanmar since the military seized control from the democratically elected government in February 2021.

A recent finding of the Independent Investigative Mechanism for Myanmar (IIMM) set up by the UN in 2018 supports these allegations. The IIMM, in its third annual report to the Human Rights Council, made a preliminary finding that crimes against humanity "including murder, persecution, imprisonment, sexual violence, enforced disappearance and torture, have likely been committed."

In a recent statement to the UN Human Rights Council, IIMM head Nicholas Koumjian explained that "the Mechanism has collected over 219,000 information items related to post-coup events." He also argued that "evidence shows security forces acting in a coordinated manner across different regions, systematically targeting specific categories of persons, such as journalists and medical professionals."

MAP has also relied in its submission on the findings of the Assistance Association for Political Prisoners, which has found that since the coup in February, over 1,300 people have been killed, and over 7,000 have been arrested, charged, or sentenced.

MAP Director Chris Gunness has stated that "the leader of the illegal coup is criminally responsible for the security forces under his command committing mass atrocity crimes." He believes that the "prospects of a conviction are good" and that "grounds for issuing an arrest warrant against Min Aung Hlaing are overwhelming."

**'My friends are being burned': Atrocities mount under Myanmar's junta (LA Times)** By David Pierson and Kyaw Hsan Hlaing  
December 14, 2021

**One person appears to have been trying to crawl to safety. Two others are locked in a haunting embrace on the ground. A few of the corpses have their hands tied.**

The charred remains of the 11 villagers in northwestern Myanmar tell the grisly story of their final moments. They were rounded up and beaten by soldiers hunting down resistance fighters. Some, if not all, were shot before they were trapped inside a hut next to a betel farm and set alight.

"We saw the smoke, but we thought the soldiers were just burning houses. Then someone close by came screaming and crying, saying, 'My friends are being burned,'" said Ko Sithu, a teacher in the village, Don Taw. "I felt helpless because there was

nothing I could do. I've never seen anything like this in my life. I don't know how the junta could do such a thing."

The Dec. 7 killings were reportedly in retaliation for a nearby bomb attack on a military convoy by guerrilla fighters, who have used land mines and improvised explosive devices to kill a growing number of soldiers. The slaughter of the villagers adds to a lengthening list of atrocities committed by the military junta, which seized power of the impoverished Southeast Asian nation in a Feb. 1 coup and has been fighting an intensifying battle against rebel volunteers since.

The burned victims ranged in age from 14 to 40 and included four 17-year-olds, according to a list of the dead released by Myanmar's shadow civilian government. The oldest victim was paraplegic. The incident underscores the deepening crisis in Myanmar and the weakening chances of a diplomatic solution with a government increasingly terrorizing its own people. "We are appalled by the alarming escalation of grave human rights abuses in Myanmar," said Rupert Colville, a spokesman for the United Nations Human Rights Office of the High Commissioner, last week.

A separate U.N. group investigating military crimes in Myanmar, known as the Independent Investigative Mechanism for Myanmar, said it has accumulated more than 1.5 million items of evidence of abuse and atrocity, including photographs, videos, testimonies and social media posts since the military takeover.

At least 1,300 people have been killed by junta forces, including children and pregnant women, according to the Assistance Assn. for Political Prisoners, a Myanmar-based human rights group.

The killings are intensifying as the junta — facing months of condemnation by the international community — is moving to crush resistance. Unarmed civilians have been bludgeoned to death, shot in the head by snipers, run over by speeding military vehicles and tortured and raped in prison. A Human Rights Watch report released this month detailed how security forces armed with assault rifles encircled protesters in a neighborhood in Yangon, Myanmar's largest city, and killed at least 65 demonstrators and bystanders.

The rights group said 200 soldiers were involved in the operation in the Hlaing Thar Yar industrial zone, firing indiscriminately on anti-coup protesters armed with only rocks, slings and Molotov cocktails.

"We weren't able to help those who were injured because they would shoot at us if we tried," said one witness about the March 14 massacre. "Some people who tried to help went forward anyway and they were shot in the head and died."

On Friday, the Myanmar Accountability Project, a London-based rights group, accused junta chief Senior Gen. Min Aung Hlaing of crimes against humanity before the International Criminal Court. The group said it submitted "clear evidence" that the use of torture in Myanmar is "widespread, systematic and the result of state-wide policies."

Myanmar was brought before the International Court of Justice, a different global institution, in 2019, when it was accused of genocide against the Rohingya Muslim ethnic minority. The country, also known as Burma, was defended at The Hague by civilian leader Aung San Suu Kyi, precipitating her fall from grace as a onetime symbol of human rights. The military has since silenced Suu Kyi, placing her under house arrest on spurious charges such as violating COVID-19 rules.

Myanmar has largely ignored the International Criminal Court's order to protect the Rohingya from genocide. Still, rights groups say opportunities may exist in the future should the government fall, similar to the way former Serbian leader Slobodan Milosevic stood trial at The Hague for war crimes.

"Rigorously documenting abuses in forensic detail is essential if there are ever to be guilty verdicts," said Chris Gunness, director of the Myanmar Accountability Project. "For universal jurisdiction to be applied, or for international justice mechanisms to kick in, it doesn't matter if a regime cares or not. They can still be held to account."

Aung Myo Min, minister for human rights for the civilian National Unity Government, whose members are in hiding, said it was critical that international rights groups continued to document the junta's abuses.

"Myanmar's legal system has been destroyed," he said. "We only have international law to punish them for their crimes."

The growing resistance to military rule — from long-established ethnic rebel groups and newly formed civilian groups known as the People's Defense Force made up of ethnic majority Bamar — guarantees more bloodshed and brutality, analysts say. The military, known as the Tatmadaw, has spent the last six decades waging war with striking savagery on those who challenge its authority.

"Atrocities have always been an integral part of the military's counterinsurgency operations, which are intended not only to target rebels but also terrorize the communities that support them," said Richard Horsey, an analyst on Myanmar at the International Crisis Group. "Troops don't need to be told to do these things, it's in the military culture."

Ko Sithu, the teacher in Don Taw, thought soldiers had come to clear land mines when they approached his village the morning they burned the 11 people.

He was sitting at a tea shop around 7 a.m. when he saw about 100 soldiers on foot followed by two military trucks. The soldiers began shooting toward the village. Ko Sithu fled for cover. No more than 10 minutes later, he saw smoke rising in the distance.

When he returned in the afternoon after the soldiers had left, he saw the remains of the burned victims. They were students and betel farmers.

“We are not sure whether all of them were tied up or not, but we are sure that at least two or three people were tied,” said Ko Sithu, 35. “Some of them looked like they struggled a lot to escape.”

A body of a woman with a gunshot wound to the head was also found near the scene. Buddhist funerals were held for all the victims the next day. Ko Sithu said none were fighters, but most of them were mistaken for members of the People’s Defense Force because of their youth.

“The military should know that the people will never be afraid of them,” he said. “These atrocities only make them angrier and more willing to fight.”

**[back to contents]**

## AMERICAS

### North & Central America

**ICC prosecutor defends dropping US from Afghan war crime probe (AlJazeera)** December 6, 2021

**The International Criminal Court’s (ICC) prosecutor has defended omitting the United States from an investigation in Afghanistan, saying the “worst crimes” were committed by the Taliban and the ISIL (ISIS).**

Rights groups criticised Karim Khan’s decision in September to “deprioritise” the investigation into American forces, and focus instead on Afghanistan’s new rulers and the rival Islamic State in Khorasan Province, ISKP (ISIS-K), an ISIL affiliate.

“I made a decision, based upon the evidence, that the worst crimes in terms of gravity and scale and extent seem to be committed by the so-called Islamic State [in] Khorasan and also the Taliban,” Khan told a meeting of ICC countries in The Hague on Monday.

“And I said I would prioritise these and I have asked the judges for authorisation to carry out those investigations,” added the British prosecutor.

The ICC’s Afghan investigation into US crimes had long enraged Washington, and prompted the administration of then-President Donald Trump to impose sanctions on Khan’s predecessor Fatou Bensouda.

The world’s only permanent war crimes court launched a preliminary investigation in Afghanistan in 2006, and Bensouda asked judges to authorise a full investigation in 2017.

Bensouda said there was “reasonable” suspicion of war crimes by the Taliban and US forces in Afghanistan and the CIA in secret detention centres abroad.

The now-deposed government in Kabul then asked the court in early 2020 to pause its inquiry while it investigated war crimes domestically.

However, Khan in September asked judges to relaunch the process, saying the Taliban's takeover in August meant war crimes would no longer be investigated properly.

Judges have asked for more clarity over who is officially in charge in Afghanistan before deciding.

The British prosecutor, meanwhile, said while the recent coup in Sudan had "caused a bit of a hiatus", he expected his team to be able to return soon to continue its war crimes investigation there.

Khan visited Khartoum in August to sign a cooperation deal to push through a "genocide" trial for ex-leader Omar al-Bashir over the Darfur conflict.

He added that the "time for change is ripe" at the ICC in general, reiterating earlier promises to focus on cases with a likely chance of conviction and drop those where successful prosecution is unlikely.

**Julian Assange's U.S. Extradition Ruling Strikes Blow to Press Freedom (Vanity Fair)** By Caleb Ecarma  
December 10, 2021

**In a Friday ruling that may lead to Julian Assange facing criminal charges in the U.S., a London appellate court opened the door for the WikiLeaks founder's extradition. In 2019, Assange was indicted by the Justice Department with 17 counts of violating the Espionage Act in 2010 for his role in publishing leaked U.S. military secrets related to the Afghanistan and Iraq wars, charges that have alarmed press freedom advocates. Since then, Assange has been on the run, spending years confined inside the walls of the Ecuadorian Embassy in London to avoid prosecution in the U.S.**

Chants of "Free Julian Assange" and "no extradition" were shouted by protesters who gathered outside the courthouse and held signs that read "journalism is not a crime." Critics of the U.S. effort against Assange claim that the DOJ's prosecution could severely cripple press freedoms around the world, given that the charges came after the WikiLeaks founder exposed alleged war crimes committed during the Iraq invasion. In one of the most notorious videos published by WikiLeaks in its 2010 document dump, U.S. Apache attack helicopters can be seen indiscriminately firing at a crowd in Baghdad and killing several civilians, including two Reuters news staff.

Though Assange isn't a traditional publisher, like, say, The New York Times, charging him under the Espionage Act for publishing government secrets could be a slippery slope in which more mainstream outlets are similarly prosecuted. "The U.S. government itself is endangering the ability of the media to bring to light uncomfortable truths and expose official crimes and cover-ups," read a Friday editorial in The Guardian, one of the first outlets to publish revelations from the WikiLeaks cache. "The decision is not only a blow for his family and friends, who fear he would not survive imprisonment in the U.S.," added Guardian editors. "It is also a blow for all those who wish to protect the freedom of the press."

"Doesn't matter whether Assange is a journalist—this case will have far-reaching implications for press freedom," tweeted Jameel Jaffer, director of the Knight First Amendment Institute at Columbia University. "The Trump admin should never have filed the indictment, and the Biden admin should withdraw it." Jaffer's organization has been part of a coalition of civil liberties and human rights groups—including the American Civil Liberties Union, Amnesty International USA, the Committee to Protect Journalists, Freedom of the Press Foundation, and Human Rights Watch—that earlier this year urged the Biden administration not to extradite and prosecute Assange. On Friday, Ben Wizner, the director of the ACLU's Speech, Privacy & Technology Project, said "this indictment criminalizes investigative journalism."

While a lower U.K. court had previously refused to green light the DOJ's extradition request, with the judge warning that Assange suffers from "a recurrent depressive disorder" that could result in him at risk of self-harm or dying by suicide if he is subjected to U.S. prison conditions, Judge Timothy Holroyde of the country's High Court has just superseded that ruling. Holroyde noted that the U.S. has assured him that Assange will not be held in a maximum security holding facility. The 50-year-old Assange, who is currently confined inside Belmarsh Prison in London, will appeal the High Court's decision and take it up with the United Kingdom's Supreme Court.

**China says US military will face 'justice' over civilian deaths (News.com.au)** By Frank Chung  
December 15, 2021

**China has declared that the era of the United States acting "arbitrarily in the world" is over, while warning its military will face "justice" for killing innocent civilians.**

Foreign Ministry spokesman Wang Wenbin made the comments in a press briefing on Tuesday, responding to reports that no US troops would be punished for a botched drone strike in Afghanistan earlier this year that killed 10 civilians, including seven children.

“The US troops’ atrocity of killing civilians in Afghanistan is unacceptable,” he said.

“It is all the more outrageous that the US exonerates the perpetrators with impunity on various grounds.

“While the US talked about ‘democracy’ and ‘human rights’ at the ‘Summit for Democracy’, the innocent Afghan people who were gunned down by the US military were brushed aside and their families had no place to complain about their grievances. This is the harsh reality brought to the world by the so-called ‘democracy’ and ‘human rights’ advocated by the US.

“We condemn the brutal military intervention by the US in Afghanistan, Iraq and Syria in the name of ‘democracy’ and ‘human rights’. We call on the international community to look into the US military’s war crimes of killing innocent civilians around the world and hold it accountable.

“Justice may be delayed, but it will not be denied. The era in which the US acted arbitrarily in the world under the pretext of so-called ‘democracy’ and ‘human rights’ is over. The day of reckoning will eventually come for the US military who committed the crimes of killing innocent civilians in many countries.”

The Pentagon said on Monday that none of the military personnel involved in the August 29 Kabul airstrike would face any administrative action such as reprimands or demotions.

The US initially claimed the strike, which came in the last days of the chaotic and deadly withdrawal from Afghanistan, had thwarted an imminent Islamic State attack on the ongoing evacuation at Kabul Airport.

It was later forced to admit that the strike had killed civilians, with Mr Austin apologising for the “horrible mistake”.

An investigation by the US Air Force inspector general last month found no violations of the law but had left the final decision on any internal action up to two senior commanders, who recommended to Defense Secretary Lloyd Austin not to punish anyone.

The Pentagon this week confirmed Mr Austin had approved their recommendation.

“What we saw here was a breakdown in process, and execution in procedural events, not the result of negligence, not the result of misconduct, not the result of poor leadership,” Pentagon spokesman John Kirby said.

“There was not a strong enough case to be made for personal accountability.”

He added that if Mr Austin had “believed that accountability was warranted, he would certainly support those kinds of efforts”.

The strike killed Zemari Ahmadi, an employee of US-based Nutrition and Education International, and nine members of his family.

The Pentagon promised to pay compensation and also to help relocate abroad family members and Afghans working for NEI, but that remains stuck on determining just who is qualified, according to officials.

“We are working very hard with him and his organisation to effect the relocation of the family members,” Mr Kirby said.

Mr Kirby, meanwhile, refused to comment on a New York Times story Monday that detailed a secret US military unit that launched drone strikes on Islamic state targets in Syria and had a callous attitude toward civilian deaths.

“When we say we take it seriously, we mean it,” he said. “It doesn’t mean we’re perfect. It doesn’t mean we always get it right.”

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

## **South America**

**In late October, Karim Khan, the new chief prosecutor at the International Criminal Court (ICC) in The Hague, announced that his office will close its probe into alleged civil-war-related abuses in Colombia. The court had been considering abuses related to the long-running conflict since 2002, when Colombia became an ICC member, before launching a preliminary examination into the case two years later. Khan's decision concludes the court's longest-running preliminary examination to date.**

During a preliminary examination—the phase that precedes a full investigation, when specific individuals are indicted—the prosecutor looks for evidence of suspected crimes within the court's jurisdiction and evaluates whether domestic authorities have taken genuine steps toward accountability. If the prosecutor finds evidence of criminal activity in addition to domestic negligence, the ICC has a mandate to intervene—a standard known as “complementarity.”

The ICC's first chief prosecutor, Luis Moreno Ocampo, invoked complementarity in Colombia, opening a preliminary examination in 2004 when he determined that the country had not made any notable progress toward addressing conflict-related abuses since it joined the court in 2002. But now, for the first time in the ICC's two-decade history, the prosecutor's office has changed its mind about domestic justice efforts in a country of concern. The 2016 peace agreement between the Colombian government and guerrillas of the Revolutionary Armed Forces of Colombia (FARC) dramatically overhauled Colombia's domestic justice system, and Khan's office has deemed it satisfactory.

More than trust is at play. With Khan's decision, the government in Bogotá is legally bound to investigate abuses via a cooperation agreement with the ICC. If it doesn't comply, the ICC can reconsider its decision and reopen the preliminary examination.

At present, all this is uncharted territory, and it remains to be seen how domestic proceedings in Colombia unfold. What we do know, however, is that the ICC's decision to withdraw from Colombia suggests it is not the interventionist institution some have accused it of being. This should bolster the court's reputation and authority in other contexts where it is involved around the world.

The ICC is the world's first and only permanent international criminal tribunal. It was established in 1998 after 120 countries signed the Rome Statute, its founding treaty and governing document. The court became operational in 2002 and since then has been responsible for holding individuals criminally accountable for atrocity crimes—including genocide, war crimes, and crimes against humanity.

This effort is guided by the Office of the Prosecutor, the ICC's most public-facing body. The office decides which countries and conflicts (or, to use the ICC's terminology, “situations”) to probe and which cases and individuals to investigate and prosecute. After a preliminary examination, the Office of the Prosecutor may request authorization from the court's judges to open a full investigation. At this second stage, the office builds cases against specific atrocity crimes suspects.

Since the ICC opened its doors in 2002, the prosecutor's office has issued 46 indictments. Five cases have been terminated due to suspects' deaths (four at the pretrial phase and one at the trial phase), while nine others have been terminated due to unconfirmed charges or charges being withdrawn. The court has issued eight convictions and four acquittals. Eight suspects are currently in ICC custody, while 12 others, including former Sudanese President Omar al-Bashir, remain at large.

Any country that has ratified the Rome Statute and failed to hold its nationals accountable for atrocity crimes is fair game. For example, Colombia and Palestine—both ICC members—came under the court's consideration this way. The prosecutor's office can also investigate a country that is not a party to the ICC if that country's nationals are accused of atrocity crimes on the territory of an ICC member state. This is how suspected abuses perpetrated by U.S. military and intelligence personnel in Afghanistan or by Israeli forces in Palestine became subject to ICC scrutiny. Both nonmembers, the United States and Israel reject the court's jurisdiction. By contrast, the ICC does not have jurisdiction over countries like Syria and China—nonmembers whose atrocity crimes have for the most part been confined to their borders.

Though the ICC's rules and operating procedures are straightforward, this has not insulated the institution from criticism and even backlash. The court has for years been accused of being a neocolonial institution, as most of its investigations are in the global south—especially in Africa.

This is a fair criticism in some ways and an unfair one in others. It is true that all of the ICC's early investigations were into African countries, and that all people subject to ICC arrest warrants up to this point have been Africans. Likewise, only Africans have stood trial to date. But, as the second ICC chief prosecutor—and Khan's immediate predecessor—Fatou Bensouda would often highlight, the victims of crimes investigated by the court in African countries are also African. If the ICC is biased against atrocity crimes suspects from Africa, then, by that same token, it is also biased in favor of atrocity crimes victims from Africa. Nevertheless, African countries, from Kenya to South Africa, have threatened to withdraw their ICC membership. But only one, Burundi, has actually followed through.



Bensouda, a West African jurist from Gambia herself, worked hard to push back against the accusations of neocolonialism levied against the ICC. During her tenure, she broadened the range of situations under consideration by the court, opening several preliminary examinations and investigations outside Africa while continuing those she inherited from her predecessor, Moreno Ocampo. Though two-thirds of the court's current full investigations are focused on African countries, the majority of preliminary examinations deal with other parts of the world. Until Khan closed the preliminary examination in Colombia, there were preliminary examinations in three South American countries—Colombia, Bolivia, and Venezuela (where there are two probes)—and one European country, Ukraine. There, the Office of the Prosecutor has probed the ongoing conflict with Russia, including suspected crimes by the Ukrainian military, pro-Russian separatist groups, and Russian forces in occupied Crimea and Ukraine's eastern provinces.

In addition to being labeled anti-African and neocolonial, the ICC has been accused of being interventionist, failing to give due deference to relevant domestic institutions to handle their own business—in other words, violating the principle of complementarity. The ICC is meant to be a court of last resort, intervening only when domestic authorities fail to act. But some academics and court skeptics claim that the prosecutor's office often tries to compete with local justice institutions rather than support—let alone defer to—them. Philippine President Rodrigo Duterte, for example, rejects the court's jurisdiction over his so-called war on drugs on precisely these grounds.

Khan's October announcement about Colombia, however, should put arguments about interventionism to bed.

The Colombian judicial body in which Khan has placed his trust is known as the Special Jurisdiction for Peace. It is one of the fruits of the 2016 peace accords between the Colombian government and the FARC—a hard-fought victory for justice advocates that required 18 months of intense negotiations and earned Juan Manuel Santos, Colombia's president at the time, the 2016 Nobel Peace Prize.

The deal ended the longest-running civil war in the Western Hemisphere, which began in 1964 as an ideological conflict between the Colombian government and a coalition of Marxist groups that ultimately coalesced into the FARC. It reached new heights in the 1980s and early 1990s, fueled by a booming cocaine industry and the rise of far-right paramilitary groups who massacred and forcibly displaced thousands of civilians.

The Colombian government and the FARC attempted to negotiate peace several times throughout the conflict—most recently between 1999 and 2002—but those efforts foundered. However, the end of Cold War-era politics and a series of defeats on the battlefield helped bring the FARC to the negotiating table, first secretly in 2010, then publicly in 2012.

The 2016 accords were meticulously crafted, with the purpose of ensuring that all parties to the conflict faced accountability for wartime offenses. They also made sure that domestic leaders had some degree of control over the peace and justice process. This design was due to domestic concerns about Colombia's international legal obligations and the prospect of further intervention by the ICC. Colombian leaders on both sides wanted to prevent the Office of the Prosecutor from escalating the then-ongoing preliminary examination into a full investigation.

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

## Venezuela

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

## TOPICS

# Truth and Reconciliation Commission

## **Neither Truth Nor Reconciliation: Mexico's President Betrays Commitment to Transitional Justice (Just Security)** By Camilo Perez-Bustillo

December 7, 2021

**For two decades, Mexican presidents have promised authentic, independent mechanisms of transitional justice to address historic mass killings and other human rights violations. The procedures were to be integral to the country's still incomplete process of democratic reform, amid the lingering effects of 70 years of authoritarian, one-party rule. But as human rights defenders and grassroots social movements in Mexico prepare to observe International Human Rights Day on Dec. 10, Mexican President Andrés Manuel López Obrador (known as AMLO), is actively undermining crucial dimensions of historical accountability.**

Meanwhile, the United States, itself complicit in many of these abuses, is intensifying cooperation with AMLO's regime on multiple fronts. On Dec. 2, for example, the Biden administration announced that, pursuant to a court order, it has decided to reinstate the Trump-era "Remain in Mexico" policy (formally the "Migrant Protection Protocols", MPP) that require asylum seekers to wait outside the United States while their claims are processed, with the collaboration of Mexican authorities. Although the administration has pledged to continue seeking to end the program, dozens of human rights and humanitarian organizations insist that the reactivation of MPP, in practice, negates the right to seek asylum on both sides of the border.

Latin America has long played a leading role in global transitional justice processes since the mid-1980's, from Argentina, Chile, and Perú to Central America. A series of landmark cases to prosecute the perpetrators of massive human rights crimes in the Inter-American Court of Human Rights meanwhile have set global precedents. Yet, until recently, Mexico and Colombia were outliers. That began to change with Colombia's peace agreement in 2016, which incorporated extensive provisions for transitional justice. It seemed that Mexico, too, signaled some promise with the July 2018 election of AMLO, the first president to be elected from the country's center-left democratic opposition.

An increasing number of human rights prosecutions have taken place across the region, including successful cases brought against former heads of state (Argentina, Perú, Guatemala) and high-level military commanders (Chile, Colombia), as well as the invalidation of amnesties for perpetrators in Argentina, Chile, and El Salvador. As in Mexico, these contexts were shaped by recurrent U.S interventions and complicity with authoritarian régimes, from the Cold War to the current "drug war" and the "war on terrorism," including billions of dollars in U.S military aid, training, and arms.

Yet in Mexico, AMLO has broken his own pledge to take meaningful steps towards state accountability for rampant historic and current human rights abuses. Human rights conditions in the country continue to deteriorate, and his authoritarian actions to concentrate power are intensifying. This includes the militarization of public security throughout Mexico, measures in the name of "national security" to insulate major mega-development projects from public scrutiny and from resistance by local indigenous communities, and increasingly repressive bilateral containment measures against migrants in complicity with the United States.

### Human Rights Marginalized in High-Level US Meetings

But seemingly regardless of the scale and acceleration of abuses, human rights concerns are marginalized or avoided entirely at meetings of high-level U.S and Mexican officials such as those held in Mexico City in October and at the White House in November. Human rights issues that are trumpeted for global consumption through largely rhetorical initiatives, such as U.S. President Joe Biden's upcoming Summit for Democracy, are easily crowded out in these meetings by issues of free trade (including regional competition for dominance with China), the drug war, responses to the COVID pandemic, and increasingly, migration and border policy.

But extreme rights violations – and the lack of accountability for them – continue. An unprecedented recent visit to Mexico by the U.N.'s Committee on Enforced Disappearances (CED) confirmed the persistence under AMLO of "almost total, structural impunity" for more than 95,000 documented cases – the world's largest current total of forced disappearances – that originated during the country's "dirty war" against political dissidents between 1965 and 1990. This was the most intense period of state repression under Mexico's one-party authoritarian Institutional Revolutionary Party (PRI) régime. It included the Oct. 2, 1968, massacre of hundreds of students in Mexico City and another massacre there of dozens in June 1971, as well as state terror against armed insurgencies in regions such as Guerrero, and targeted disappearances and imprisonment of hundreds of political dissidents.

The PRI dominated the country for more than 70 years between 1929 and 2000, and returned to power with an accompanying intensification of abuses between 2012 and 2018, during the presidency of Enrique Peña Nieto. AMLO himself was a loyal member and local leader of the PRI in the mid-1970's and 80's, which coincides with some of the most severe periods of repression. AMLO's ascent to power in 2018 resonated with hopes of transcending this history, as it coincided with observances that year of the 50th anniversary of the 1968 student movement and its bloody repression by the PRI régime.

In October this year, almost three years after he was sworn in, AMLO finally issued a decree establishing a truth commission to investigate state crimes during that period. The repression had been especially intense in regions where counter-insurgency campaigns were unleashed against local insurgents, first in Chihuahua (1965) and then in Guerrero (1974-75 and again since the 1990's), and eventually in Chiapas (in the late 1960's, and again since 1994).

### Compromised Commission

But six of the 11 members of the new truth commission are government ministers or other high-level state officials, hopelessly compromising its independence. In addition, the 1990 cutoff date for the period the commission is allowed to examine excludes key massacres in Guerrero, such as Aguas Blancas (1995), and El Charco (1998). It also excludes massacres in Chiapas (Acteal, 1997 and El Bosque, 1998) that arose within the context of the U.S-backed militarization of the region in the wake of the Zapatista uprising in 1994 under Mexican Presidents Carlos Salinas and Ernesto Zedillo. AMLO's administration has further intensified militarization in both Guerrero and Chiapas. In Chiapas, that pattern has included state complicity with paramilitary forces that have targeted local human rights defenders.

The commission's mandate also excludes mass human rights crimes committed within the context of the U.S-backed drug war, including large-scale massacres in Allende, Coahuila (2011) and those targeting migrants in cases such as San Fernando (2010 and 2011), Cadereyta (2012), and Camargo (2021). The result is to insulate AMLO's two immediate predecessors, Felipe Calderón and Peña Nieto, from responsibility and to shield U.S authorities from the George W. Bush, Obama, and Trump administrations during these periods, from deeper scrutiny. Most of the cases of Mexico's 95,000 disappeared have accumulated since the overall drug-war militarization that began in 2007.

This tally doesn't include missing migrants, and many disappearances of both migrants and others have continued since the Biden administration took office and deepened U.S close cooperation – and complicity – with AMLO. Mexico's National Human Rights Commission (CNDH), which is formally independent of the executive branch, recently reported that at least 70,000 migrants have been kidnapped or trafficked since 2007. Many of these mass or individual “kidnappings,” in fact, can be classified as forced disappearances pursuant to Article 2 of the U.N. Convention on Enforced Disappearances, because they have involved complicity or collusion by state officials.

Meanwhile, according to the most recent report from Global Witness, covering 2020, Mexico was second only to Colombia in the number of murders of land and environmental defenders:

“In Mexico, we documented 30 lethal attacks against land and environmental defenders in 2020, a 67% increase from 2019. Logging was linked to almost a third of these attacks, and half of all the attacks in the country were directed against Indigenous communities. Impunity for crimes against defenders remains shockingly high – up to 95% of murders do not result in prosecution.” Women and journalists continue to be especially vulnerable as well, including well-known human rights defenders such as Ana Lorena Delgadillo, Mercedes Doretti, and Marcela Turati, whose vital work continues to be criminalized..

In short, AMLO's initial promise of a national transitional justice process targeted at state crimes committed prior to his election in 2018 has been replaced by incomplete, exclusionary measures, such as the “dirty war” commission decree and a similar commission on the unresolved September 2014 case of 43 missing students at Ayotzinapa. This commission is also under tight control by the country's executive branch. There are no indications that a more comprehensive overall truth commission initiative is being contemplated, and certainly nothing comparable to what is underway currently in Colombia, which has had two national truth commissions and dozens of human rights prosecutions, including that of former President Alvaro Uribe.

A U.S court recently highlighted the “symbiotic relationship” between key sectors of the U.S-funded Colombian military and narco-paramilitary forces responsible for mass killings during Uribe's presidency, in a case brought pursuant to the Torture Victim Protection Act. This is the same kind of “symbiosis” that has characterized the relationship among Mexican authorities, the country's narco-paramilitary sectors, and U.S authorities participating in the drug war, as human rights crimes have recurred persistently since 2007.

But this is precisely the kind of inquiry that AMLO seems determined to avoid. The Biden administration also is showing no signs that it will act on these issues. This state of affairs seems unlikely to change until both AMLO and Biden are compelled to

do so by mobilized public pressure, congressional scrutiny, and court action, whether domestically, regionally, or internationally.

**An elusive truth (Development and Cooperation)** By Miereille Kanyange

December 13, 2021

**Burundi's Truth and Reconciliation Commission (TRC), created in 2014 to calm ethnic tensions, has so far done the opposite. The TRC itself has become controversial, amid accusations of bias.**

The violence between Hutus and Tutsis, Burundi's main ethnic groups, is rooted in centuries of conflict. It flared up when Burundi became independent in 1962, and did so again in 1972, 1988 and 1993. So far the TRC, led by Pierre Claver Ndayicariye, has exposed thousands of mass graves and tens of thousands of victims of ethnic fighting.

The TRC says that most of the dead in 1972 were Hutus – Burundi's previously suppressed majority ethnic group. But Tutsi politicians say the TRC's findings are one-sided and that the violence was mutual. A Tutsi human rights defender says the discovery of mass graves across Burundi does not necessarily incriminate Tutsis in all cases.

Tutsis say the TRC is biased due to its composition. Most TRC members belong to the Hutu-dominated ruling political party, the CNDD-FDD (National Council for the Defence of Democracy). In some cases panel members represent civil society groups affiliated with the country's former president, Pierre Nkurunziza, who was considered a Hutu.

Adding fuel to the fire is the fact that TRC head Ndayicariye previously led Burundi's electoral commission during the 2015 presidential elections, which Nkurunziza won. "Some people rightly think that Nkurunziza promoted Ndayicariye to head the TRC as a reward for the election outcome," says Charles Nditije, former president of the opposition party Union for National Progress. "This is a real insult to the victims of the violence linked to that election."

Other Tutsis accuse the TRC of being too selective about the crimes it chooses to investigate. They want the TRC to look into the violence in 1993 sparked by the assassination of the country's first democratically elected president. Most of the victims of that violence were Tutsis. TRC head Ndayicariye says he is willing to investigate those crimes but has not set a timetable for doing so.

Other aspects of the TRC's work agenda are also controversial. At a meeting of TRC staff in July 2021, the panel agreed to focus on "crimes against humanity" during an outbreak of violence in 1972. Tutsi leaders objected to the TRC's self-assigned task. "The TRC has no latitude to define what it calls crimes against humanity," a Tutsi politician said: "UN experts should make that determination." But Emmanuel Sinzohagera, president of the Burundian Senate, countered that each country can decide for itself what it considers human rights violations.

More recently, the TRC has extended its inquiry to include the role of former colonial powers in creating its ethnic woes. From 1890, Germany colonised Burundi, which became part of German East Africa. Germany added a military presence there in 1896. After World War One, Belgium ruled Burundi until the latter became independent in 1962. According to historians, both colonial powers had favoured Tutsis for administrative posts and discriminated against Hutus.

This solidified a caste system in which a wealthy Tutsi minority dominated a poor Hutu majority. "The colonisers had a hand in the crises that have plunged Burundi into mourning," the TRC says. In 2020, the Burundian parliament demanded € 36 billion in compensation and an official apology from the former colonisers for crimes committed by their forebears between 1896 and 1962.

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

## **Terrorism**

**Climate change 'aggravating factor for terrorism': UN chief (UN News)** December 9, 2021

**In Iraq and Syria, terrorist group Daesh, also known as ISIL, has exploited water shortages and taken control of water infrastructure to impose its will on communities, while in Somalia charcoal production provides a source of income for Al-Shaabab, UN Secretary-General António Guterres explained during a debate on**

## Security, in the Context of Terrorism and Climate Change.

“Climate change is not the source of all ills, but it has a multiplier effect and is an aggravating factor for instability, conflict and terrorism”, he said, urging the 15 Council members to address these challenges in an “integrated matter” to create a “virtuous a circle of peace, resilience and sustainable development”.

Mr. Guterres reminded that currently the regions that are most vulnerable to climate change, also largely suffer from insecurity, poverty, weak governance and the scourge of terrorism.

“Climate impacts compound conflicts and exacerbate fragility...When the loss of livelihoods leaves populations in despair, the promises of protection, income and justice - behind which terrorists sometimes hide their true designs - become more attractive”, he emphasised.

For example, he added, in the Lake Chad basin region, Boko Haram has been able to gain new recruits, particularly from local communities disillusioned by a lack of economic opportunity and access to essential resources.

Five points of action

Mr. Guterres highlighted the importance of his recently proposed “New Agenda of Peace” included in the landmark report Our Common Agenda, which presents a multidimensional vision of global security.

Considering this, the Secretary-General outlined five areas where he believes the council must take action.

### 1. Focus on prevention and address the root causes of insecurity

According to the UN chief, since “conflicts and terrorism do not take place in a vacuum” but are the result of “deep fractures” such as poverty, human rights violations and poor governance, to build lasting peace is necessary to address inequality.

He urged council members to protect the most vulnerable people and communities, support investment in human development, promote inclusive governance with the participation of all communities including environmental defenders, and amplify the voices of women and young people.

### 2. Increase investment in adaptation and resilience.

Citing the recent UN COP26 Climate Conference, Mr. Guterres reminded that developed countries must keep their promise to provide at least 100 billion per year to developing countries for climate action.

He warned, however, that the costs of adaptation and resilience will be increasing in the next decade, so the financing mechanisms must meet the growing needs and be accessible to the most affected populations.

### 3. Better analysis and early-warning systems.

The UN chief underscored that understanding and anticipating the cascading effects of climate change strengthens all efforts to bolster peace and security.

“We also need to build on existing expertise in disaster risk reduction and integrate climate risk into all economic and financial decisions”, he said.

### 4. Development of partnerships and initiatives linking local, regional, and national approaches.

Mr. Guterres urged countries to make the best use of on-the-ground expertise, while drawing on the political, technical and financial capacities of regional and international actors.

“The Regional strategy for the stabilization, recovery and resilience of the Boko Haram-affected areas of the Lake Chad basin region, is a good example. Jointly developed by the African Union, the Lake Chad Basin Commission, the United Nations and other partners, the strategy integrates humanitarian action, security, development and climate resilience”, he explained.

### 5. Sustained investment.

Finally, the UN chief warned that African peace missions in places like the Sahel and Somalia often have limited room to maneuver and are faced with great funding uncertainties.

He asked the Council to provide predictable funding “guaranteed by assessed contributions”.

“I urge you to consider this matter again as soon as possible”, he told ambassadors.

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

## Piracy

**Somalia: Security Council adopts resolution to keep pirates at bay (UN News) December 3, 2021**

**The UN Security Council on Friday adopted a resolution to combat the continuing threat of piracy off the coast of Somalia, as shipping and protection measures to keep vessels safe, have returned to levels not seen since before the COVID-19 pandemic.**

The Secretary-General's latest report on the situation in the country illustrates that joint counter-piracy efforts have resulted in a steady decline in attacks and hijackings since 2011.

However, although piracy off the coast of Somalia has been "repressed", the ongoing threat of resurgence remains.

As such – under Chapter VII of the Charter, which provides for enforcement action – the Security Council adopted Resolution 2608, which, among other things, condemns piracy and armed robbery at sea off the Somali coast, underscoring that it exacerbates instability by introducing "illicit cash that fuels crime, corruption and terrorism".

Making amends

Through its resolution, ambassadors said that investigations and prosecutions must continue for all who "plan, organize, illicitly finance or profit from pirate attacks off the coast of Somalia".

The Somali authorities were called upon to put in place mechanisms to safely return effects seized by pirates and to patrol the coastal waters to prevent and suppress future acts of armed robbery at sea.

At the same time, they were requested to bring to justice those using Somali territory to "plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea".

Member States were asked – at the request of the Somali authorities and with notification to the Secretary-General – to strengthen maritime capacity in the country and to appropriately cooperate on prosecuting suspected pirates for taking hostages.

The resolution also encourages the Somali Government to accede to the UN Convention against Transnational Organized Crime, and develop a corresponding legal architecture as part of its efforts to target money laundering and financial support structures on which piracy networks survive.

UN Security Council unanimously adopts resolution condemning and deploring all acts of piracy and armed robbery at sea off the coast of Somalia. UN Photo/Eskinder Debebe.

UN Security Council unanimously adopts resolution condemning and deploring all acts of piracy and armed robbery at sea off the coast of Somalia.

Authorization to fight piracy

The Security Council renewed its call to States and regional organizations to deploy naval vessels, arms, and military aircraft to combat piracy, and stressed that the importance of international coordination.

At the same time, the resolution authorized – for a further three-month period – States and regional organizations cooperating with Somali authorities, to fight against piracy and armed robbery at sea off Somalia, "for which advance notification has been provided by Somali authorities to the Secretary-General".

Calls to action

Through its resolution, the Council called upon all States to "take appropriate actions...to prevent the illicit financing of acts of piracy and the laundering of its proceeds...[and] to criminalize piracy under their domestic law".

Countries were also petitioned to cooperate in the investigation and prosecution of anyone responsible for or associated with acts of piracy and armed robbery off the coast of Somalia, including international criminal networks.

Resolution 2608 welcomed the continued work of the UN Office on Drugs and Crime's (UNODC) Global Maritime Crime Programme to ensure that those suspected of piracy are prosecuted, and those convicted, imprisoned in accordance with international legal standards.

Finally, the resolution recognized the International Maritime Organization's (IMO) role concerning privately contracted security personnel on board ships in high-risk areas and welcomed its continued anti-piracy role – particularly in coordination with UNODC, the World Food Programme (WFP), the shipping industry and all other parties concerned.

#### **Pirates abduct security operative, Conoil workers in Bayelsa (Ship and Ports) December 6, 2021**

**Suspected to be sea pirates have abducted an operative of the Nigeria Security and Civil Defense Corps (NSCDC) and four civilians attached to the kitchen contractor working with the Conoil Plc located in Koluama 1 in Southern Ijaw Local Government area of the State.**

Locals informed journalists that the abducted officials are working for Conoil along the creeks before they were kidnapped last Wednesday. It was also gathered that the sea pirates are demanding N25 million for their release. They hinted that the community youths are making efforts to secure the release of the abducted persons unharmed.

Spokesman of the NSCDC in Bayelsa State, Solomon Ogbere, confirmed the report.

"It is a confirmed story. One of our officers and four civilians were kidnapped last Wednesday while heading to their location where they protect Conoil facilities. They were all on mufti while returning to their base when they were attacked. Investigation is ongoing to track down the culprits," he said.

Just last week, sea pirates attacked and killed an NSCDC official and two oil workers, while seven others were kidnapped at the creek of Nembe local government area of the state.

The state government had earlier imposed a curfew on the waterways and also banned the use of speedboats with 200 horsepower engines on all waterways in the state.

#### **Danish Prosecutors Seek to Bring Gulf of Guinea Pirates Home for Trial (The Maritime Executive) December 9, 2021**

**Danish prosecutors are looking for options to bring four captured pirates from the Gulf of Guinea to Denmark to face justice, and they are even examining the possibility of chartering a vessel to ship them all the way north.**

The Danish forces returned fire, killing four of the skiff's occupants. One more individual went over the side and is unaccounted for, and four suspects were captured, including one with severe injuries to his leg. (The limb was later amputated by Snare's medical team.)

A Danish court has granted prosecutors' request to hold the survivors in custody in absentia. With an extension, Danish officials have until December 22 to bring the suspects before the court for trial. That would be a simple matter if the arrest had occurred in the Baltic, but the case is complicated by the Esbern Snare's location. Nearby West African states do not have legal arrangements in place for extradition by plane, nor could they provide certainty of local criminal prosecution under their own laws.

"[Bringing them] home is a big logistical and diplomatic task. It has also been investigated whether you can charter a ship and sail them home, but there are logistical and administrative challenges with that," said special prosecutor Karen Moestrup Jensen, according to Danish outlet DR.

If the suspected pirates are tried in a Danish court, their appointed attorney plans to argue that they shot at Danish forces in self defense - only after the Esbern Snare's helicopter crew fired the first warning shots.

#### **Crew Reported Kidnapped in New Incident in Gulf of Guinea (The Maritime Executive) December 13, 2021**

**After a seeming lull in attacks of merchant ships in the Gulf of Guinea with the increased international presence in the region, a new attack with a kidnapping was reported today in the same vicinity of other attacks in the region off Equatorial Guinea. Alerts have gone out for the potential of further piracy activity in the region.**

While the details remain scarce at this moment, security consultants Dryad International is reporting that it believed six crew members have been abducted in an incident in the same place where another vessel was involved in another kidnapping incident in late October. The monitoring operation MDAT-GoG first reported a suspicious approach after midnight saying that a skiff was spotted with 12 individuals aboard. This was happening in the anchorage area near the port of Owendo in Gabon. This prompted MDAT-GoG to issue a warning for “an increased high risk of piracy activity for the next 24 to 48 hours.”

Dryad reported that six crew members were abducted although some set the number as high as nine crew from a containership in the same area that the OSV Montet Tide was the target of an assault on October 25. The offshore supply vessel managed by Tidewater was boarded and three crew members were reported taken in the previous incident that took place hours before pirates attempted an incident with an MSC containership. The Russian Navy took credit for chasing away the boarders on the MSC Lucia before they could abduct any crew members and then together the vessel were seen proceeding to the site of the Monet Tide.

Today's incident happened about 35 nautical miles away from the October reports, MDAT-GoG reported that the vessel had been boarded but was secured. They also said that Gabon has dispatched forces to the area. In later reporting, the Danish frigate operating in the area said that it had sent its helicopter to the area and spotted the skiff but was unable to stop it after it entered territorial waters apparently heading toward the Niger Delta region. The Danes boarded the containership providing assistance including searching for unaccounted for crew members leading to the current confusion on the exact number kidnapped. The Danish frigate is also providing medical care for one crew member from the containership that was wounded in the confrontation with the pirates.

Dryad tallies 2021 assaults on vessels at 10 with a total of 76 individuals believed to have been kidnapped. Most of those, however, were early in 2021 before the increased efforts in recent months by the international forces.

After the incident in which a Danish frigate intercepted a skiff and returned fire killing four suspected pirates, Dryad had cautioned that it was unlikely to immediately affect the pirate attacks. The European Community Shipowners' Association had cautioned that the threat remained high and called for additional international efforts to protect merchant ships.

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

## **Gender-Based Violence**

**Leaving Gender Out of Genocide Obscures Its Horror (Foreign Policy)** By Emily Prey  
December 6, 2021

**More than 75 years after the Holocaust's horrors, the solemn promise of "never again" remains unfulfilled. Our understanding of genocide, however, has grown, which has improved efforts to prevent and respond to this crime. Understanding how gender interacts with and informs the crime of genocide is a critical and needed perspective in this effort.**

Contrary to common misperception, a gendered analysis is not synonymous with crimes against women nor is it only concerned with acts of sexual violence. Rather, the term “gender” refers to a social construct regarding the roles men and women perceivably occupy in society and, for purposes of genocide, within a protected group. A gendered analysis seeks to understand how these gender roles inform which people are targeted for certain acts of genocide and why. This means, for example, that a gendered analysis looks at why it is that men and boys are often targeted for immediate mass killings early on in a genocidal campaign while women and girls are targeted for other types of genocidal acts, including (but not limited to) sexual violence. It also means understanding that nonlethal acts, which disproportionately target women and girls, are a part of genocidal campaigns, instead of placing them into the sphere of crimes against humanity.

Our new report, based on a two-day conference held in September on gender and genocide in the 21st century, delves deeper into this gendered understanding of what exactly constitutes genocide and why it is so important for governments, policymakers, and legal practitioners to frame their policy and humanitarian prevention and response measures in a gender-sensitive manner.

The report looks at four recent or ongoing situations of asserted genocide that have gendered aspects—namely, the situations in China, Myanmar, Iraq, and Ethiopia. Each of these situations also demonstrates how a lack of gendered analysis or policy



approach negatively impacts efforts to prevent and respond to these atrocities.

The 1948 Genocide Convention prohibits the commission of genocide and establishes states' obligation to prevent and punish genocide. The Genocide Convention lists five underlying acts, namely: (a) killing members of the group, (b) causing serious bodily or mental harm to members of the group, (c) deliberately inflicting conditions of life calculated to bring about the group's physical destruction, (d) imposing measures intended to prevent births within the group, and (e) forcibly transferring children of the group to another group. These acts are genocidal when committed with the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group."

There is no hierarchy among the five genocidal acts nor do multiple acts need to be committed. Despite this, mainly (but not exclusively) male academics, pundits, and policymakers continue to argue genocide must include the first constituent act: killings of members of the group.

This argument has been used to suggest that the Chinese Communist Party's policy of preventing Uyghur births through enforced sterilization and other coercive birth control measures is somehow not sufficient on its own to constitute a genocidal act. In the case of the Yazidis, while the United States recognized the Sinjar massacre, where the Islamic State executed thousands of trapped Yazidis, as genocide, it did not fully acknowledge the extent of the genocidal acts that took place. Acts of sexual and gender-based violence against Yazidi women and girls, as well as the kidnapping and forced conscription of boys, have been excluded from the genocide's description and placed within the frame of "crimes against humanity."

Focusing on killing as a genocidal act results not only in the erasure of acts committed against women and girls but also tends to overlook nonlethal acts of violence against men and boys, such as torture and rape—all of which may fall within the genocidal act of causing serious bodily or mental harm to members of the group. Finally, despite the strategic use of brutal mass rapes of Rohingya women as a part of the Myanmar military's attack on the group as a whole, some continue to argue only the number of Rohingya killed is relevant for determining whether genocide occurred.

Minimizing other genocidal acts, such as preventing births within members of a protected group or inflicting serious bodily or mental harm on members of a group, reflects a broader gender bias within the legal and policy communities. This bias results in a distorted understanding of how perpetrators target women members of a group to destroy the group itself and affects how governments and the international community understand the nature of the crimes.

"Gender blindness" affects how genocidal acts are understood as well as efforts to prevent genocide from occurring. According to International Court of Justice jurisprudence, the obligation to prevent genocide is triggered when a "State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed." To identify whether a "serious risk" exists, the United Nations and various states have created risk assessment frameworks. A review of these frameworks shows most do not include gender-based crimes or contain few to no risk indicators that are related to gender.

The situation in Tigray, Ethiopia, highlights the dangers of ignoring gender-based crimes in atrocity risk assessments. In Tigray, reports of widespread and systematic rape were accompanied by survivor testimonies saying these acts were carried out to accomplish ethnic cleansing and "cleanse their Tigrayan blood" from Ethiopia. Yet, the international community failed to identify the indicators of genocidal intent associated with these acts.

Even months later, once government statements triggered concerns that the conflict could worsen into genocide, the majority of U.N. and government statements did not include sexual violence as either a potential constituent act of the feared genocide or as an indicator of the risk of genocide. Instead, as has happened with the Yazidis and Rohingya, acts of rape and sexual violence continue to be excluded from the discussion of genocide and are instead denounced in the context of human rights abuses, war crimes, and crimes against humanity.

Lastly, a crucial part of using a gendered lens to examine genocide is ensuring trauma-responsive justice for victims of sexual and gender-based violence in genocide. These victims, largely women, are often asked to recount their trauma again and again to the international community, legislators, courts, nongovernmental organizations, and individuals documenting atrocities—but gain next to nothing in return. What have activists like Nadia Murad or Tursunay Ziyawudun received in exchange for repeatedly retelling their trauma? Instead of seeking the accountability and justice these women advocate for, those with the power to change things often fetishize these types of stories of sexual violence in a cycle of retraumatization.

If the United States wishes to continue playing a leading role in the prevention and punishment of genocide, it must ensure there is gender representation and competence throughout government positions and across international institutions. The United States should encourage allies and institutions, including relevant U.N. bodies and offices, to review and update their atrocity risk and genocide prevention frameworks and toolkits to ensure gender-based crimes and risk indicators are included. Finally, the United States should engage in and promote gender-responsive justice for survivors of genocides, which centers agency on victims and survivors as well as grants them full and meaningful participation in the justice process—pushing back against the extractive process of soliciting survivor testimonies, which can often retraumatize individuals.

Genocide does not end when the killing (if there is killing) ends. Gendered nonlethal acts continue to harm victims for years and even generations later and can lead to the long-term destruction of the protected group as a whole. Many women genocide survivors describe their experiences living in the aftermath of mass atrocities as a “slow death.” The harm genocide causes is unimaginable, irreparable, and absolutely devastating to individuals, families, and communities.

Recognizing the gendered aspects of genocide is crucial to sharpening and strengthening state prevention tools, ensuring policy responses are effective in halting ongoing genocides, and delivering meaningful justice to survivors—a justice that acknowledges the full scope of the methods and means used to carry out the genocide as well as recognizes every victim.

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

## **Commentary and Perspectives**

**Violence in Cameroon, impacting over 700,000 children shut out of school (UN News) December 2, 2021**

**Two out of three schools are closed in the North-West and South-West regions of the country. On 24 November, four children and one teacher were killed in an attack in Ekondo Titi, in the South-West.**

Lockdown A recent lockdown imposed by a non-State armed group, from 15 September to 2 October, limited access to basic services including health and education.

During the period, OCHA reported a series of attacks in the North-West.

Eight students were kidnapped, and a girl’s fingers were chopped off after she tried to attend school. Five public school principals were also kidnapped, including one who was then killed.

All schools and community learning spaces were closed, except for some schools in a few urban areas which operated at less than 60 per cent capacity.

The lockdown and insecurity also forced UN agencies and aid organisations to temporarily suspend the delivery of aid. During that time, about 200,000 people did not receive food.

Multiple crisis Nine out of ten regions of the country continue to be impacted by one of three humanitarian crises: the crisis in the North-West and South-West, conflict in the Far North, and a refugee crisis, with people fleeing the Central African Republic.

Because of these combined crises, over one million children need urgent education support.

To answer some of these needs, Education Cannot Wait (ECW), the UN global fund for education in emergencies and crises, is working closely with UN agencies, the Norwegian Refugee Council and other civil society partners.

ECW is contributing \$25 million over three years and calling for other donors to fill the gap, which is estimated at \$50 million.

When fully funded, the programme will provide approximately 250,000 children and adolescents with access to safe and protective learning environments in the most-affected areas.

Visit Just this week, the Secretary-General of the Norwegian Refugee Council, Jan Egeland, and the Director of Education Cannot Wait, Yasmine Sherif, had a joint visit to the country.

In a statement, Ms. Sherif said the situation “is among the most complex humanitarian crises in the world today.”

“Children and youth are having to flee their homes and schools, are threatened with violence and kidnapping, and being forced into early childhood marriage and recruited into armed groups,” Ms. Sherif recalled.

Jan Egeland argued that “putting a schoolbag on your back shouldn’t make you a target”, but unfortunately children in Cameroon “risk their lives every day just showing up for school.”

“Cameroon’s education mega-emergency needs international attention, not deadly silence by the outside world,” Mr. Egeland

declared.

**Decades of Impunity Paved Way for Myanmar's Coup (Human Rights Watch)** By Shayna Bauchner  
December 7, 2021

**On December 10, 2019, Abubacarr Tambadou, then Gambia's justice minister, posed a question to the International Court of Justice (ICJ) in The Hague. "Why is the world standing by and allowing such horrors again in our lifetime?"**

It was the first day of hearings in Gambia's case alleging Myanmar violated the Genocide Convention in its atrocities against ethnic Rohingya in Rakhine State. It was also the first time the abuses of the Myanmar military had been laid out before an international court.

Over three days, Gambia's legal team described the Myanmar military's mass killings, rape, and torture that spurred more than 730,000 Rohingya to flee to Bangladesh. The team painted a picture of an armed force unrepentant in its brutality, maintaining power by terrorizing civilians for decades, unchecked. In January 2020, the ICJ unanimously ordered Myanmar to protect the 600,000 Rohingya remaining in Rakhine State from genocide.

On February 1, 2021, the same generals that orchestrated the atrocities against the Rohingya staged a coup. Since then, the junta has carried out a bloody crackdown on the pro-democracy movement with the same callous disregard for life that has long driven their scorched-earth operations in ethnic minority regions.

Police and soldiers have killed more than 1,300 people and arrested more than 10,000 protesters, journalists, and others. The methodical and systematic post-coup abuses, like those inflicted on the Rohingya, amount to crimes against humanity. The roots of the coup and the bloodshed that's followed lie plainly in the impunity that the military has enjoyed since first taking power in 1962.

Two years ago, people rallied across Myanmar in support of the government and then de facto leader Aung San Suu Kyi, who unreservedly defended the military at The Hague. This week, Suu Kyi was sentenced to prison by the generals she backed.

Since the coup, many protesters have sought to atone for the long history of anti-Rohingya hostility in Myanmar. The opposition National Unity Government committed to ending the Rohingya's statelessness and other abuses. With solidarity campaigns, activists are reimagining Myanmar as a state strengthened by its multiethnic, multireligious makeup.

Against this shifting backdrop, the ICJ case moves forward. The court will next hold hearings on the preliminary objections Myanmar filed 10 days before the coup.

There is no quick route to justice in Myanmar, but never has the call for it been louder.

**Incendiary Weapons: Heed Calls to Strengthen Law (Human Rights Watch)** December 9, 2021

**The cruel consequences of incendiary weapons warrant reviewing and strengthening international legal rules governing their use, Human Rights Watch said today. Countries will decide whether to initiate talks on these weapons at a meeting of the Convention on Conventional Weapons (CCW), a major disarmament treaty, which opens at the United Nations in Geneva on December 13, 2021.**

"Governments should act on growing calls to prevent further human suffering from incendiary weapons," said Bonnie Docherty, senior arms researcher at Human Rights Watch and associate director of armed conflict and civilian protection at Harvard Law School's International Human Rights Clinic. "Strengthening international law governing weapons that cause exceptionally severe burns is a legal necessity, a humanitarian imperative, and eminently feasible."

In November healthcare professionals and burn survivor organizations joined those demanding action on incendiary weapons through an open letter to governments.

Human Rights Watch will highlight the humanitarian arguments underpinning these appeals in a webinar on Friday, December 10, at 2 p.m. CET. The event will feature Kim Phuc, a napalm survivor who was shown fleeing an attack in a famous Vietnam War photograph; Dr. Rola Hallam, a British doctor who treated incendiary weapons victims in Syria; and Roos Boer, a researcher from the Dutch peace organization PAX who will present a new report on divestment from incendiary weapons.

Incendiary weapons produce heat and fire through the chemical reaction of a flammable substance. Over the past 15 years, Human Rights Watch has documented civilian harm from the use of incendiary weapons in Afghanistan, Gaza, Iraq, Syria, Ukraine, and Yemen.

Incendiary weapons inflict severe burns, sometimes to the bone, and can cause respiratory damage, infection, shock, and organ damage, leading to long-term physical and psychological impacts. Incendiary weapons also start fires that can destroy homes, damage critical infrastructure and crops, and kill livestock.

Protocol III to the Convention on Conventional Weapons regulates the use of incendiary weapons, but its ability to protect civilians has been undermined by two loopholes. First, it prohibits the use of air-dropped incendiary weapons in civilian areas, but permits the use of ground-launched versions under certain circumstances. This arbitrary distinction ignores the harm caused by incendiary weapons regardless of their delivery mechanism.

Second, Protocol III's definition does not encompass white phosphorus or other munitions that are "primarily designed" to create smokescreens or signal troops, yet produce the same horrific incendiary effects. White phosphorus munitions can burn people to the bone, smolder inside the body, and reignite when bandages are removed.

"Countries should close the loopholes that have limited the effectiveness of international law on incendiary weapons," Docherty said. "A complete ban on incendiary weapons would provide the strongest stigma and have the greatest humanitarian benefits."

At the CCW Sixth Review Conference on December 13-17, participating countries will decide whether to take the first step and start a process to assess the adequacy of Protocol III amid evidence of civilian harm from the use of incendiary weapons in Syria and elsewhere. Russia was able to block a proposal to consider Protocol III's status and operation at the last annual meeting of CCW states parties, in 2019.

Two dozen states, plus the European Union and the International Committee of the Red Cross, have raised concerns about incendiary weapons since the last five-year Review Conference in 2016. Most have called for Protocol III's arbitrary and outdated distinctions to be scrapped.

Ahead of the 2021 Review Conference, more than 50 healthcare professionals, burn survivor groups, and medical-related organizations from 11 countries expressed their opposition to "any use of incendiary weapons due to the excruciating harm they cause," and urged governments to "revisit and strengthen existing law ... to prevent further human suffering from these cruel weapons."

The signatories, who have treated or experienced burn injuries, have a unique understanding of the type of suffering caused by incendiary weapons. They bring a new voice to the discussions and speak with extra authority when they declare that "addressing incendiary weapons at the international level is a humanitarian imperative," Human Rights Watch and the Harvard Human Rights Clinic said.

One signatory, Dr. Rola Hallam, a physician who treated victims of an incendiary weapons attack on a Syrian school, said: "Incendiary weapons create deep, ongoing disabilities, and the medical system [in a conflict zone] is not equipped to deal with that."

At the UN General Assembly in October, 10 nongovernmental organizations called on countries to condemn the use of incendiary weapons and strengthen international law to prevent further harm and suffering.

"Agreeing to initiate talks on incendiary weapons should be an easy decision for the CCW Review Conference," Docherty said. "Any country that opposes this step would not only let politics outweigh humanitarian concerns but also raise questions about the viability of the convention itself."

**Uyghurs subjected to genocide by China, unofficial UK tribunal finds (The Guardian)** By Patrick Wintour  
December 9, 2021

**Uyghur people living in Xinjiang province have been subjected to unconscionable crimes against humanity directed by the Chinese state that amount to an act of genocide, an independent and unofficial tribunal has found.**

Hundreds of thousands and possibly a million people have been incarcerated without any or remotely fair justification, the tribunal's chair, Sir Geoffrey Nice QC, said as he delivered the tribunal's findings in London. "This vast apparatus of state repression could not exist if a plan was not authorised at the highest levels," Nice said.

The UK-based Uyghur Tribunal comprises lawyers, academics and businesspeople. It has no government backing or powers to sanction or punish China, but its organisers hope the process of publicly laying out evidence will compel international action to tackle alleged abuses against the Uyghurs, a largely Muslim ethnic group.

The tribunal's report says crimes including torture and the systematic suppression of births have occurred. Nice said China's

treatment of the Uyghurs amounted under the Geneva conventions to an intent to destroy all or part of a group physically or biologically, a judgment he said largely rested on the suppression of births.

In response to the findings, a cross-party group of British MPs urged the Foreign Office to re-examine its refusal to join the Biden administration and declare a genocide in Xinjiang.

Nice said that although some Uyghurs had been killed in detention, there was no evidence of mass killings, and comparisons with the Nazi Holocaust were unhelpful.

Those detained were instead largely freed after reindoctrination, Nice said, as part of a central government plan, ordered at the very highest levels, to reintegrate Xinjiang province and break up every aspect of Uyghur culture.

“Hundreds of thousands of Uyghurs – with some estimates well in excess of a million – have been detained by PRC [People’s Republic of China] authorities without any, or any remotely sufficient reason, and subjected to acts of unconscionable cruelty, depravity and inhumanity,” the tribunal’s report says. “Sometimes up to 50 have been detained in a cell of 22 sq metres.”

The report says there is evidence that detainees have been confined in containers up to their neck in cold water, shackled by heavy metal chains and immobilised for months on end. It says some of the detained have been subjected to extreme sexual violence, including gang rapes and penetration with electric shock rods and iron bars. Women were raped by men paying to be allowed into the detention centre for the purpose, the report says.

The extreme intrusive capacity of the Chinese state, including mass coerced labour assignments, intense monitoring and face surveillance, means parts of Xinjiang have become a form of open prison, the report says.

The tribunal found evidence of enforced abortions, the removal of wombs against women’s will, the killing of babies immediately after birth and mass enforced sterilisation through the insertion of IUD devices that were only removable by surgical means.

“Across the 29 counties with indigenous-majority populations for which we have 2019 or 2020 data, the birthrate has fallen by 58.5% from the 2011-15 baseline average,” the report says. “In those counties that are over 90% indigenous, the birthrate fell at an even greater rate, showing a 66.3% decrease in 2019-20.”

Hundreds of thousands Uyghur children have been taken from their families and placed in Han-ran boarding schools, burial grounds have been bulldozed or built over, mosques destroyed, and religious practice banned, it adds.

Nice said the tribunal would have been unnecessary if an international court had been asked by fearful governments to investigate the allegations, adding there was an obligation to know the falsity or truth of fellow human suffering and breaches of international human law.

He insisted the tribunal had been determined to apply universal standards, act on the basis of proof beyond reasonable doubt and make every effort not to be ill-disposed to communism or the Chinese Communist party. The tribunal received no cooperation from the Chinese state, and instead some of its members have been subject to sanctions by the Chinese state, leading to their withdrawal from the process.

During a press conference this week, Zheng Zeguang, China’s ambassador to the UK, said: “The so-called witnesses the organisers have put together are merely actors who have been making up the so-called persecution that never happened at all.” Zheng said he had asked the UK government “to stop the organisers from continuing such malicious behaviour”.

A spokesperson for the Chinese embassy in London denounced what it called a “pseudo tribunal” as “nothing but a political tool used by a few anti-China and separatist elements to deceive and mislead the public”.

The report was published the day after the US House of Representatives voted by 428 to 1 to ban imports from Xinjiang over concerns about forced labour.

Responding to the vote, a Chinese foreign ministry spokesperson said that “the so-called forced labour and genocide in Xinjiang are entirely vicious rumours” and accused the US of using Xinjiang-related issues to “spread rumours under the guise of human rights and engage in political manipulation and economic bullying”.

Australia, the US and the UK have declared they will mount a diplomatic boycott of the Beijing Winter Olympics next year. France has so far refused to do so.

**[back to contents]**

## WORTH READING

### **Transitional Justice As Communication: Why Truth Commissions and International Criminal Tribunals Need to Persuade and Inform Citizens and Leaders, and How They Can**

Jamie O'Connell

South Carolina Law Review

December 6, 2021

**This Article reframes transitional justice as communication. It argues that the impact of truth and reconciliation commissions (TRCs) and international criminal tribunals (ICTs) on countries where human rights violations occurred depends largely on these institutions changing what those countries' citizens and elites know and believe. More precisely: most of the ways TRCs and ICTs could advance their goals—such as reconciliation and deterrence—require informing these domestic audiences about the institutions' activities, methods, and findings, and persuading them to accept the institutions' conclusions. Communication-specific activities, such as public outreach and media relations, are essential. Yet shaping elite and popular knowledge and opinion are not mere add-ons to what some see as TRCs' and ICTs' "core" work: investigating human rights violations, holding hearings, writing reports, and indicting and trying perpetrators. Rather, the imperative of influencing local people must shape how these institutions conduct those activities and sometimes even what conclusions they reach. Unfortunately, TRC commissioners, ICT judges and prosecutors, and their staff, along with transitional justice scholars, have underestimated the importance of influencing domestic audiences for advancing TRCs' and ICTs' goals. As a result, the institutions have devoted too little attention and resources to communication.**

The Article also provides a typology of the activities and occasions through which TRCs and ICTs can influence domestic audiences. It offers examples of effective and ineffective practice from five international criminal tribunals, such as the International Criminal Court and Special Court for Sierra Leone, and over a dozen truth commissions, such as South Africa's Truth and Reconciliation Commission. Where evidence permits, it assesses individual institutions' performance. Finally, the Article analyzes the most important challenges that TRCs and ICTs encounter in communicating with domestic audiences.

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

## War Crimes Prosecution Watch Staff

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

**Faculty Advisor**  
Jim Johnson

**Editor-in-Chief**  
Natalie Davis

**Managing Editors**  
Matthew Pheneger  
Alan Dowling

**Technical Editor-in-Chief**

Alexa Stovsky

**Senior Technical Editors**

Matthew Koutsky

**Associate Technical Editors**

Alexa Stovsky

Kayla Briskey

Matthew Koutsky

Katarina Johnston

**Emerging Issues Advisor**

Judge Rosemelle Mutoka

Contact: [warcimeswatch@pilpg.org](mailto:warcimeswatch@pilpg.org)

## **Africa**

### **Libya**

Kelsey Tschanen, Associate Editor

Matthew Mullins, Senior Editor

### **Central African Republic**

Kelsey Tschanen, Associate Editor

Matthew Mullins, Senior Editor

### **Sudan & South Sudan**

Chad Weisman, Associate Editor

Matthew Mullins, Senior Editor

### **Democratic Republic of the Congo**

Chad Weisman, Associate Editor

Matthew Mullins, Senior Editor

### **Côte d'Ivoire (Ivory Coast)**

Austin Milliren, Associate Editor

Matthew Mullins, Senior Editor

### **Lake Chad Region**

Austin Milliren, Associate Editor

Matthew Mullins, Senior Editor

### **Mali**

Spencer Luckwitz, Associate Editor

Matthew Mullins, Senior Editor

### **Liberia**

Spencer Luckwitz, Associate Editor

Matthew Mullins, Senior Editor

### **Uganda**

Harper Fox, Associate Editor

Francesca Bergeret, Senior Editor

### **Kenya**

Harper Fox, Associate Editor  
Francesca Bergeret, Senior Editor

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

Harper Fox, Associate Editor  
Francesca Bergeret, Senior Editor

**Somalia**

Harper Fox, Associate Editor  
Francesca Bergeret, Senior Editor

**Europe**

**Court of Bosnia and Herzegovina, War Crimes Section**

Alicia Mallo, Associate Editor  
Kayla Briskey, Senior Editor

**International Criminal Tribunal for the Former Yugoslavia**

Michaela Guyot-Polverini, Associate Editor  
Kayla Briskey, Senior Editor

**Domestic Prosecutions in the Former Yugoslavia**

Alicia Mallo, Associate Editor  
Kayla Briskey, Senior Editor

**Turkey**

Kyle Dunnell, Associate Editor  
Kayla Briskey, Senior Editor

**Kosovo Specialist Chambers**

Michaela Guyot-Polverini, Associate Editor  
Kayla Briskey, Senior Editor

**Azerbaijan**

Kyle Dunnell, Associate Editor  
Kayla Briskey, Senior Editor

**Turkey**

Kyle Dunnell, Associate Editor  
Natalie Davis, Senior Editor

**Kosovo Specialist Chambers**

Michaela Guyot-Polverini, Associate Editor  
Natalie Davis, Senior Editor

**Azerbaijan**

Kyle Dunnell, Associate Editor  
Natalie Davis, Senior Editor

**Middle-East**

**Iraq**

Brandon Burkey, Associate Editor  
Maryam Assar, Senior Editor

**Syria**

Brandon Burkey, Associate Editor  
Maryam Assar, Senior Editor

**Yemen**

Elise Manchester, Associate Editor



Maryam Assar, Senior Editor

**Special Tribunal for Lebanon**

Kendyl Biondich, Associate Editor

Maryam Assar, Senior Editor

**Israel and Palestine**

Elise Manchester, Associate Editor

Maryam Assar, Senior Editor

**Gulf Region**

Matthew Mullins, Associate Editor

Maryam Assar, Senior Editor

**Asia**

**Afghanistan**

Lucas Katz, Associate Editor

Estefania Sixto Seijas, Senior Editor

**Extraordinary Chambers in the Courts of Cambodia**

Asia Moore, Associate Editor

Estefania Sixto Seijas, Senior Editor

**Bangladesh**

Asia Moore, Associate Editor

Estefania Sixto Seijas, Senior Editor

**War Crimes Investigations in Myanmar**

Lucas Katz, Associate Editor

Estefania Sixto Seijas, Senior Editor

**Americas**

**North and Central America**

Sam Rodis, Associate Editor

Maryam Assar, Senior Editor

**South America**

Sam Rodis, Associate Editor

Maryam Assar, Senior Editor

**Venezuela**

Sam Rodis, Associate Editor

Maryam Assar, Senior Editor

**Topics**

**Truth and Reconciliation Commissions**

Francesca Bergeret, Senior Editor

**Terrorism**

Kayla Briskey, Associate Editor

Francesca Bergeret, Senior Editor

**Piracy**

Matthew Koutsky, Associate Editor

Francesca Bergeret, Senior Editor

**Gender-Based Violence**

Francesca Bergeret, Senior Editor

**Commentary and Perspectives**

Alan Dowling, Associate Editor  
Francesca Bergeret, Senior Editor

**Worth Reading**

Maryam Assar, Associate Editor

Natalie Davis, Senior Editor

War Crimes Prosecution Watch is prepared by the  
International Justice Practice of the **Public International Law & Policy Group**  
and the **Frederick K. Cox International Law Center** of  
**Case Western Reserve University School of Law**  
and is made possible by grants from the **Carnegie Corporation of New York**  
and the **Open Society Institute**.

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

<http://law.case.edu/grotian-moment-blog/>

**Frederick K. Cox International Law Center:**

<http://law.case.edu/centers/cox/>

**Cox Center War Crimes Research Portal:**

<http://law.case.edu/war-crimes-research-portal/>



*To subscribe or unsubscribe from this newsletter, please email [warcimeswatch@pilpg.org](mailto:warcimeswatch@pilpg.org).*